



VICTORIA

ANNUAL REPORT

1986

**MINISTRY
OF
CONSUMER AFFAIRS**



MINISTRY OF CONSUMER AFFAIRS

Address: 500 Bourke Street MELBOURNE 3000

General enquiries and initial contact point 5th Floor

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TELEPHONE NUMBERS:

Consumer enquiries and information:	602 8123
Residential Tenancies enquiries and information:	602 8140
Toll-free line (Victorian country areas):	(008) 13 6716
Facsimile number:	67 2446

PARTICULAR ITEMS OF INTEREST

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Public warnings issued by the Minister	Page 31, Page 56
Product safety bans	Page 108
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PRINCIPAL STATISTICS

Total number for the year under review:	
General Enquiries—Head Office	95 342
—Regional Services	9 245
Complaints investigated	10 139
Tribunal applications received:	3 572
—Small Claims Tribunal	16 379
—Residential Tenancies Tribunal	
Ministry Prosecutions:	
Defendants successfully prosecuted	48
Number of successful prosecutions	285

VICTORIA

Report

of the

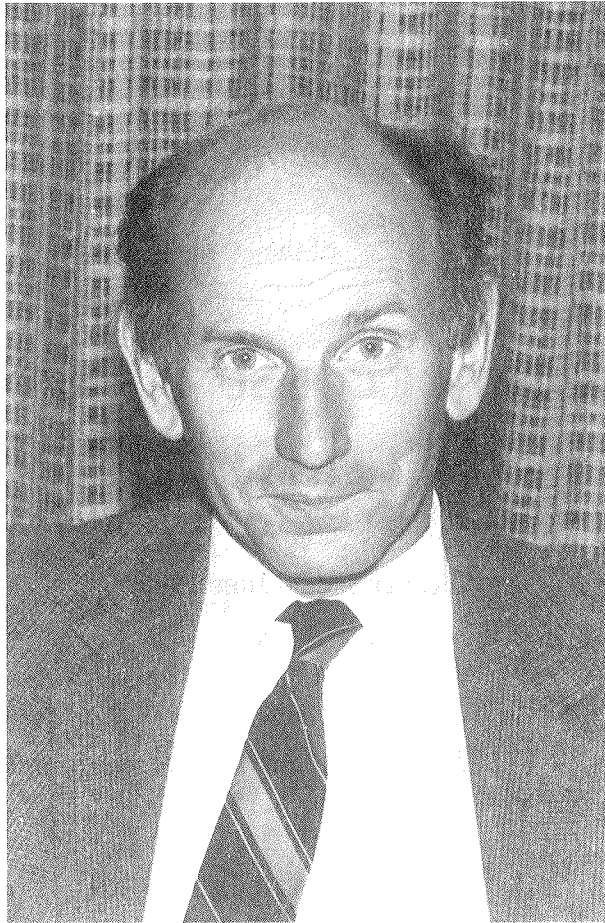
MINISTRY OF CONSUMER AFFAIRS

for the

Year ended 30 June 1986

*Presented to both Houses of Parliament pursuant to the provisions of
Section 8 of the Annual Reporting Act 1983*

MELBOURNE
F D ATKINSON GOVERNMENT PRINTER
1985-86



The Honourable Peter Spyker MP
MINISTER FOR CONSUMER AFFAIRS

Ministry of  Consumer Affairs

The Hon Peter Spyker, MP
Minister for Consumer Affairs
500 Bourke Street
MELBOURNE 3000

Sir

ANNUAL REPORT 1985/86

Pursuant to section 8 of the Annual Reporting Act 1983, I have the honour to present to you an Annual Report for the Ministry of Consumer Affairs for the year ending 30 June 1986, which I have prepared for you to lay before both 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 these Acts.

Yours faithfully

David Hall

David Hall
Director of Consumer Affairs

1 September 1986

MINISTRY OF CONSUMER AFFAIRS ANNUAL REPORT FOR THE YEAR
ENDED 30 JUNE 1986

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ORGANISATIONAL STRUCTURE

MINISTRY OF CONSUMER AFFAIRS

Director and Principal Officer:
Mr David HALL (Chief Administrator)
Tel: 602 8102

National Bank House,
500 Bourke Street, Melbourne
3000
Tel: 602 4288

Initial Consumer Enquiries
Tel: 602 8123

Residential Tenancies Enquiries
Tel: 602 8140

Western Suburbs Regional Office:
20 Droop Street, Footscray 3011
Tel: 689 8466

Weights and Measures Branch
Old Observatory Building
Birdwood Avenue, South Yarra 3141
Tel: 63 9121

Established under the Ministry of Consumer Affairs Act 1972, the Ministry advises the Government on consumer affairs issues, objectives, policies, priorities, programs and implementation strategies, including acting as a 'lead agency' and consultant to other government agencies on matters relating to consumers and traders in a fair marketplace.

POLICY DIVISION

- . advises the Minister on the need for reform and amendment to consumer legislation;
- . provides advice about the Ministry's priorities;
- . facilitates the development and co-ordination of consumer policy;
- . ensures that consumer policy is developed and co-ordinated;
- . monitors the Ministry's social, economic and political environment.

MANAGEMENT AND INFORMATION SERVICES DIVISION

- . provides financial, personnel, EDP, information management, security and general administration services for the Ministry;
- . develops management reviews, information systems and strategies to support the achievement of overall Ministry goals.

REGULATION AND STANDARDS DIVISION

- . develops product safety and information standards and prevents the distribution of hazardous goods;
- . prosecutes persons for breaches of the Ministry's legislation;
- . contributes to self regulation proposals;
- . administers the Ministry's licensing functions;
- . ensures the accurate measurement of physical quantity in trading transactions.

ORGANISATIONAL STRUCTURE

Standards Branch

- . develops product standards;
- . administers the Ministry's product safety functions;
- . administers packaging and labelling standards for goods.

Industry Regulation Branch

- . investigates and carries out prosecution for breaches of the Ministry's Legislation;
- . encourages self and co-regulation proposals;
- . carries out investigations related to applications for licences administered by the Ministry.

Licensing Branch

- . provides the administrative support for the Ministry's three licensing functions: i.e. Motor Car Traders Committee, Credit Licensing Authority and Registrar of Finance Brokers;
- . processes exemption applications under the House Builder's Liability provisions of the Local Government Act.

Weights and Measures Branch

- . carries out the central administration functions under Weights and Measures Act 1958 (except for Section 53B). Its overall responsibility is to ensure accurate measurement of physical quantity in trading transactions.

EDUCATION AND COMMUNITY PROGRAMS DIVISION

- . develops awareness among consumers and traders of their rights and obligations in the marketplace;
- . promotes community awareness of and input into Ministry policies and services, to ensure the most effective and informed decision-making on Consumer Affairs.
- . investigates consumer complaints and attempts to resolve these through conciliation.

Education Branch

- . designs and conducts consumer and trader education programs;
- . produces and distributes education materials;
- . undertakes public-speaking engagements and training programs;
- . assists with school curricular and adult education programs;
- . supports groups to conduct their own consumer education activities.

Media Branch

- . undertakes public awareness and communication activities of the Ministry;
- . promotes consumer awareness;
- . publicises banned and unsafe products and prevalent unsatisfactory market practice;
- . liaises with daily, regional and ethnic media on Consumer Affairs matters.

ORGANISATIONAL STRUCTURE

Page

Community Programs Branch

- . develops community links and consultative mechanisms;
- . supports and strengthens consumer groups;
- . provides access to consumer services;
- . administers the Ministry's grants schemes;
- . services the Consumer Affairs Committee;
- . provides a mobile service to country regions;
- . operates the Footscray sub-office.

Customer Information Branch

- . provides an information and referral service for all consumers, traders, tenants, landlords and the general public;
- . acts as the first point of contact for all telephone and personal enquiries.

Conciliation Branch

- . receives and investigates complaints regarding consumer and tenancy matters;
- . attempts to resolve these complaints through the process of conciliation by mediating between consumers and traders or between tenants and landlords.

ADJUDICATION

- . provides an adjudication system for the resolution of disputes.

Small Claims Tribunals

- . established under the Small Claims Tribunal Act 1973.
- . deals with disputes between consumers and suppliers of goods/services, and provides a quick, inexpensive process to resolving disputes, limited to a statutory level of \$3,000.

Small Claims Tribunal (Credit)

- . established under the Credit (Administration) Act 1984.
- . deals with disputes between consumers and providers of credit, limited to a statutory level of \$20,000, except in disputes involving farm machinery or commercial vehicles, where no monetary limit applies.

Residential Tenancies Tribunal

- . established under the Residential Tenancies Act 1980.
- . deals with disputes arising between landlords and tenants, and matters involving prescribed premises and protected tenants, limited to a statutory level of \$1,500.

ORGANISATIONAL STRUCTURE

STATUTORY BODIES

Market Court

- . hears cases brought by the Director of Consumer Affairs against traders who have engaged repeatedly in unfair conduct towards consumers.
- . is empowered under the Market Court Act 1978 to regulate aspects of a trader's conduct.

Credit Licensing Authority

- . controls the licensing of credit providers;
- . exercises a range of disciplinary powers;
- . hears objections from any person against the holding of a licence by particular credit providers and conducts enquiries in response to such objections.

Motor Car Traders Committee

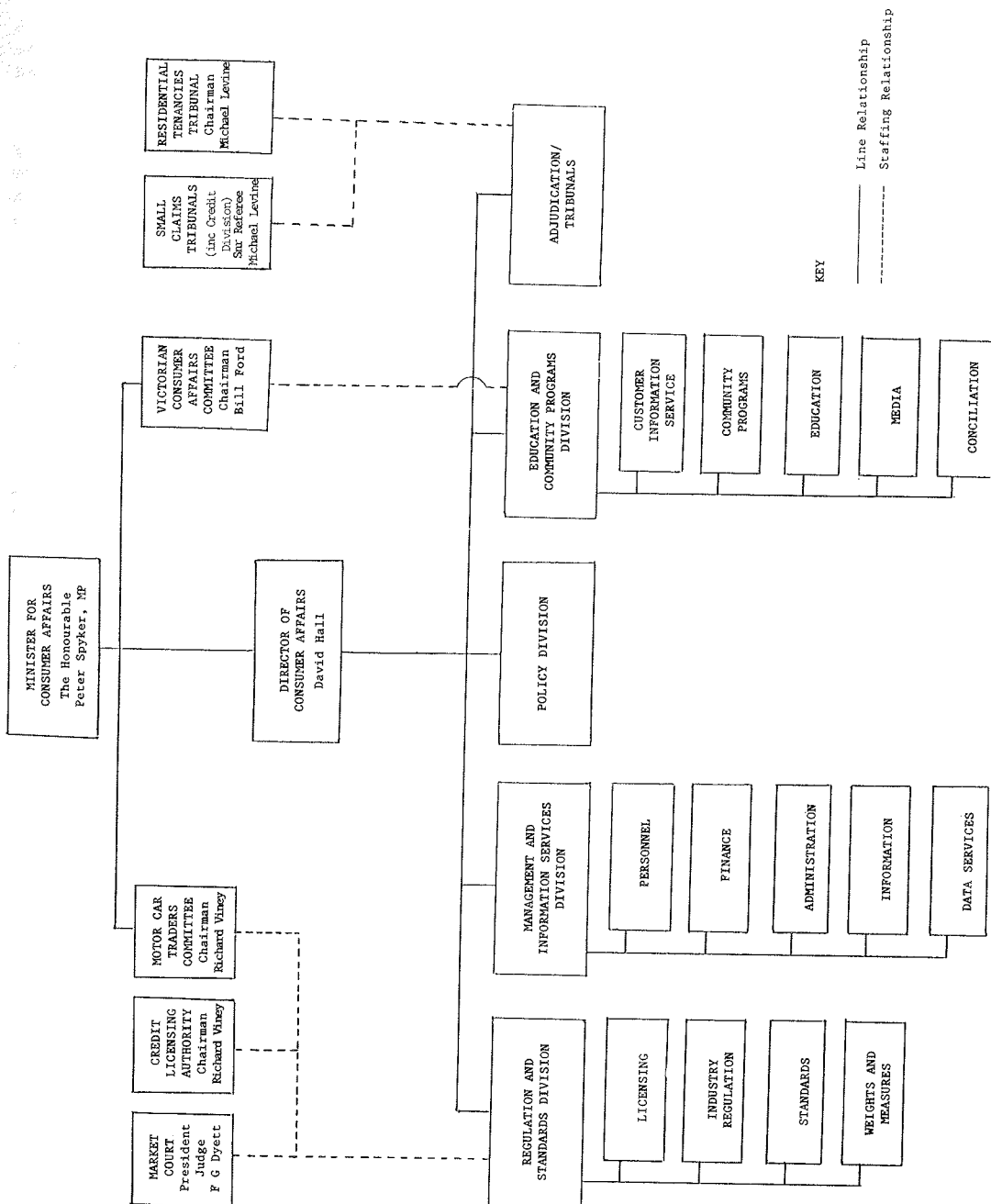
- . reports to the Minister upon any particular matter relating to trading in motor cars that requires investigation;
- . issues licences to traders in motor car, trucks and motor cycles including wreckers and auctioneers;
- . administers the Motor Car Trader's Guarantee Fund.

Victorian Consumer Affairs Committee

- . provides the Minister for Consumer Affairs with informed advice;
- . acts as a consultative body in seeking information and opinions from widespread sources;
- . conducts investigations where necessary;
- . reports yearly to the Minister on its activities.

ORGANISATIONAL STRUCTURE

**MINISTRY OF CONSUMER AFFAIRS
ORGANISATION CHART**



OVERVIEW

Three major themes underlie the Ministry's work:

- A the pursuit of social justice, represented as equity and fairness in consumer-trader transactions, as epitomised in the Fair Trading Act;
- B consultation and liaison, and the exchange of information to ensure that Ministry programs are soundly based and adequately understood, and to encourage joint responsibility of Ministry of Consumer Affairs and traders, industry and business groups for fair trading practices;
- C improved access to and outreach by the Ministry, involving not only more efficient handling of enquiries, complaints and claims within the Ministry, but also the development of co-operative arrangements with consumer, community and trade and industry groups for information provision and the handling of appropriate enquiries.

A Social Justice Framework

From the time of its reorganisation, the Ministry has pursued a conscious strategy of emphasising services that will improve the access of consumers to fair and reasonable trading and which will thus help achieve equity in the marketplace.

Education and information programs of the Ministry have given equal emphasis to rights and responsibilities to ensure that the ethic of fair trading is pursued. Particular attention has been devoted to measures that will improve the understanding of both traders and consumers about the acceptable boundaries of entrepreneurial behaviour. Marketing and trading schemes which prey on the vulnerability of people for the 'bargain of the year' or for 'the quick buck' are no less acceptable than are ingenious efforts of consumers to avoid their responsibilities.

The Ministry, when confronted with situations where consumers have simply had a change of mind and believe that this is sufficient justification for them to bow out of contracts, points to the obligations of the consumer. In its negotiations with traders, Ministry of Consumer Affairs places great stress on getting the facts of the matters clear and attempting conciliation around an agreed position.

The Ministry's responsibilities go to the heart of both economic and social justice concerns. They include: protection of consumers in transactions involving electronic funds transfer; regulation of credit providers; licensing of motor car traders; implementation of product safety legislative provisions; administration of the weights and measures function and of the House Builders Liability provisions of the Local Government Act. Coupled with the introduction of the Fair Trading Act, this means that the Ministry has a significant impact on business activity over a broad field.

OVERVIEW

Careful attention has therefore been given to building into the Ministry's corporate planning process a thorough understanding of the aims, underlying philosophies, and strategies of the Government's economic and social programs. The pursuit of program budgeting has greatly assisted the Ministry to focus its effort on a proper balance between economic and social objectives.

It is disappointing, though understandable, that the public generally, and even many government agencies, continue to view the Ministry as being solely a complaints handling agency. The Ministry has established a framework of standard setting and regulatory activity which should be recognised as having significant commercial impact. In short, the Ministry's responsibilities are far broader than consumer protection, complaints handling and redress. It is essential that the Ministry understands and adapts to the increasing complexity of the marketplace and is able to respond sensibly to new initiatives and developing trends in a way which will underscore the fair trading principle.

Through a fully participatory planning process, the Ministry has established targets by which staff are moving progressively toward the achievement of stated policy objectives. These are reflected at the detailed level in the Annual Operating Plans which each area of the Ministry adopts as its primary work plan for the year.

The ultimate objective of public sector organisations like the Ministry which serves a various and variable clientele is the promotion of 'social good'. Unlike the maximisation of profit objective of private enterprise, promotion of social good does not necessarily allow for clear, quantitative measurement. But obviously, an accountable, efficient and effective public sector agency has to be goal or objective directed so that outcomes can be evaluated. The achievement of a social justice focus requires an operational framework to give it effect. However, in making informed judgments about the impact of its programmes, it is essential that the Ministry measures outcomes appropriately and systematically. This will be a continuing responsibility.

Beginning in the year under review, the Ministry has had extensive discussions with the Department of Management and Budget about client services delivery. It is participating in a pilot study of the effectiveness of the delivery of client services in selected departments. The Ministry intends to continue this work in the coming period and is optimistic that this project will substantially assist in the development of adequate and realistic performance indicators.

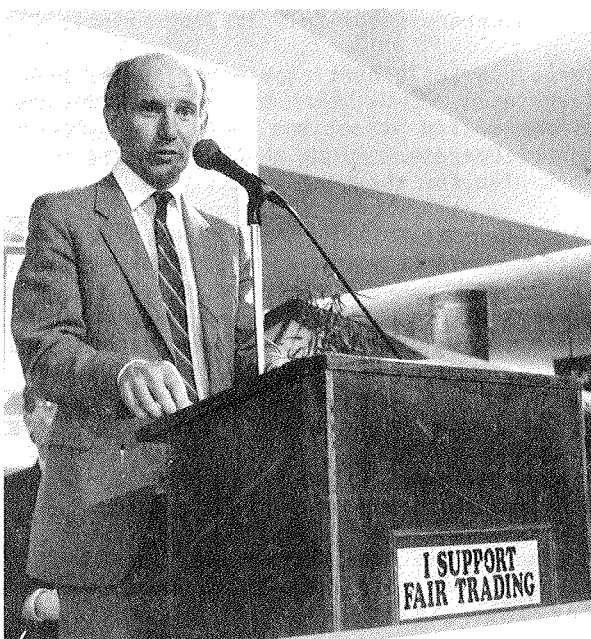
In summary, the matters of major concern to the Ministry of Consumer Affairs during the year have been:

- 1 Legislative and regulatory development in a time of economic restraint and in a climate of increasing deregulation of financial institutions :

OVERVIEW

- it has been necessary to ensure that all of the Ministry's regulatory activity meets the Government's criteria of avoiding unnecessary interference with commercial and business practice, without leaving consumers unprotected from undesirable marketing techniques and unsatisfactory products or services;
 - substantial effort has been put into the development of a code of practice for the operation of electronic funds transfer systems. Victoria has been one of the lead agencies in determining a code for adoption on a uniform basis around Australia. This will provide guidelines on the respective rights and responsibilities of users and providers in a climate of minimal regulation of financial institutions.
- 2 Pursuit of programs that fulfil the Government's social justice objectives -

- the Fair Trading Act, proclaimed during the year under review, represents one of the most significant thrusts in establishing legally protected rights and obligations that give effect to social justice principles - expressed in the Ministry's corporate plan as fairness and equity;
- during the year, an entirely new grants program was implemented, as part of the Government's anti-poverty strategy, focussing on community-based credit projects that are aimed at people who are financially and socially disadvantaged.



(Photo courtesy of the Herald & Weekly Times Ltd)
The Minister for Consumer Affairs, Mr Peter Spyker,
officially launching the Fair Trading Act.

- 3 Rigorous action against those who deliberately flout consumer law and the principles of fair trading :
- there has been an unfortunate resurgence, during the review period, of unacceptable trading schemes which play upon the susceptibility of many

OVERVIEW

consumers who seek instant solutions to problems - whether financial, medical or social;

- such schemes traverse the advertising and marketing of unrealistic (and sometimes illegal) get-rich-quick multi-level schemes; fanciful cures for deep-seated medical or psychological problems; or miraculous improvement of physical appearance or condition;
- traders who have repeatedly engaged in unfair practices are named in the relevant section of this report and all prosecutions are listed at Appendix 9.

4 Access to Ministry services continues to be a major issue :

- the Ministry has further extended cooperative arrangements with community-based groups, and has developed training programs to assist consumer groups to handle enquiries and complaints;
- considerable effort has been put into further improving the telephone enquiry service; technical and staffing problems continued to cause concern throughout the year, but the introduction of computerised resource manual and improved techniques for assisting consumers, should see a marked improvement in the next year;
- the Grants programs have continued to play an important part in the development of networks of inter-related services that focus on the needs of consumers in particular areas.

5 Product safety and standards are a vital concern of the Ministry of Consumer Affairs. Under the product safety provisions of the Consumer Affairs Act, Ministry officers are responsible for assessing products which may offer a potential hazard to users :

- during the year, six products were banned from sale because of unacceptable levels of risk;
- discussions were held with distributors and manufacturers resulting in voluntary withdrawal of products and/or in modification or labelling to advise consumers of hidden dangers;
- the Ministry works with the Australian Standards Association and other authorities to establish acceptable standards for products;
- during the year much effort has gone into developing a new standard for age-related labelling for products which have ingestion and inhalation risks.

OVERVIEW

Unfair Trading

By way of overview, it is necessary to elaborate on continuing concern about a range of unfair trading practices. Especially troublesome in this regard have been:

- . traders advertising only post office box numbers: all print media outlets have been reminded of the illegality of this practice, and follow-up is being undertaken of some continuing infringements;
- . traders using the 'cover' of major exhibitions and trade fairs to gain sales which may not be subject to the ten-day cooling-off under the door-to-door sales provisions of the Consumer Affairs Act: repeated approaches have been made to organisers of these events to allow consumers to be advised of their rights and responsibilities but there is considerable room for improvement;
- . promotion schemes which utilise an ersatz market research format: these have been roundly condemned by the Ministry and the Australian Market Research Society and seem to have declined, but continuing vigilance is essential to avoid resurgence;
- . traders, especially house-cladding and roof painting firms, which offer 'substantial savings' (usually reflecting poor quality products and workmanship) and prey on people's concerns about the condition of their house. Often aggressive approaches are made to elderly people, creating unwarranted anxiety. Despite the combined efforts of the Police and the Ministry, it is almost impossible to trace these itinerant tradesmen, and constant warnings are necessary;
- . travel agencies offering super-saving 'packages' and insisting on full payment in advance have been a continuing source of anguish for consumers; the Travel Agents Act, passed by Parliament in May, will offer significant protection through a scheme of licensing and a compensation fund;
- . credit providers who have failed to meet the requirements of the Credit Acts. While many breaches have been of a technical nature, it is of concern that consumers can still be exposed to credit charges and credit contracts which infringe the spirit of the credit legislation: the Ministry will continue to bring significant concerns to the attention of the Credit Licensing Authority and will prosecute breaches;
- . traders who place pressure on consumers for substantial prepayment of the cost of goods or services. Action has now been taken on this matter in the Fitness Industry. The success of this action can be judged only in the longer-term. The Ministry is closely monitoring the situation in other areas of potential abuse and will be recommending action to the Government as necessary.

OVERVIEW

Fair Market

The proclamation of the Fair Trading Act has been of the utmost importance for the establishment of an improved trading environment in Victoria. As the first State to mirror the provisions of the Commonwealth Trade Practices Act, Victoria is now well placed to enter into co-operative arrangements with the Trade Practices Commission to outlaw unacceptable market practices.

The Fair Trading Act has the major benefit of allowing interested parties to take action on their own behalf, or to be represented in legal action under the Act by the Director of Consumer Affairs. It is equally open to traders disadvantaged by the actions of their competitors and to consumers unfairly treated by traders to seek injunctive relief, corrective action, or compensation.

The provisions of the Market Court Act, allowing intervention by the Director of Consumer Affairs or the Court in situations where a trader is engaging in repeatedly unfair conduct, further enhance the Ministry's effectiveness in this area. During the year under review, the Act has been used to curtail undesirable activities of two traders (as detailed on page 30).

The outcome of a co-operative exercise with other State and Territory Governments has been the introduction and passage of the Travel Agents Act by the Parliament in the Autumn Session. This Act will regulate the business practices of travel agents and will provide for the establishment of a compensation fund for consumers.

Alongside this, the Ministry has been undertaking two major reviews of existing legislation: the Motor Car Traders Act, introduced in 1973, and the House Builders Liability provisions of the Local Government Act, responsibility for which was transferred to the Ministry of Consumer Affairs in March 1985. These reviews are an internal component of the Ministry's achievement of an overall corporate plan, and cohesive corporate management flowing from this.

The Ministry is also playing a major role in the national review of trade measurement standards. This builds on the base established for co-operative administration of Weights and Measures legislation, between the central Weights and Measures Branch of the Ministry and Local Government inspectors. Details on this are provided on page 44.

These measures are part of the Ministry's overall strategy and are aimed at providing a legislative framework in which consumers and providers of goods and services can operate with a high degree of certainty and with maximum protection.

CORPORATE SERVICES

OBJECTIVE

The Corporate Services Program has the objective of providing adequate managerial, administrative, policy development and review services to all Ministry operations. This program provides the necessary managerial directions, policy formulation and administrative framework for the efficient and effective development of the operational programs.

A POLICY

The Ministry has a responsibility to ensure that its priorities and objectives adequately reflect current Government Consumer Affairs policy, to implement that policy, and to provide advice to the Government on the whole range of Consumer Affairs policy issues.

Policies and legislative programs are developed and maintained within a coherent and consistent framework, and based on research and liaison both within the Ministry and with relevant Government bodies and Consumer Affairs agencies in other states and territories. This ensures that these activities are in line with the Ministry's goals and objectives, are responsive to the changing needs of the market place, and achieve maximum uniformity of legislation and regulations.

LEGISLATION

Legislative Review and Amendment

A program of long term review of the legislation administered by the Ministry is continuing, so that legislation can be amended to reflect Government policy and to meet changes in the Ministry's environment. During the year under review, the Ministry's major projects in this respect were the development of legislation to regulate travel agents, and reviews of the Motor Car Traders Act, the Finance Brokers Act and the House Builders' Liability provisions of the Local Government Act. Work progressed on the establishment of an Industry Licensing Authority, amendments to the Chattel Securities Act, proposals to regulate debt collection practices and refinement of information labelling provisions. The Ministry continued to be represented on, and to contribute to, the following working parties which have substantial policy/legislative implications-

- . Bailiff's Committee considering consolidation of the laws relating to the operation of the Sheriff's Office and enforcement of debts;
- . Review of the classification of National Consumer Complaints Statistics;
- . Working Party on Uniform Regulation of Travel Agents;

CORPORATE SERVICES

- . Working Party on Uniformity of Legislation;
- . Working Party on Uniform Weights and Measures legislation;
- . Advisory Committee to the Attorney-General on the Future of the Magistrates' Courts;
- . Commonwealth Working Party on Rights and Obligations of Electronic Funds Transfer System Services;
- . Commonwealth and States Working Group on Credit Legislation;
- . Working Party on Uniformity of Chattel Securities Legislation;
- . Health Complaints Advisory Body;
- . Management Committee, 'Health Call';
- . Working Party on the Crown Proceedings Act.

In addition, an officer of the Ministry, as the Director's nominee, was a member of the Board of the Housing Guarantee Fund Ltd.

Legislation introduced in Parliament during 1985/86

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 will also involve the creation of one compensation fund to cover consumers against failure of travel agents in Victoria, New South Wales, South Australia and Western Australia.

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

This legislation received the Royal Assent on 27 May 1986.

CORPORATE SERVICES

Credit (Administration) Amendment Act 1985

This amendment Act, which came into operation on 10 December 1985 made three machinery changes to the Credit(Administration) Act 1984.

These changes:

- . allow the charging of fees to credit providers who had not been granted a licence, but who were operating under the transitional provisions
- . remove the educational qualification requirements
- . provide that the proceedings before the Credit Licensing Authority would ordinarily be open to the public.

Fair Trading Act 1985

Introduced in the Autumn 1985 Session of Parliament and proclaimed on 1 April 1986, the Act represents a major step in fulfilling the Government's objective to achieve social justice in the marketplace.

The Act prohibits a wide range of misleading and deceptive business practices, and provides greater protection to consumers in a number of critical areas.

The significant penalties for breaches of the Act are a real deterrent to unfair trading practices, and the provisions allowing consumers and other traders to initiate civil actions for compensation or damages, add a new initiative and dimension to consumer protection.

Summary of Legislation

Legislation for which the Ministry has been assigned administrative responsibility is listed in full in Appendix 1 on pages 75 to 79.

Interstate Uniformity

Significant progress was made towards the achievement of uniform consumer legislation. The development of uniform legislation to regulate travel agents, the on-going assessment of the operation of the Credit Act, and the progress towards uniform Weights and Measures legislation, illustrate what can be achieved by consultation between the States and Territories in relation to consumer affairs legislation.

RESEARCH AND POLICY DEVELOPMENT

Responsibility for initiating, monitoring and co-ordinating research activities in the Ministry comes within the Policy sub-program. Over the last year, major research activities took place in three broad areas of the Division's responsibility.

CORPORATE SERVICES

The Ministry of Consumer Affairs has been reassessing its programs and services in terms of the priority that the Government in its second term of office has placed on the implementation of social justice objectives. A major initiative was the development of the Community Credit Program, that part of the Government's Anti-Poverty Strategy for which this Ministry has administrative responsibility.

The Policy Division co-ordinated the Ministry's participation in a central agency review of client service delivery in a number of Government agencies. In the process of this review, and in conjunction with two recent surveys of the Ministry's complaint and claim handling services, the Ministry was able to establish empirical measures of customer satisfaction with certain Ministry services. As well, it compiled empirical data on access to these services, particularly by disadvantaged groups. The Ministry is also examining regionalisation of its delivery of services as a means of improving access to services by people who are geographically or otherwise disadvantaged.

The Ministry has been responsible for monitoring the implementation of the credit legislation in Victoria which came into force on 28th February 1985, and recommending exemptions to the legislation to deal with problems that are not provided for adequately. There have so far been 44 exemption Orders made under the Credit Act 1984, and four Orders made under the Credit (Administration) Act 1984. These exemptions are listed in Appendix 2 on page 80. A number of these exemptions, relating to matters of general principle, will need to be incorporated into the legislation at the earliest opportunity. A number of others, mainly relating to individual credit providers or to practices to which it was not intended the Credit Act should apply, will remain in place permanently. The current exemptions relating to term lending by banks and to the provision of credit by credit unions will be repealed after further discussion with both groups, and after suitable provision is made in the Credit Act for contracts with variable rates of interest.

An Electronic Funds Transfer code which protects consumer rights is being developed in conjunction with relevant State and Commonwealth Government agencies.

The Ministry has also been receiving and assessing responses from community groups and organisations to a major policy white paper it prepared on protection of consumer prepayments. These responses have on the whole been very positive.

The Ministry was represented on the Health Complaints Advisory Body, which was established to advise the Health Complaints Implementation Task Force on the drafting of legislation to set up a Health Services Office. The Task Force was appointed by the Minister for Health to give effect to the recommendations of the Parliamentary Social Development Committee's Inquiry into Complaints Procedures Against Health Services.

CORPORATE SERVICES

The Ministry was also represented on the Management Committee of "Health Call", the Health Complaints Advisory Link Line. "Health Call" is an independent telephone advisory service set up by the Health Issues Centre, which is funded by the Victorian Government.

Results of the Ministry's survey of users of its complaint handling services were tabulated and analysed. Assessment commenced on the results of a joint survey of Small Claims Tribunal users, which was carried out by the Policy Division and the Legal Studies Department of La Trobe University.

In addition to ongoing research responsibilities already detailed, new research projects are planned in the following areas in the forthcoming year:

- . Investigation of strategies to increase access to Ministry services for disadvantaged groups;
- . Examination and review of internal policies and procedures.

CORPORATE PLAN

The Ministry's commitment to systematic planning reflects a determination to establish a clear course ahead for the Ministry as a whole, which will enable us to set our priorities effectively and to achieve speedy and efficient implementation of Government policy.

The Ministry of Consumer Affairs Corporate Plan is a set of three interrelated plans - a Master Plan, a Medium Range Plan and an Annual Operating Plan.

The Master Plan takes account of Government consumer affairs policy, legislation affecting this Ministry, current Divisional responsibilities, the present position of the Ministry with regard to the fulfilling of its purpose, objectives and functions, as well as taking into account the social and economic environment within which it operates. The Master Plan therefore establishes the general goals that the Ministry intends to pursue. These goals are supported by corresponding philosophies that guide the Ministry in achieving its goals.

The Medium Range Plan indicates how the Ministry will move towards its long term purpose, as defined by the Master Plan. The Medium Range Plan contains objectives that the Ministry intends to achieve over a four year period and outlines the strategies by which it intends to realise these objectives. The Annual Operating Plan translates the Medium Range Plan into detailed aims and action plans for the year 1986/87.

CORPORATE SERVICES

B MANAGEMENT AND ADMINISTRATION

The management and administrative services functions support the development of policy, legislation, operational activities and initiatives, develop/implement strategies in order to enhance performance of Ministry functions, and monitor performance against corporate objectives.

To this end, a number of functions including finance, personnel, staff development, transport, stores, registry, property, security, library, freedom of information, information management and data services are provided.

STAFFING

Notable features included:

- . Transfer of 36 staff in July 1985 from the Local Government Department as a result of the Government's March 1985 decision to place responsibility for the Weights and Measures Branch with the Ministry of Consumer Affairs. Flowing from the same set of decisions, two staff were transferred to help administer the House Builders Liability Act, also from the Local Government Department.
- . Transfer of four former Law Department staff engaged in licensing of finance brokers due to another machinery of government change.
- . Approval of seven new staff for the administration of the Fair Trading Act proclaimed in April 1986.
- . Recently, Parliament enacted legislation to control the activities of travel agents. As Cabinet decided that the legislation would be self-funding, negotiations with the Department of Management and Budget began on the level of resources to be applied to its administration.

The Ministry's total paid strength, including statutory appointees increased by 37 per cent during the year from 185 to 254.

Staff and public office holders who have declared their pecuniary interests to the Minister are listed in Appendix 3A on page 81.

Senior Staff

In August 1985, Ms Susan Holmes was appointed to the position of Assistant Director, Education and Community Programs to replace Ms Narelle Kennedy who left in the same month.

Mr Graham Dent, in April 1986, replaced Dr Carolyn Mather as Assistant Director, Regulation and Standards, who departed in October 1985.

CORPORATE SERVICES

Organisation and Classification

An increase in delegated powers from the Public Service Board to the Ministry under the Public Service Act resulted in faster re-establishment of positions prior to advertisement and faster establishment of new positions from machinery of government changes and organisational reviews. Numbers of persons employed as reported to Department of Management and Budget are included in Appendix 3B on page 82.

A concentrated program of branch reviews in line with Ministry objectives saw re-establishment of a large part of the Ministry's organisation structure at branch level.

Recruitment

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

Category	Recruited	Departed	Number at 30/6/1986		
			Male	Female	Total
Senior Executive Service	1	2	2	2	4
Administrative	28	18	78	21	99
Clerical	30	20	19	31	50
Keyboard	23	14	1	39	40
Professional	2	2	11	1	12
Inspectorial	-	1	24	-	24
Statutory Appointees (Paid)	5	4	19	6	25
Sub Total	89	61	154	100	254
Statutory Appointees (Unpaid)			16	9	25
TOTAL			170	109	279

Community Employment Program and Youth Guarantee Scheme

The Ministry received approval for funding of nine clerical/administrative staff to undertake a number of six months projects under the Commonwealth Employment Program. As well the Ministry actively supported the Youth Guarantee Scheme with the appointment of three trainees employed as permanent part-time staff for three days a week and undertaking off-the-job training for the remaining two days.

CORPORATE SERVICES

Staff development

Staff development continued to be an important part of the Ministry's program. Courses presented included:

. Induction	40 participants
. Customer Contact	15 "
. Selection Interviewing	9 "
. Supervision	11 "
. Working with Legislation	17 "

A smaller number of staff have attended external courses.

Occupational Health and Safety

Occupational health and safety measures undertaken during the period are outlined in Appendix 4 on page 83.

Computer Training

The extensive introduction of computers to the Ministry necessitated the development of an intensive training program for users. A small group of staff from relevant areas were selected as the Ministry's "in-house" trainers and received extensive training in all aspects of the system. This training was specifically designed to equip them to pass their newly acquired skills to other staff. To date, around 45 operators have been trained by these 'in house' specialists.

Equal Employment Opportunity

Significant progress was achieved in the implementation of the Ministry's EEO Action Plan. Features included:

- . Monitoring recruitment and promotion processes
- . Incorporation of EEO principles and sessions in training and development courses
- . Encouragement of recipients of grants to apply EEO principles
- . EEO survey

CORPORATE SERVICES

FINANCE

Financial and Accounting Services

Following a review of the program budgeting system in operation during the previous two years, the Ministry sought amendment of the program structure from four to two programs as a means of enhancing its ability to respond effectively to changes in circumstances occurring during the year, and to more realistically reflect the nature of the Ministry's operations.

Computerisation of these services continued to be a high priority. During the year both the Small Claims Trust Account and the Ministry's Suspense Account were also successfully computerised. With recent improvements to microcomputing facilities, the ensuing year promises further enhancements.

Revenue collection activities were also reviewed and rationalised. The result was the establishment of a single revenue collection point for all Ministry revenue. This improved Ministry services to the public, while at the same time strengthening security over cash receipts.

Audited Ministry financial statements for the year ending 30 June 1986 prepared pursuant to the provisions of the Annual Reporting Act 1983 are presented under a separate section of this report. (See Appendix 5)

Residential Tenancies Fund

Under the Residential Tenancies Act 1980, landlords are required to pay tenants' bond moneys to approved institutions into accounts designated as "Tenancy Trust" accounts. Interest on these accounts is paid, by the banks, to the Residential Tenancies Fund, and is used to meet the cost of administering the Residential Tenancies Act.

Five inspections of financial records of landlords, estate agents and financial institutions were conducted to ensure their compliance with the Residential Tenancies Act 1980.

Favourable interest rates/terms were obtained by the Ministry on Trust Account deposits. Improved returns on Trust Account deposits due to negotiations with financial institutions increased annual receipts into the Residential Tenancies Fund by about \$590,000.

For the first time balances in the Residential Tenancies Fund which are surplus to current operating requirements were invested through the Department of Management and Budget. The investment income credited to the Fund as a result amounted to \$918,209.

CORPORATE SERVICES

OTHER SERVICES

Accommodation

The Ministry's accommodation problems eased with the occupation of the eighth floor of 500 Bourke Street and it now occupies three floors of this building. The Ministry's needs, based on current staffing numbers and realistic exempt space, total around four floors. Efforts are being made to acquire this additional floor space.

Library

Under the guidance of a full-time Librarian, appointed in September 1985, for an initial twelve-month term, the library service expanded its collection and began providing research assistance to the Ministry.

Registry Services

The Commonwealth-supplied microcomputer was installed late in 1984, to provide easier access to consumer complaints data under the National Consumer Complaints Statistics System. Progress however was hampered by problems with the computer software. An enhanced version of the software has now been developed and it is anticipated that this will be installed in July improving access and response times.

A review of Registry services is currently being undertaken to increase responsiveness to the Ministry's needs.

Freedom of Information

The Freedom of Information Act 1982 has been in operation since 5 July 1983. Most information now held by Government is available upon request under this Act. Documents available include files, reports and manuals of procedure.

The Ministry of Consumer Affairs responded to 58 requests for access to documents during the year. (See Appendix 6)

Information Management - Computerisation

Microcomputing and word processing strategies were developed and are currently being implemented, with further work to continue. Most first stage hardware was acquired and the major tasks remaining involve development of operator skills and implementation of office systems.

CORPORATE SERVICES

Significant computer developments occurred in the Tribunals and Customer Information Service systems in the Ministry this year. The Ministry acquired and installed a VAX 11/780 Minicomputer and sophisticated communications facilities to service a total of 48 terminals at Head Office, the Footscray office and the Mobile Van.

The programming of the Tribunals and Customer Information Service systems was completed and the Ministry is implementing these systems as the period ends. These systems will improve the speed and accuracy of service to the public in these work areas.

Allied to the minicomputer developments, the Ministry installed, into selected areas, eight microcomputers with associated peripherals and software. These microcomputers will be used for speedy development of office systems.

Strategies are being developed to consolidate and rationalise computer hardware and software within the Ministry, and to create an appropriate infrastructure that will take advantage of forefront technological enhancements such as those available in the areas of micro/mini communications, local area networks, laser printing and the computerisation of further office systems.

MARKET REGULATION

OBJECTIVE

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

REGULATION OF BUSINESS CONDUCT

LICENSING

Industries which have considerable potential for consumer abuse and do not have adequate self regulation may be subject to licensing requirements. Although there is similarity in licensing criteria between different industries, specific conditions and minimum standards differ to the extent appropriate to a given industry. The licensing body has the power to cancel licences or place conditions or undertakings on the licensee where the licensing body feels it is appropriate.

Attention has been given to locating the Ministry's various licensing functions within the Licensing Branch. Although the capacity for change is limited at this stage by major differences in the relevant statutes, much work was done in the rationalisation of procedures and the functions performed by the staff of the Branch. Areas now covered by the Branch are the licensing of credit providers, finance brokers and motor car traders. The House Builders Liability function, although not strictly a licensing function, is administered through the Licensing Branch.

Under the Credit (Administration) Act 1984, the Finance Brokers Act 1969 and the Motor Car Traders Act 1973 the Director of Consumer Affairs has various powers to object to the granting, continuation or renewal of licences. Whilst the Licensing Branch provides the independent administrative support to the various decision making bodies, the separate Licensing Investigation Section of the Ministry itself conducts investigations. It makes recommendations to the Director as to objections to the granting, continuation or renewal of a licence. Copies of all applications for credit providers licences, motor car traders licences and finance brokers licences are forwarded to the Licensing Investigation Section from the Licensing Branch for reports to be prepared for consideration by the appropriate licensing body.

Credit

This was the first full year of the licensing of credit providers and saw the first applications dealt with by the Credit Licensing Authority. Although much initial work had been done, many procedures needed further development and refinement in light of experience and the requirements of the Credit Licensing Authority itself. All licence applications dealt with went to hearings. Hearings were generally conducted by the Authority comprising the Chairman, one of the two consumer representatives and one of

MARKET REGULATION

the two business/finance representatives. A small number were heard by the Chairman sitting alone.

After investigation, and formal report by the Director to the Authority, the names of all applicants for credit providers' licences were advertised in the press, to give consumer groups, individuals and others the opportunity to object to the granting of the licence.

Work commenced on computerisation of records and information kept on all applicants and licenses. Once the format established for the credit licensing area is established and functioning, similar computerisation procedures will be set up for the other licensing responsibilities undertaken by the Ministry.

Hearings of applications for credit providers licences commenced in September 1985, when 360 applications were pending. Applicants who lodged their applications within the first three months of the operation of the legislation (by May 31, 1985) obtained the benefit of section 37 of the Credit (Administration) Act 1984 and the right to carry on business until the application is finally processed. Therefore, priority in processing and hearings was given to applicants not having the benefit of this provision. New applications have taken an average three months to be finalised. About one third of the applicants who applied before the end of May 1985 came to hearing and it is expected that all such applications will be finalised in less than 12 months time.

Because of the serious impact that an inefficient, dishonest or unfair credit provider can have on the lives of consumers, each licence application was thoroughly investigated by the Licensing Investigation Section. The investigation included searches of the bankruptcy register, Corporate Affairs Office and police records, relevant Ministry and Tribunal files, an examination of documentation prepared for use under the Credit legislation, and an interview with the applicant or a representative.

In addition, the Ministry's Licensing Investigation Section undertook investigation of complaints which appeared to suggest conduct relevant to a licensing investigation.

The Director reported to the Licensing Registrar on 152 applicants during the year. He recommended that conditions be attached to 46 licences, and objected to the issue of licences in 8 cases. The objections were on a variety of grounds including police prosecutions, involvement of company directors in companies which have gone into receivership or liquidation, previous conduct in dealing with consumers, and claiming securities for loans where the interest rates exceeded 30 per cent.

Three applications where the Director objected were finalised. Two of the applications were ultimately granted, and the third was withdrawn after the Director had presented his case. The applicant in that case was BMD (Finance) Pty Ltd.

MARKET REGULATION

Conditions recommended by the Director for attachment to licences included requirements that pro-forma documents be produced to the Director for examination, that finance broker's commissions not be charged where the finance broker and credit provider are the same person or are related parties, and that a New South Wales based provider of continuing credit ensure that facilities exist for complaints or queries made in Victoria to be expedited.

In March 1986 a licence was granted to a company based in New South Wales, which at that time managed a number of charge cards but intended to launch credit cards and provide continuing credit later in the year.

In May, however, its operations were taken over by the mortgagee under a debenture, as the company was no longer able to meet its debts as and when they fell due. The Licensing Investigation Section prepared an objection to the company holding its licence, and supporting material, and on the Director's application the company's licence to provide regulated credit was suspended. The company was Multiple Card Systems Pty Ltd.

Full statistics relating to the licensing of credit providers are contained in Appendix 7 on page 106.

Motor Car Trading

The Motor Car Traders Committee experienced a major change in direction during the year. After twelve years as Chairman of the Committee, Mr H G Lander retired in August 1985 and was succeeded by Mr R T Viney who is also the Chairman of the Credit Licensing Authority. The remaining members Messrs Barnfield, Trevenen, Wray and Heward were re-appointed for a period of twelve months pending a complete review of the Motor Car Traders Act. By direction of the Minister, the Committee's basic function has been modified to concentrate on whether applicants should be licensed. Investigations into applicants for licences and current licence holders in relation to licence renewals are now conducted by the Licensing Investigation Section of the Ministry.

The Committee's complaint function is now limited to claims on the Guarantee Fund or requests for arbitration pursuant to the provisions of the Act. The balance of complaints are handled by the Conciliation Branch of the Ministry.

The changes to the Committee's functions were complemented by changes to the supporting administrative staff structure. Four staff with investigative or complaint handling functions were transferred to other sections of the Ministry. The remaining five staff working on licensing matters are now located within the Licensing Branch of the Ministry.

The Ministry's higher profile in enforcement matters extended into the motor car traders licensing area with an unprecedented total of eleven objections to licence applications or renewals. The Committee altered its previous

MARKET REGULATION

practice of in camera hearings, and a preference for evidence submitted in writing, to public hearings with oral evidence and procedures aimed at ensuring all relevant evidence was before it.

During the year the Director objected to four new applications for motor car trader licences. One of the applications objected to was granted. The other three applications were adjourned at the request of the applicants and have not yet been heard. The objections were on a variety of grounds, including previous conduct in dealing with consumers, either as a motor car trader or in some other capacity, and police and Ministry prosecutions.

In October each year the Director has the opportunity to object to licence renewal applications by current licensees. During the year the Director objected to the renewal of licences held by seven traders. Five of the renewal applications were granted subject to the trader giving specified undertakings to the Committee, and one renewal application - that of Mr Gavin Hartley, who traded as Arcadia Motor Auctions - was refused. (Mr Hartley subsequently appealed to a Magistrates' Court, which allowed the appeal and granted a renewal. The Committee applied for a re-hearing of the appeal but before the re-hearing was to take place Mr Hartley surrendered his licence). The remaining renewal application which was objected to did not proceed because the business was taken over by another licensee. One of the hearings, which resulted in a licence being granted subject to undertakings being given, lasted seven days. In all the hearings before the Committee, the Director was represented by an Officer from the Licensing Investigation Section.

In a further matter the Licensing Investigation Section was instructed by the Director at the Committee's request to investigate a licence application. Following the investigation the Director provided Counsel to assist the Committee when the application was heard. That application was granted subject to the applicant giving specified undertakings to the Committee.

In May a corporate licensee had a receiver and manager appointed to handle its affairs, and the Director was represented at the Committee's hearing to consider whether there had been conduct by the licensee which should result in revocation of the licence. The Committee found that there had been such conduct and ordered the revocation of the licence. The licensee was Dandenong Mazda Pty Ltd.

Full statistics relating to the licensing of motor car traders are contained in Appendix 7 on page 107.

Finance Brokers

1985/86 was a time of change for the Registry of Finance Brokers. In line with the policy of the Ministry but within certain limits imposed by the legislation, the procedures and functions were modified to closely follow those of the other licensing Acts. However, in contrast to those Acts where the Registrar has a largely administrative function with licensing decisions

MARKET REGULATION

made by the Committee or Authority, the Registrar of Finance Brokers actually makes the decision as to whether a finance broking licence is granted with appeals from such decisions going to the Magistrate's Court. A review of the Finance Brokers Act 1969 was initiated by the Ministry.

Within the constraints of the present legislation, procedures were upgraded considerably since the responsibility for the function was transferred from the Law Department in September 1985. This assisted greatly in the early identification of any factors relevant to eligibility to be licensed and possible conflicts of interest in the business activities of the applicant. It was also useful in gaining an indication of general market practices and trends which will be of value in assisting in the present review of the Finance Brokers Act. Full checks on internal records in the Ministry as well as bankruptcy and police checks on all applicants now occur, as well as random inspections in metropolitan and country areas. Any problems or discrepancies found by Registry staff are referred for a more detailed and comprehensive inquiry and review, to assist in assessing whether an applicant should be licensed.

The average waiting period between lodgement of an application and its hearing by the Registrar is six weeks. A total of 180 new licences were issued, 100 to corporations, 50 to individuals and 30 to agents.

Since the Licensing Investigation Section assumed the responsibility for assessing applicants, the Director has not objected to any applicant, though in a number of cases the Director recommended that specified undertakings be requested before a licence is granted. The undertakings concerned such matters as not charging a broker's commission where the finance broker and credit provider are the same person or are related persons; ensuring that a particular person has responsibility for the day-to-day conduct of finance broking operations; and not using the licence to raise money for clients to invest in some other business run by the finance broker.

When the machinery of government changes came into effect in 1985 and responsibility for the administration of the Finance Brokers Act passed to the Minister for Consumer Affairs, the Registrar of Finance Brokers had already referred an application by Graham Clive Critchley for a licence to a Magistrates' Court. The Licensing Investigation Section assumed responsibility for the conduct of the matter on behalf of the Registrar. The hearing of the application for a licence and of the Registrar's grounds of objection to the application lasted five days, and at the conclusion of the hearing the Magistrate refused to grant a licence. This was the first occasion when a licensing matter was heard by a Magistrate under the Finance Brokers Act, proceeded to a contested hearing, and resulted in a licence application being refused.

One other licence application was refused during the year under review.

In addition a number of complaints against particular finance brokers required investigation.

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As a result of Ministry investigations, a number of other applicants and licence holders withdrew their applications or left the industry in the face of inquiries being conducted by the Ministry. As a result it is felt the reputation and practices of the industry have been the subject of improvement and greater professionalism.

Following the transfer of the function from the Law Department the record keeping system was revised to improve its accuracy. Although discrepancies in the records of previous years make comparisons difficult, there appears to be an increased number of applications received this year. This seems to suggest new market trends in the finance industry and a higher profile for finance brokers. There were 391 licence holders as at 30 June 1986. Statistics for the year are contained in Appendix 7 on page 106.

House Builders Liability

The resources to handle the House Builders Liability provisions of the Local Government Act were transferred to the Ministry in September 1985. Although not a licensing scheme, its administration was placed in the Licensing Branch as certain administrative functions are similar to those involved in licensing.

The legislation provides for a statutory indemnity scheme to apply to dwelling houses as defined by the Act. The indemnity is supplied by "an approved guarantor" (the Housing Guarantee Fund Ltd is the only such guarantor) to cover major and minor defects in the construction of a dwelling which become apparent within certain periods. The major responsibility of the Ministry in this area is the assessment of applications from owner/builders who are prohibited from disposing of their dwellings for a period of three years from the issue of the Certificate of Occupancy. The Minister has the power under the Act to declare that the prohibition does not apply in respect of particular dwellings. Having regard to the policy of the Act a declaration will generally only be considered where there is no evidence of an intention to circumvent the Act and an urgent and pressing need to sell the dwelling has been demonstrated.

A total of 314 applications for exemptions from the prohibition on the sale of owner/builder dwellings were received since September with 260 exemptions being granted and a further six being granted subject to the entering into of a bond. Only 13 applications were refused, with a number of applicants not proceeding with their applications once advised of the requirements for the granting of exemptions.

Details of applications for exemptions are contained in Appendix 7 on page 107.

MARKET REGULATION

SELF AND CO REGULATION ACTIVITIES

Following the establishment of the Self and Co-Regulation Section last year, and the relatively high publicity given to the Code of Ethics and Business Practice for the Health and Fitness Industry, the Section assumed a lower profile this year. The crisis which peaked a couple of years ago in the fitness industry fortunately did not occur in any other industries. The Section was therefore able to advise on and encourage the development of ethical codes of conduct in the context of more stable industry markets.

Work continued this year on the implementation of the Fitness Industry Code. The Department of Sport and Recreation is now playing a key role in the Committee of Management which oversees the administration of the Code. While the full operation of a viable industry association, adhering to the Code, has been slower to achieve than the Ministry had hoped, the Code has already been a significant success. The delays have been the result of extensive discussions with diverse sectors of the highly competitive fitness industry. This has been to ensure that the Code itself operates fairly within the market place and does not inhibit healthy competition.

The market conduct of the industry has improved and certain persons within it have contributed enormously in terms of their time, ideas and financially to ensure the success of the Code, raise industry standards generally and protect consumers in instances where isolated fitness centres have not honoured the spirit of their obligations to consumers.

General advice and guidance was given in relation to a number of self regulatory Codes including the Victorian Concrete Water Tank Manufacturing Association, the Hairdressing and Beauty Industry, the Computer Industry, the Market Research Association, the Australian Direct Marketing Association, the Australian Transmission Rebuilders Association and the Standards Association of Australia (in relation to its standard form contract for the purchase of used motor vehicles). The Ministry also submitted a formal response to the Law Institute of Victoria issues paper on deregulation.

The major activity at the moment is the guidance and advice to, and the monitoring of, the establishment of an industry association for the house cladding industry. This industry has been the source of numerous, serious complaints to the Ministry over the years. As the nature of the work means that it is generally expensive and often involves loans, poor workmanship or misrepresentation leaves consumers severely disadvantaged. It is too early to forecast the likely impact of any Association or code which is developed. As last year's annual report indicated, effective self regulation requires commitment from a strong and substantial portion of the industry to have any chance of success.

MARKET REGULATION

MARKET COURT

The Market Court Act enables the Director of Consumer Affairs to obtain a Deed of Assurance from a trader who has repeatedly engaged in "unfair" conduct. "Unfair" conduct is defined broadly and includes taking advantage of a person's means, needs or level of education: and conduct as simple as breach of contract. A Deed of Assurance is in the nature of a contract between the Director and a trader. It details the behaviour which the Director alleges to be unfair, and then sets out a range of activities from which the trader is to refrain. It may also impose certain obligations upon the trader in the conduct of a business.

A breach of the terms of the Deed renders the trader liable to prosecution in the Magistrate's Court and a fine of up to \$5,000.

Two Deeds of Assurance were entered into by the Director during the year and two further Deeds are presently under negotiation with traders. Details of the Deeds of Assurance negotiated during the year are set out below:

- 1 In August 1985 a Deed of Assurance was obtained from Jaaft Industries Pty Ltd (also known as Just Extensions, Just Statewide Extensions, Statewide Home Improvements) and two directors of the company. The trader was engaged in home extensions and renovations. The Director of Consumer Affairs was satisfied that the trader was repeatedly engaged in unfair conduct. This included failing to commence or complete work within the time specified, failure to obtain the correct municipal approval and inspections for plans and work carried out and failure to comply with orders made in the Small Claims Tribunal.
- 2 In February 1986 a Deed was obtained from George Forbes, sole owner of Cowards of Melbourne, a photographic studio. The Director was satisfied that the trader had engaged in unfair conduct which included misrepresentations made to consumers regarding delivery dates and cash payments made. The trader had also failed to respond to communications from the Ministry of Consumer Affairs about consumers complaints and had not complied with a number of orders of the Small Claims Tribunal.

Pursuant to the Market Court Act 1978, a Register of Deeds of Assurance is maintained at the Ministry and is available for inspection by appointment.

ESTABLISHMENT OF PRODUCT STANDARDS

The Ministry has a responsibility to develop and maintain reasonable standards for product safety and quality, and packaging and labelling, and to ensure that products which do not comply with these standards are removed from the marketplace.

MARKET REGULATION

PRODUCT SAFETY

During the year under review investigations were conducted in relation to various types of products. As a result of these investigations the Minister signed orders for seven interim and six permanent bans (see Appendix 8 on page 108).

As well, discussion with importers, distributors and retailers resulted in the voluntary withdrawal or modification of 20 products where the Ministry expressed concerns about safety aspects which nonetheless did not warrant a banning order. In a number of these cases, it was appropriate for the Minister to issue a public warning, advising consumers of potential dangers. These included:

- warning about a faulty buoyancy device in scuba equipment;
- warning about possible safety hazards in particular fire extinguisher units;
- warning about safety problems with a multiple size adjustable ring spanner;
- safety warning about design flaws in a combination saw.

The largest single category of product investigated involved the safety of children's toys.

Of particular concern among the hazards associated with toys was a high incidence of ingestion/inhalation hazard which resulted in bans being placed, as in previous years, for elimination of such products from the market place.

Ingestion or inhalation hazards relate to small toys or components of toys that could be placed into the child's mouth and swallowed or inhaled. This type of hazard is particularly pertinent to toys intended for use by children under three years of age. For this reason, the Minister has indicated his intention to introduce regulations for toys to be labelled in a manner which will facilitate the removal of ingestion/inhalation hazards from toys intended for children under three years of age. Under current labelling practices consumers erroneously believe that the markings on toys relate to the level of skill rather than an assessment of health risk.

Alleged Hazardous Products Register

The Ministry's Product Safety Officer works closely with the Commonwealth/State Consumer Products Advisory Committee (CSCPAC) on investigations into, notification of and exchange of information about alleged hazardous products. The Secretariat for CSCPAC, which is provided by the Commonwealth Attorney-General's Department, co-ordinates the notification of alleged hazardous products from and to the States and other consumer affairs authorities about particular problem areas.

Since the introduction of the register in 1977, 488 alleged hazardous products have been reported through CSCPAC.

MARKET REGULATION

PRODUCT STANDARDS

The position of Standards Officer went through a re-establishing period and now the Ministry is much better placed to undertake a much-needed revision of some existing product standards and the development of new ones.

In the period under review, the Ministry commenced work on a number of product standards. The most significant are:

Toy Products

The objective of the proposed Consumer Affairs (Product Safety) (Children's Toys) Regulations 1986 is to provide a means of protecting children under three years of age from injury or death resulting from ingestion or inhalation of small toys/novelties or their components.

The draft regulations contain strict provisions covering the labelling, construction and sale of such toys, and have the support of industry, CSCPAC, the Standards Association of Australia and consumer organisations.

The process required for the promulgation of these regulations has been set in motion.

Children's Cots

As a result of complaints and adverse reports about cots, officers from the Ministry conducted an investigation to determine the degree of compliance of cots in the marketplace with the relevant Australian Standards.

The main areas of concern were poor quality and bad design. An incident investigated by the Ministry involved a young child getting trapped when the base collapsed.

Twenty-four cots of varying designs were inspected in four leading retail outlets.

It was alarming to find that not one of the cots inspected complied entirely with the standard. The most common failure was the lack of warning labels on the cots advising of the possibility of babies' limbs or heads being trapped in the gaps and of babies toppling out of the cot. Other areas of concern were protrusions which could trap infants' clothing, sharp edges and loose paint. It was also established that the existing standard was in need of review.

As a result of these findings a working party has been established to review the existing standard.

MARKET REGULATION

Blood Alcohol Testing Devices

As a result of a call for assistance from the Road Traffic Authority, the Ministry conducted an investigation into the private use of Blood Alcohol Testing Devices.

The investigation revealed that the majority of these devices did not have adequate information labelling which is required for consumers to be aware that the instruments need to be regularly tested and adjusted for accuracy. The results of the investigation indicated a need for an appropriate Australian Standard to be prepared, to cover performance specifications for Blood Alcohol Testing Devices and the setting of guidelines for the calibration of such devices.

The results of the Ministry's investigation were conveyed to the Standards Association of Australia, supporting the Road Traffic Authority's prior call for a standard.

As a result of the Ministry's representations and the data supplied, a Committee was established to prepare a standard. The work of the Committee will involve the preparation of a performance specification for breath analysis devices and the setting of guidelines for the calibration of such devices.

Bean Bag Regulations

The Ministry is in the process of drafting the Consumer Affairs (Product Safety) (Bean Bag) Regulations.

The purpose of the regulations is to require a warning label on bean bags, bean bag covers and bean bag filling, alerting prospective purchasers to the fact that small lightweight beads present a severe danger to children if swallowed or inhaled.

Other areas of Product Standards under consideration include:

- . Children's Folding Chairs
- . Marking of Merchandise (review)
- . Consumer Affairs (Children's Night-Clothes) Regulations (review)
- . Consumer Affairs (Product Safety) (Portable Fire Extinguishers) Regulations (review)
- . Sunglasses

PACKAGED GOODS

The Ministry continued to participate in national discussions on pre-packed articles as a member of the Standing Committee on Packaging (SCP) and the Consultative Committee of SCP. The Consultative Committee is the body where industry, consumers representatives and Government jointly consider

MARKET REGULATION

submissions to amend, repeal or recommend new legislation or exemptions in respect of pre-packed articles and, through the SCP, to make recommendations to Ministers.

The Ministry continued to provide the secretariat for the Consultative Group on Packaging and Labelling which was formed in 1980 to ensure uniformity in legislative requirements relating to packaging and labelling in Victoria.

The two officers employed in the packaged goods section offer advice on the pre-packed articles section of the Weights and Measures Act to Weights and Measures Inspectors employed by municipal councils, all segments of industry including importers, manufacturers, packers, printers of packaging material, graphic artists and people intending to commence new ventures which may be subject to pre-packed articles legislation.

Inspections

In addition to the above role the two officers conducted inspections of 47 manufacturing/processing/wholesale/retail premises to examine and, where necessary, test pre-packed articles for compliance with relevant legislation.

A total of 3626 items were assessed for packaging and labelling requirements during 1985/86. An analysis of the assessment is as follows:

<u>Assessment</u>	<u>Number of Packages</u>	<u>Per Cent</u>
Complying	2,584	71.3
Non-complying	1,042	28.7
Total	3,626	100

The major reasons for non-compliance were:

- (i) the quantity statement being either not readable, or not present; and
- (ii) short mass or measure, viz. the net mass (weight) or quantity of the product being less than that stated on the package.

Bread

On 1 April 1986, Section 79A of the Weights and Measures Act 1958 came into force. This section requires that all loaves of bread offered for sale in Victoria be marked with the identity of the manufacturer so that consumers

MARKET REGULATION

and enforcement officers can readily identify the source of the bread with a view to rapidly remedying problems such as contamination and short measure in bread.

The packaging officers administer this portion of the legislation and keep the register of approved marks, which may be allocated by the Minister for the purposes of Section 79A of the Act, on behalf of the Ministry of Consumer Affairs, the Health Department and the Department of Labour.

Deceptive Practices in Packaging

With the proclamation of the Fair Trading Act in April 1986, Victoria has enacted legislation which prohibits, amongst other things, the sale of deceptively packaged goods.

An increase in enquiries related to deceptive practices in packaging was recorded since April 1986, and the Ministry provided advice to manufacturers, packers, importers and consumers groups on the application of the legislation in respect of deceptively or possibly deceptively packaged goods.

ENFORCEMENT OF LEGISLATION

The Ministry's responsibility to enforce compliance with consumer legislation entails a visible presence in the market place to deter unfair and illegal business practices and conduct.

Periodic inspections are undertaken in particular categories of business, and alleged breaches and particular complaints trends are investigated to ascertain whether legislative requirements are being breached. Breaches are dealt with according to the circumstances of each case. Responses range from warnings and reprimands through to prosecution in the Courts.

If considered in the public interest, the Director of Consumer Affairs may defend or initiate an action on behalf of a consumer where the amount claimed against a business owner or operator does not exceed \$10,000.

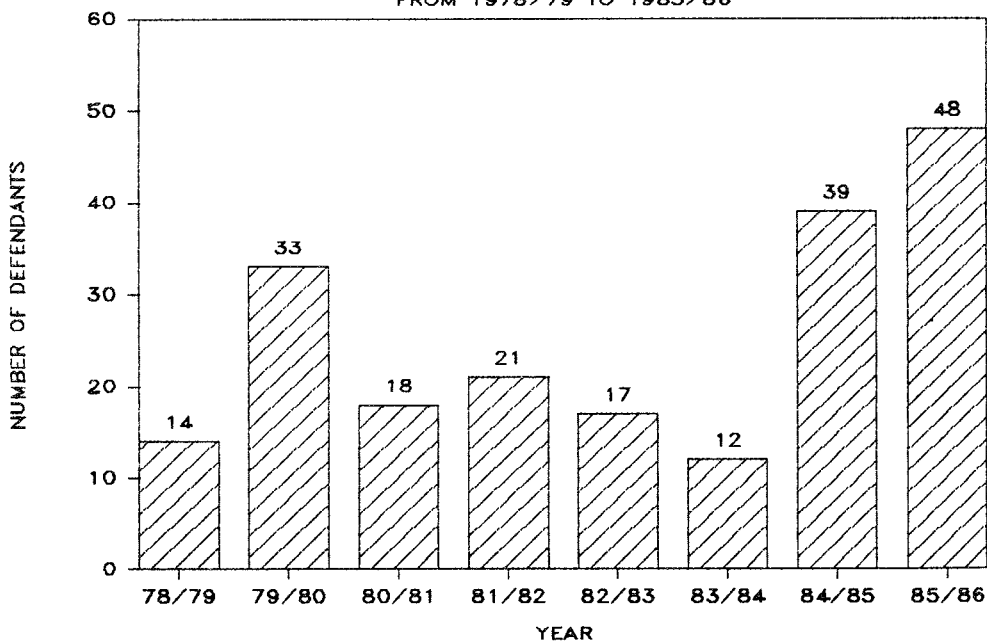
MARKET REGULATION

PROSECUTION ACTIVITY

Once again priority was given to monitoring, investigating and where appropriate, prosecuting false and misleading advertising by traders in newspapers, magazines and on broadcast. These activities were co-ordinated to examine the advertising practices on an industry basis, in addition to individual traders. Industries which were examined included home furnishings, retail stores and fitness centres.

DEFENDANTS SUCCESSFULLY PROSECUTED

FROM 1978/79 TO 1985/86

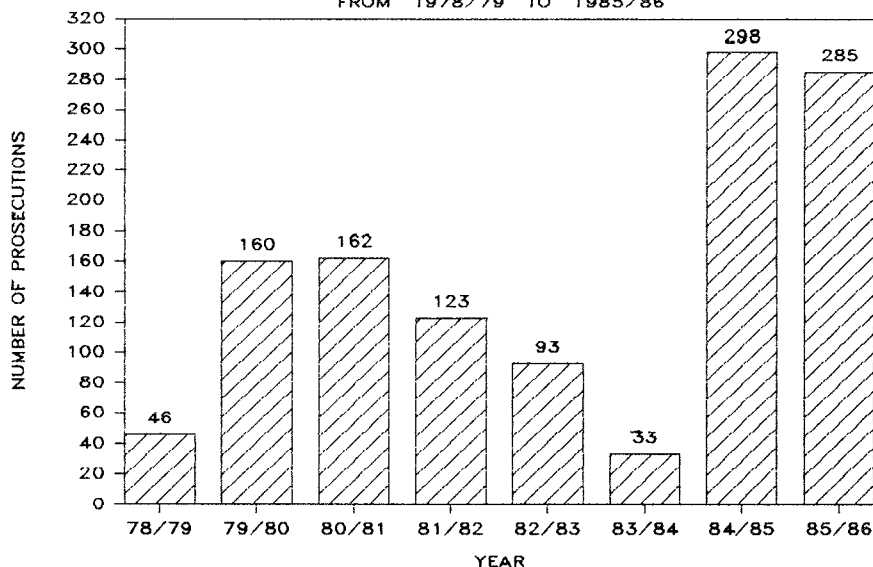


*Excluding prosecutions conducted by Local Authorities under the Weights and Measures Act 1958.

The high priority accorded to the Ministry's prosecution activities is reflected in the record number of offenders successfully prosecuted through the courts. A total of 48 offenders were charged during the year, an increase of 28% over the previous record of 39 achieved last year, as shown in the bar graph above. A total of 285 charges were proven against the 48 offenders. The following bar graph allows yearly comparisons of successful prosecutions.

MARKET REGULATION**NUMBER OF SUCCESSFUL PROSECUTIONS**

FROM 1978/79 TO 1985/86



*Excluding prosecutions conducted by Local Authorities under the Weights and Measures Act 1958.

A detailed list of traders prosecuted, and the charges and outcomes involved, is provided in Appendix 9 on page 111, together with a full analysis of completed alleged breach investigations.

Residential Tenancies

Once again the Ministry's responsibilities under the Residential Tenancies Act entailed a large number of inspections of rented properties, as set out below:-

<u>Type of Investigation</u>	<u>Number</u>	<u>Percentage</u>
Inspection - Abandoned Goods	650	45.0
Inspection - Repairs to premises	373	25.8
Inspection - Excessive Rent	323	22.4
Referrals from Residential Tenancies Tribunal:		
- Notices of Hearing	37	2.5
- Inspections	24	1.7
- Notices of Restraint	7	0.5
Other (termination, bonds etc)	30	0.2
TOTAL 1985/86	1444	100 %

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An important function carried out by inspectors involved in the administration of the Residential Tenancies Act, is to ensure that all parties to a dispute are acquainted with their rights and obligations as set out under the Residential Tenancies Act and that there is compliance with the requirements of the legislation.

For instance, goods remaining on premises after tenants had vacated were previously often disposed of regardless of the provisions of the Act for an inspection to be made of their value. Now that all parties are more aware of their rights and responsibilities under the legislation, more requests are being received from landlords and tenants for the appropriate inspection and valuation.

SCHEMES WHICH HAVE CAUSED CONCERN

Direct Marketing

The Ministry has become increasingly aware of the large numbers of consumers who have suffered financial loss and sometimes emotional anguish through investing in bogus "get rich schemes", buying miracle cure pills or health foods, or accepting jobs in misleading sales and marketing situations. For example, schemes such as that promoted by W B Todd and Associates of California, USA, promising large sums of money for a job of filling envelopes at home are a constant cause for concern and necessitate frequent warnings to consumers. Persons who respond to those advertisements are requested to send money for a 'registration fee' or 'set-up kit', and if they do so they find that they have to run similar advertisements and collect money from others who fall prey to the scheme.

The Ministry will take action against traders who advertise giving post office box numbers only, and will work with publishers to ensure that these sorts of advertisements are refused in future.

The only ones likely to get rich in these schemes are the promoters. Consumers have almost no chance of receiving any worthwhile benefits and run a real risk of losing any money they send.

Another mail order or direct marketing operation which created problems for consumers during the year was the Diet Circle scheme, mentioned on page 61 of this report.

Odometer Tampering

Over the last three years the incidence of winding back odometers has steadily increased. Despite an increase in prosecutions by the Ministry under section 29 of the Motor Car Traders Act 1973 and licence renewal objections, the financial gain from this fraudulent activity seems to outweigh the potential penalties. This is now addressed by the substantial penalties under the Fair Trading Act, and is receiving further consideration in the review of the Motor Car Traders Act.

MARKET REGULATION

Reduction of the kilometres or miles displayed on the odometer of a vehicle is not restricted to licensed motor car traders. Private individuals and organisations are also keen to satisfy their greed. A common misconception in this respect is that private owners are not bound to comply with the Motor Car Traders Act. This is of course not true and in fact the Ministry has prosecuted such offenders.



It seems that even new vehicles are not always exempt from this activity. Recently the Ministry has become aware of disconnection of odometers on new vehicles, especially where the vehicles are driven between dealers following an agreement to swap one new vehicle for another.

It is an offence to sell a vehicle to which a false trade description (ie. false odometer reading) is applied. It is a fraudulent and totally unacceptable trading practice and the Ministry will continue to give a high priority to the prosecution of such offenders.

Home Improvements

Problems in this area remained of some concern. A continuing offender, and one who was mentioned in last years report, was Pierre Kerman Cure a director of Scenic Home Improvements Pty Ltd. The company traded in the area of home extensions, renovations, carport construction and landscape gardening.

Cure signed a Deed of Assurance, under the Market Court Act, on 22 March 1985, following a number of complaints regarding the non-completion of work, the acceptance of large prepayments, failure to perform work within time

MARKET REGULATION

specified in contracts and for non compliance with door to door selling legislation under the Consumer Affairs Act and for breaches of the Building Contracts (Deposits) Act. Prosecutions were also instituted in respect of these breaches.

Pierre Cure and Scenic Home Improvements Pty Ltd were found guilty in the Ringwood Magistrates Court on 4 November 1985, on a total of five charges, in Werribee Magistrates Court on 24 October on a total of ten charges and in Ringwood Magistrates Court on 23 July 1985, on a total of five charges. Following these matters Pierre Cure sold his house and "disappeared".

Despite the Ministry's activity there is now evidence to suggest that Mr Cure may have become involved with a similar business under another name.

Investigations are continuing into this matter.

Small Business Promotion

It has become increasingly obvious that a number of small businesses are being financially disadvantaged in their dealings with people engaged in the door to door selling of business promotion services. The most common practice is to offer a small business the opportunity of promoting their goods or services on a calendar, planner or by way of a discount card system.

A contract is negotiated, often involving a finance agreement and the business is committed to a substantial capital outlay either in a lump sum or on an instalment arrangement.

In some instances, the promotion does not take place and in others, is poorly handled and the results in no way justify the capital outlay. Furthermore, the Ministry considers that when a business is approached in this fashion, the Door to Door sales provisions of the Consumer Affairs Act operate and accordingly afford that trader a ten day cooling off period in relation to the signed contract. A number of prosecutions against promotional companies marketing these types of schemes are listed for hearing next financial year with one case successfully taken against Comatch Pty Ltd (Computerlist) this year.

Unlicensed Trading

As with previous years, "backyarding" in motor vehicles appears to be significant. Despite Ministry and police prosecutions, trading without a licence continues to present itself in ever increasing diversity.

Unlicensed motor car traders usually obtain vehicles through auctions, wholesalers or wholesale branches of car yards. It appears that in most cases vehicles are acquired from licensed motor car traders. Ironically,

MARKET REGULATION

the majority of complaints received by the Ministry concerning unlicensed motor car traders emanate from licensed motor car traders.

Licensed traders need to exercise caution when disposing of vehicles on a wholesale basis or at auction. An individual who regularly purchases vehicles under false or assumed names is likely to be an unlicensed trader and is more often than not well known to those within the trade.

It is essential that licensed motor car traders accept responsibility in such matters if unlicensed trading is to be controlled.

Multi-Level Marketing Schemes

Although pyramid selling schemes are illegal in Victoria, a number of enterprises have recently appeared which are described as multi-level marketing schemes. Some of those schemes are so constructed that they avoid the prohibitions aimed at pyramid selling. Nevertheless, these schemes recruit participants who in turn recruit others, so that the process tends to become an endless chain.

During the past year, one such enterprise, Trump Card (Australia) Pty Ltd ceased to carry on business and went into liquidation. Trump Card was a company operating out of South Australia and the end product was a card giving consumers access to a computer based advisory service.

Participants in the scheme were induced to purchase blocks of application forms from Trump Card at 70% of the price consumers would ultimately pay for a card. In the event that participants could not realise sales, they had no recourse for a refund unless they made a claim within 15 days of their purchase of the application forms.

In mid April, the Ministry became aware of allegations about the company's financial stability and immediately requested a statement as to its affairs. The company did not comply with that request and went into liquidation in May 1986.

The Ministry contacted traders listed as offering discounts and special services to Trump Card holders and was assured that their undertakings would be honored.

The Ministry will continue to monitor multi-level selling or networking schemes to ensure that they do not breach legislation, that consumers who purchase goods and services through them receive adequate protection and value for money, and finally, that participants get a fair go. To those ends, model legislation is being drawn up.

MARKET REGULATION

WEIGHTS AND MEASURES

The Weights and Measures Act and Regulations are jointly administered by the Weights and Measures Branch (Central Administration) and Weights and Measures local administrations, comprising municipalities forming Weights and Measures Unions or individual Local Authorities, throughout the State.

The Weights and Measures Branch (Central Administration) forms part of the Ministry's Regulations and Standards Division.

It 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.

RESTRUCTURE OF ADMINISTRATION

In conjunction with the Management and Information Services Division (MIS), the administrative functions of the Branch were rationalised to reflect the organisational and management structure of the Ministry.

As a result of the rationalisation, activities relating to payment of Accounts and Revenue collection functions, which were formerly conducted by the Branch, were integrated into the mainstream of the Ministry's Finance Branch operations, and three administrative officers were transferred to MIS Division.

INFORMATION SYSTEMS

The 1985 Annual Report indicated the need for the establishment of comprehensive information systems on instruments to enable the more effective and efficient assessment of the reliability of instruments in the marketplace.

The procurement of two micro computers, one in November 1985 and the second one in May 1986, moved the Branch a step closer to setting up these information systems. Staff training and the identification of pertinent parameters for use in the programming of the computers, as well as the computerisation of records and data held within the Branch, are currently in progress.

INSPECTION SERVICES

The Inspection Services Section of the Branch is responsible for the daily scheduling of the inspection and verification program and for the maintenance of performance records of all trader instruments verified by the Branch within the State. The Branch continued its program in 1985/86 in accordance with the reverification periods laid down by legislation.

MARKET REGULATION

The table below details instruments tested during the period 1 July 1985, to 30 June 1986.

	<u>Tested</u>	<u>Rejected</u>	<u>%Rejected</u>
Fabric Measuring Instruments	431	39	9
Wholesale Liquid Measuring Instruments	945	363	38
Pharmacies - Scales	368	21	6
Weights	3362	72	2
Goldbuyers - Scales	512	68	13
- Weights	748	32	4
Weighbridges	512	68	13
Farm Milk Tanks	1895	264	14
Leather Measuring Instruments	22	5	23
Hopper Scale	13	1	8

LOCAL AUTHORITIES

The local administration is involved principally with supervising the Weights and Measures Act in the retail trading sphere, for example verification of weighing instruments in shops, supermarkets etc., driveway flowmeters and packaging goods.

Information compiled from annual reports submitted by local administrations indicates the following total number of tests on weighing and measuring instruments were conducted for the year ended 30 September 1985, (these statistics are submitted annually after 30 September).

	<u>Tested</u>	<u>Rejected</u>	<u>%Rejected</u>
Total Weighing Instruments	32569	2429	7
Total Measuring Instruments	34444	6554	19

The sale of firewood has been a subject of consumer complaints for a number of years. Typical problems are the use of imperial or improper units of measurement when firewood is advertised or offered for sale. Provisions in the Weights and Measures Act do not automatically apply to the sale of firewood unless the municipalities are proclaimed to sell firewood in a

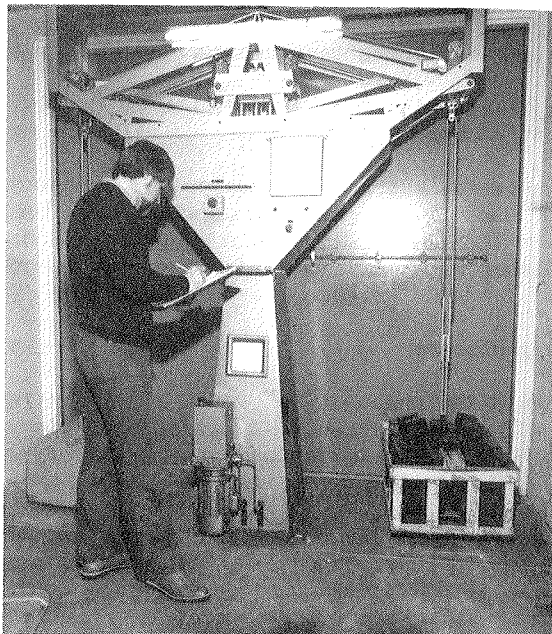
MARKET REGULATION

certain manner.. The Minister indicated in May that all municipalities would be covered by the same regulatory control and thus consumers will be afforded fair price comparison of firewood.

SCIENTIFIC SERVICES

The Branch is responsible for the maintenance of the State standards of mass, length and volume, and for the periodic certification of local authority weights and measures standards and equipment. The Section also inspects and verifies certain weighing and measuring devices submitted to it at the request of persons and organisations in government and industry.

The Table below details all the verifications performed during the period under review. This includes Local Authorities, Central Administration, Repairers and Adjusters and Industry Equipment.



Category	Number	No. Requiring Adjustment
1 Masses verified	2378	323
2 Various Volumetric Measures	532	18
3 Various Length Standards	99	---
4 Balances and Counter Scales	64	8
5 Area Templates	4	---

The Branch also continued to provide advice to the public in general in relation to metric conversions, measurements and calculations.

MARKET REGULATION

WORKING PARTY ON UNIFORM WEIGHTS AND MEASURES LEGISLATION

At a meeting of representatives from Commonwealth, State and Territory Government representatives, Industry and the Institute of Trading Standards in August 1985, it was agreed that uniformity in weights and measures legislation and administration throughout Australia should be achieved.

The Working Party formed to pursue this matter aims to provide a uniform set of legislation for trade measurement administration, throughout Australia by 1988. Victoria supports this proposal as it will eliminate the anomalies that exist amongst the different requirements of the States and Territories.

The Working Party's first report was submitted to the responsible Ministers, and consultation has now commenced with local authorities, the Institute of Trading Standards and the various associations.

SPECIAL PROJECTS

The following projects were examined and are in progress:

- An initial overview of the use of petrol tankers by oil companies was completed, and the sample testing of petrol tankers currently in use will be undertaken. This will enable the formulation of a policy in relation to the testing of these tankers.
- A review of fees charged by Weights and Measures Branch is being undertaken to identify anomalies in fees structure and to assist in establishing policy on funding.
- An investigation on the sale and delivery of ready-mixed concrete was conducted and a report completed. This issue has been a complex problem as far as measurement of the product is concerned, and the report is being considered to identify alternative methods of ensuring the sale and delivery of this product is conducted in a fair and equitable way

PROSECUTIONS INSTITUTED

Under the provisions of the Act, Local Administrations are required to report to the Superintendent of Weights and Measures details of prosecutions instituted and their results.

In addition, no prosecution relating to the packaging or sale of a pre-packed article (except a prosecution relating to short weight or measure) can be instituted without the consent in writing of the Director of Consumer Affairs.

For details of all prosecutions for 1985/86 refer to Appendix 9 on page 118.

COMMUNITY AWARENESS AND CONSULTATION

OBJECTIVE

To assist the development of a fair market place by -

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

CONSULTATION

VICTORIAN CONSUMER AFFAIRS COMMITTEE

The Victorian Consumer Affairs Committee has met monthly since holding its inaugural meeting in February 1985.

The Committee, which is chaired by Bill Ford of the Brotherhood of St Laurence is composed of sixteen members: eight citizen representatives from a combination of eighteen regions of Victoria and eight members of consumer, industry, trade union and community organisations.

The objectives of the Committee are to provide the Minister of Consumer Affairs with informal advice from a variety of perspectives and to act as a consultative body in seeking information and opinions from members' geographic areas and organisations.

The Committee also seeks to enhance the public knowledge and awareness of consumer issues and of the services and responsibilities of the Ministry of Consumer Affairs across Victoria.

During the 1985/86 year the Committee has provided advice to the Minister on a wide range of consumer issues.

The Ministry is responsible for providing the secretarial services to the Committee which represents an important part of the consultative processes undertaken by the Ministry in 1985/86. (List of Members see Appendix 10 on page 122) .

GRANT SCHEMES

The Consumer Affairs Grant Scheme which was introduced in 1984/85 as a State budget initiative has continued to be developed to support consumer services across the State.

COMMUNITY AWARENESS AND CONSULTATION

In order to ensure that the benefits accruing from the scheme were extended to the Residential Tenancies area, a separate grant scheme for Residential Tenancies was developed and implemented in 1986.

Guidelines for both the Consumer Affairs Grant Scheme and the Residential Tenancies Grant Scheme were further developed and put in place during the year. (These guidelines are available from the Ministry upon request).

A total of forty-two projects were approved for funding in 1986, twelve under the Residential Tenancies Grant Scheme and thirty under the Consumer Affairs Grant Scheme for a total of \$531,119.

Consumer Affairs Grant Scheme (CAGS)

The Consumer Affairs Grant Scheme provides an alternative and more responsive means for the Ministry of Consumer Affairs to fulfil its education, information, conciliation and consultation objectives by resourcing consumer and community groups to assume greater responsibility in these areas. The scheme reflects the Government's recognition of the need to increase consumer awareness and make consumer services more accessible and relevant to all citizens of Victoria.

A list of funded projects under the Consumer Affairs Grant Scheme is included in Appendix 11 on page 123.

Consumer Affairs Residential Tenancies Grant Scheme (RTGS)

The Consumer Affairs Residential Tenancies Grant Scheme provides the opportunity for residential tenancy matters to be addressed at a community level through the encouragement and involvement of community based tenancy groups and other appropriate community or consumer interest groups. The scheme provides an alternate and more responsive means for informing the community as to their tenancy rights and obligations, assistance and referral, education, tenancy research and consultation. The scheme reflects the Government's recognition of the need to increase the community's awareness of residential tenancy matters and to make residential tenancy advice, assistance and representation more accessible and relevant to landlords and tenants of Victoria.

Grants approved under the Residential Tenancies Grant Scheme were made under Section II (f) of the Residential Tenancies Act 1980. They are also listed in Appendix 11 on page 127.

In order to assess the effectiveness of the Grant Schemes, program indicators consistent with the purpose and objectives of the Grant Schemes were established and agreed upon between the Ministry and funded groups.

COMMUNITY AWARENESS AND CONSULTATION

This action is aimed at ensuring that funded organisations are accountable, and that activities undertaken remain relevant to the objectives of the Ministry.

ANTI-POVERTY STRATEGY - COMMUNITY CREDIT PROGRAM

Following the announcement by the Government in February of an Anti-Poverty Strategy in Victoria involving the allocation of funding over four years for a Community Credit Program administered by the Ministry of Consumer Affairs, consultation was conducted on the purposes and operation of the Program.

Comments were sought to ensure that all relevant issues would be taken into account in designing the Program, placing particular emphasis on coverage and eligibility requirements.

A discussion paper was widely circulated for comment, and subsequent issues raised were taken into account in the development of guidelines for funding. (These guidelines are available from the Ministry upon request.)

As a result of these consultative processes and development of the guidelines the Program was put into effect during 1986 with applications being invited for funding.

Purposes of the Community Credit Program

The broad goal of the Anti-Poverty Strategy is to ensure that all Victorians can participate on equal terms in society. The Anti-Poverty Strategy recognises that to achieve this goal there must be a planned redistribution of resources and opportunities. In this context, the purpose of the Community Credit Program is to increase access by low-income people to the financial market and to influence the consumer credit industry to be more responsive to the needs of low-income people.

There are four objectives which underpin this overall purpose.

- 1 To strengthen the network of credit advocacy for low-income people and improve community recognition and understanding of the problems they face.
- 2 To ensure that low-income consumers are able to purchase major household items at reasonable prices and on fair terms.
- 3 To improve access by low-income people to low-cost consumer credit.
- 4 To help low-income people plan and organise their finances so that they can meet their financial requirements.

COMMUNITY AWARENESS AND CONSULTATION

The principles governing eligibility for funding have emphasised self-help and equity, and have recognised the importance of existing community linkages and networks in resolving issues and problems. Care has been taken to ensure that the Program will encourage greater responsiveness of the consumer credit industry to the needs of low-income people, and will have a significant on-going impact on the capacity of these people to finally become financially self-supporting.

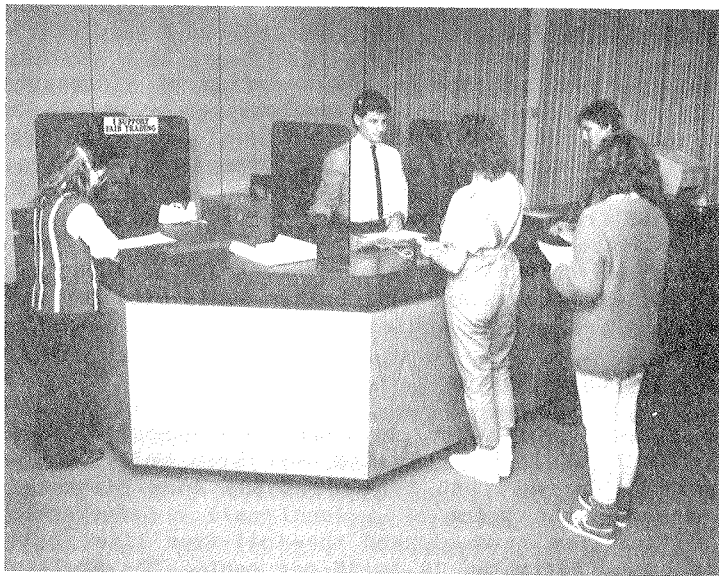
A total of seventeen organisations were allocated grants under the Community Credit Program totalling \$475,000. A list of approved projects and services provided is shown in Appendix 12 on page 128.

PUBLIC ACCESS

The public access to the Ministry is enhanced through the provision of Customer Information Services and regional and local consumer services, to ensure that accurate information on consumer matters is available, relevant referrals are made, remedies are identified, and emerging trends and possible problems recognised.

CUSTOMER INFORMATION SERVICES

Through its Customer Information Services Branch the Ministry provides information and referral services for all consumers, traders, tenants, landlords, and the general public. The Branch acts as the first point of contact for all telephone and personal enquiries.



The Ministry's public enquiry counter

COMMUNITY AWARENESS AND CONSULTATION

These services aim to provide a speedy, accurate and appropriate response to all written, personal and telephone enquiries on consumer and tenancy matters. Since its inception in March 1984, the branch has dealt with 248,021 enquiries, of which 59% per cent relate to general consumer issues and 41% per cent to tenancy matters.

Collecting and collating data derived from dealings with customers assists in identifying issues of concern, trends and problem areas in the marketplace and has enabled the Ministry to establish early warning systems, so that necessary follow up action can occur with minimum delay.

The major developments in 1985/86 were the following -

Staffing

During 1985/86 an increase in permanent staffing positions within the Branch reduced the amount of regular rostering needed from staff of other branches of the Ministry.

The benefits of this expansion were offset by a turnover of staff, and the time and other resources committed to the training of new staff were reflected in an increased waiting time for telephone enquiries.

A move to increase the involvement of funded community groups in handling public enquiries, as appropriate, should improve the Ministry's performance in this area, as well as providing valuable training experience for the groups themselves.

Staff Training and Development

A self-contained training package and a series of videotapes on specific consumer affairs and tenancy topics, supplemented by written material, work observation and practical experience, was developed. The program was used as an orientation, training and reference package by public enquiry staff.

Experience gained from use of the package resulted in its further refinement and development into not only a Ministry reference tool, but as an aid for use by consumer and community groups. This training material, coupled with the Ministry's computer system, will better equip Ministry staff to rapidly and appropriately respond to enquiries.

008 Toll-free Telephone System.

The "008 toll-free" service to the Ministry's computerised Automatic Call Distributor (ACD) telephone system has been well received by country Victorians who, during 1985/86 made 4,593 long distance calls to the Ministry, each for the price of a local call. Unfortunately, recurring technical difficulties have blocked the toll-free line at times, reducing availability by an estimated 10 to 15 per cent. The fault in this system has recently been rectified.

COMMUNITY AWARENESS AND CONSULTATION

Computerisation of the Enquiry Information Base

During 1985/86, the branch's manual information system was computerised, with acceptance trials completed in late May 1986. The system is now operating and the training of Customer Information Officers as operators is well advanced.



The system is providing more efficient storage and retrieval of information, and ensures greater consistency and accuracy of advice to customers, more extensive and accurate information on marketplace trends and practices, and more flexible and comprehensive management reporting.

Statistics relating to Customer Information Services enquiries are outlined in Appendix 13 on pages 130 and 131.

REGIONAL SERVICES

During 1985/86, further substantial progress was made in rationalising and improving the delivery of Ministry services throughout the State.

Currently a combination of service delivery types are being tested by the Ministry. These include the use of free-standing Government offices, cooperative arrangements with other Government departments, sharing facilities with community groups and through utilisation of the Grant Scheme empowering local agencies such as resource centres and Citizens Advice Bureaux, to actively participate in providing consumer advice and information dissemination at the local level.

COMMUNITY AWARENESS AND CONSULTATION

All of the above service delivery types are aimed at achieving a highly responsive and cost-efficient service based on co-operative regional planning whilst also maximising community awareness and knowledge about Consumer Affairs matters.

The Ministry maintained regular visiting services to the following regional centres using Victorian Government offices: Geelong (1st and 3rd Monday of each month), Ballarat (2nd Monday), Bendigo (3rd Monday), Traralgon (4th Monday) and Wangaratta (4th Monday).

This service was enhanced by:

- i) the Ministry's mobile unit visiting specific cities and towns in Victoria's country regions on a regular schedule over 46 weeks of the year; and



- ii) the operation of the Western Suburbs Regional Office at 20 Droop Street, Footscray all day on Mondays and Tuesdays, and Wednesday evenings.

In developing an information base concerning the needs of consumers for organisations dealing with the public, a series of training and information sessions have been undertaken by Ministry staff.

COMMUNITY AWARENESS AND CONSULTATION

Training programs and information sessions were held in the Barwon, Glenelg, Upper Murray, Mallee and East Gippsland regions together with three sessions which were held at the head office. These sessions were held for appropriate community groups and organisations funded by the Ministry.

Representatives of many funded groups and organisations also accepted an invitation to visit the Ministry for familiarisation and orientation.

This activity not only creates an awareness of the Ministry's functions but further enhances the ability of the funded groups to provide effective consumer advice within their own localities.

The Western Suburbs office located at Footscray continued to play an important role in delivery of the Ministry's Regional Services during 1985/86. The office, open two and a half days per week undertook 6386 transactions including 616 consumer complaints (see Appendix 13, page 133).

The opening of the office on Wednesday evenings was increasingly popular, further demonstrating a need for an after hours service.

The Western Suburbs office continued to be shared with the Department of Industry Technology and Resources until that Department recently relocated in its own premises. Arrangements were since negotiated with the Department of Sport and Recreation to share the premises with the Ministry along with an officer of the Environment Protection Authority. Such arrangements demonstrate cooperative measures which can be reached between Departments as a cost-efficient and mutually beneficial exercise.

Regional services activities are summarised in Appendix 13 on page 132.

EDUCATION AND PUBLIC AWARENESS

One of the Ministry's major priorities is to educate consumers and traders as to their rights and obligations in the marketplace and to ensure that knowledge of market practices is available to allow qualitative judgments and freedom of choice by consumers. During 1985/86 the Ministry concentrated its activities in this area in four major areas - community, traders, schools, and media and publicity.

COMMUNITY EDUCATION

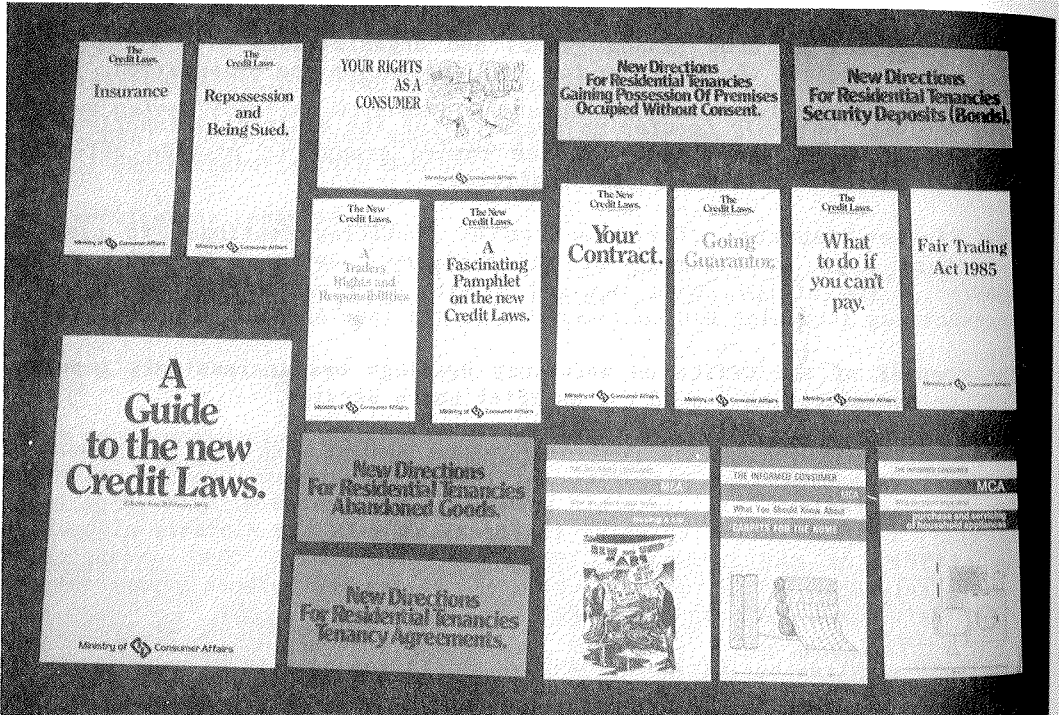
Literature

The program of literature review commenced in the previous year continued during 1985/86.

The revised general consumer advice booklet, "Your Rights As A Consumer", was reprinted and distributed widely. Other Ministry brochures and

COMMUNITY AWARENESS AND CONSULTATION

publications were upgraded and several new publications were introduced, including a pamphlet explaining the provisions of the new Fair Trading Act.



During the year the Ministry satisfied 4489 separate requests for consumer education brochures, pamphlets and other publications, an increase of 308% on 1984/85's total of 1099.

Speaking Engagements

During 1985/86 the Ministry received an increased number of requests for speaking engagements from a variety of organisations.

Attention was given to the coverage of critical subjects including the new Credit Laws, the Fair Trading Act, Product Safety, effective complaint handling procedures, the role and function of the Ministry and specific areas such as Motor Cars, Residential Tenancies, Electrical Appliances, etc.

COMMUNITY AWARENESS AND CONSULTATION

Priorities for determining talks to be undertaken were defined in the previous year and can be summarised as follows:-

- . Assisting teachers and schools with resource materials.
- . Talks designed to assist people to take action as consumers.
- . Talks with industry groups, traders and trade associations.
- . Talks designed to assist vulnerable or disadvantaged groups.
- . Talks which have a multiplier effect within the community for dissemination of information.

The Ministry undertook 131 separate speaking engagements in the 1985/86 year.

Training Programs

Thirteen separate training programs were undertaken during the 1985/86 year.

The running of this type of in depth program proved to be an effective means of educating consumers and community groups on consumer affairs issues.

In the last year, training programs were conducted for a variety of groups including community health centres, citizen advice bureaux, community legal services, credit unions, financial counsellors, women's groups, migrant groups, disability resource groups, trader organisations.

TRADER EDUCATION

A major priority for the Ministry during 1985/86 was to place greater emphasis on Trader Education strategies.

To this end, during 1985/86, the Ministry formed an Industry Liaison Group, consisting of representatives from key commerce and industry associations, and officers of the Ministry. The aim of the group, which operates on an informal basis, is to increase and develop more effective communication links between the Ministry and commerce and to advise the Ministry on issues related to trader education. Several tasks were identified by this group, including the extension and updating of the booklet "Your Rights As A Consumer", the revision of all Ministry literature and the possible provision of specific Ministry training programs for trader groups. The Ministry has already been involved in a large number of speaking engagements with trader groups, including running sessions for shopping centres, trader associations and for Business Administration courses.

During the year, the Ministry received 53 requests from traders or commerce groups for speakers.

The Ministry also undertook a tour of major regional centres to inform credit providers, accountants and solicitors of their rights and obligations under the Victorian Credit Act. Part of the tour was organised in conjunction with the Australian Society of Accountants, and included

COMMUNITY AWARENESS AND CONSULTATION

locations such as Geelong, Ballarat and Bairnsdale. A new pamphlet was also introduced as a direct result of this tour, entitled "A Trader's Rights and Responsibilities under the Credit Act".

SCHOOLS

During 1985/86, the Ministry received 212 requests from schools for speakers on consumer affairs issues. The Education Branch, whilst attempting to meet requests to address large student audiences, considered speaking engagements to individual schools to be neither cost-effective nor educationally sound.

To more effectively reach this audience, the Ministry developed an innovative video and curriculum kit specially designed for schools. The video project was undertaken in conjunction with the Office of Consumer Affairs in the Commonwealth's Attorney-General's Department, and the Victoria Law Foundation. The 18 minute video, which is primarily aimed at young people in the 15 to 24 years age group, is accompanied by a comprehensive curriculum kit.

The kit includes questions and discussion points related to the video, case studies and teachers notes, and was produced in conjunction with the Victorian Commercial Teachers Association. Included in the curriculum kit is a board game developed by South Australia's Department of Public and Consumer Affairs called "Budget or Bust" - a game which enables students to acquire budgeting skills. Both the video and curriculum kit will be available on loan, at no cost, to all schools in Australia through the Ministry and selected agencies later in 1986.

The Ministry also received 596 separate requests from students and teachers for pamphlets and other publications, a 63 per cent increase on the previous financial year.

MEDIA AND PUBLICITY

A major priority of the Ministry's media activities over the past year was to consolidate and extend previous initiatives in this area. The promotion of the Ministry's activities in protecting consumer interests and enhancing general awareness of consumer issues continued, with encouraging results.

Ministerial Statements

The Minister issued 90 media releases over the past twelve months, an increase of 55% on 1984/85. These were distributed throughout Victoria, to appropriate metropolitan, regional and ethnic media outlets, to ensure the widest possible coverage of important issues. Particular attention was given to publicising the banning of unsafe products, warning consumers against unscrupulous traders and practices and increasing public understanding of new and often complex developments in the marketplace.

COMMUNITY AWARENESS AND CONSULTATION

Issues raised included the following:

- . advice to consumers concerning contracts entered into at major exhibitions and trade fairs;
- . warnings against the operation of particular companies such as the livestock leasing scheme of Hann Corporation Pty Ltd, the Circle of Gold chain letter, and dubious marketing methods of Habitat Conservation;
- . general warnings about electronic equipment purchased overseas, the unauthorised selling of membership and subscription lists, and problems with the labelling of AM/FM stereo equipment.

This activity was supplemented by matters raised in Parliament by the Minister. Where it was necessary in the public interest to draw attention to deceptive and potentially harmful conduct and to name the persons involved, such action was taken promptly and to good effect. Some of the matters raised included:

- . Warning to consumers concerning the operations of Dr Frank R Wallace, promoting a "neo-tech" get-rich-quick scheme;
- . Warning about bogus roof-tilers defrauding elderly pensioners;
- . Warning about a false charity operated by John Wilson, called the Homeless Children's Fund;
- . Warning about the misleading advertising of Doug Haslinger of Halberts, South Australia, and his so-called "Amazing Book" of genealogical history;
- . Warning about unfounded claims and unacceptable trading practices of Raymond Edward Gardner in his promotion of "Diet Circle".

Publicity Campaigns

Some of the Ministry's major initiatives during the year entailed publicity campaigns which generated a great deal of media interest and involvement.

The booklet "Your Rights As A Consumer" was launched by the Minister at Box Hill Shopping Centre in August 1985. In order to ensure that the advice contained in the booklet reached the largest possible audience, the Ministry produced a Community Service Announcement for television during the year. The announcement gave general information on the role and jurisdiction of the Ministry and invited viewers to ring the specified phone number for a copy of the booklet.

The high profile coverage provided by sections of the electronic media resulted in the booklet finding its way into over 2500 Victorian homes.

COMMUNITY AWARENESS AND CONSULTATION

In April 1985 the Minister launched the new Fair Trading Act at a regional shopping centre, an occasion attended by representatives of industry and commerce and widely reported by the electronic and print media.



(Photo courtesy of the Herald & Weekly Times Ltd)
The Minister for Consumer Affairs, Mr Peter Spyker,
officially launching the Fair Trading Act

Media Liaison

An encouraging feature of the Ministry's media activities in 1985/86 was the growing interest from all sections of the media in consumer issues. As well as the increased coverage given to general media releases, the number of direct enquiries received by the media rose by 27%, from 174 in 1984/85 to 221 this year. All of these enquiries were thoroughly researched and answered promptly, and with a view to promoting consumer awareness of critical issues and the Ministry's programs and activities.

This frequent contact with media outlets provided an opportunity to develop ongoing two-way channels of communication, and steps were taken recently to formalise this liaison.

On one level, this took the form of monitoring selected Consumer Affairs programs in the electronic media. This widened the Ministry's awareness of and improved its responsiveness to topical issue and problems, and enabled feedback and follow up with the programs concerned.

As well, progress was recently made on the development and implementation of a more 'pro-active' media strategy, in order to maximise media involvement and co-operation in achieving the Ministry's overall objectives. This included the Director's weekly discussion of topical issues on 3AW which commenced recently.

REDRESS AND ADJUDICATION

OBJECTIVE

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

CONCILIATION

A Conciliation Branch management target, set at the beginning of the year under review, of reducing the average delay in initiating action on new complaints from 9 to 6 weeks, was achieved.

	1984/85	1985/86
Number of complaints received	10,752	10,747
Number of complaints investigated	9,920	10,139

A full analysis of consumer complaints is contained in Appendix 14 on page 134.

TRADER DISCUSSIONS

It was necessary on a number of occasions for Ministry staff to call in traders where alleged breaches of consumer legislation had been detected, or the recurrence of similar complaints suggested an unacceptable trading practice.

Such meetings proved to be most constructive in a number of cases in resolving consumer complaints, preventing future ones, and improving liaison with traders.

One particular trader in the health insurance area referred to in last year's report continued to hold discussions in order to resolve complaints, and reach a common ground. The number of complaints received was greatly reduced, and a more responsive attitude towards consumer complaints emerged.

REDRESS AND ADJUDICATION

SPECIFIC AREAS OF COMPLAINT

Motor Vehicle Industry

The number of complaints generated by the motor vehicle industry remained fairly constant in the past twelve months, although it still represents the highest ratio of complaints lodged with the Ministry.



Unfortunately, there was recently an apparent resurgence of high pressure selling techniques and virtual standover tactics when consumers subsequently attempted to cancel a contract.

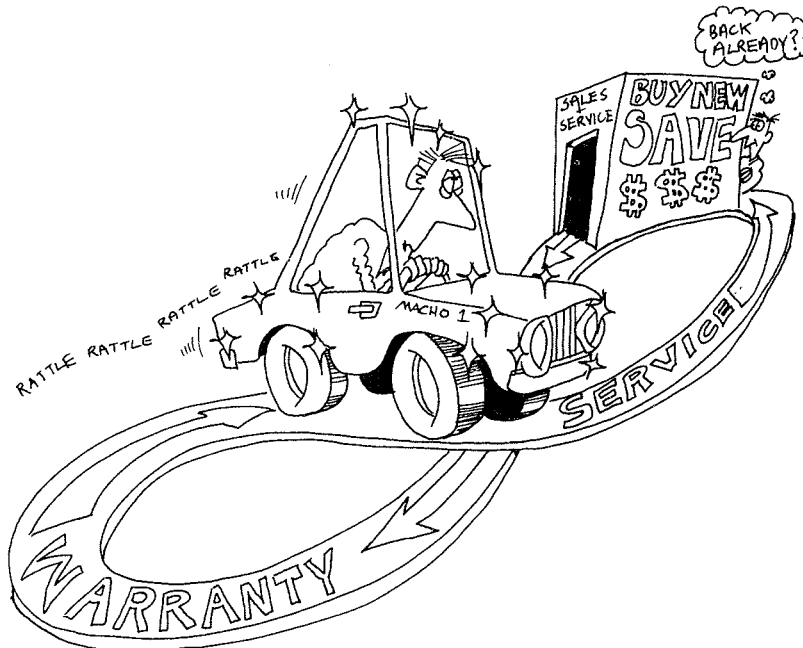
Such practices are obviously unacceptable, and may provide the basis for an objection by the Director of Consumer Affairs to the licence renewal of the trader concerned.

It has long been a practice in the motor vehicle industry for dealers to sell to consumers an extended warranty following their purchase of a new or used vehicle.

Unfortunately, the Ministry continued to receive a significant number of complaints in this area. Problems related to excessive price, limited cover, failure to give refunds, and the denial of legitimate claims.

It appears that some traders have misrepresented the benefits of such extended warranties to unsuspecting consumers.

REDRESS AND ADJUDICATION



Another practice of some concern was the increasing incidence of some used car traders working in conjunction with licensed roadworthy vehicle testers to provide dubious roadworthy certificates. In one recent case, a consumer purchased a used vehicle which was covered by a current roadworthy certificate. After taking delivery of the car, he became concerned with safety related faults which developed. A test with the VACC revealed twenty-three roadworthy defects which included faults to steering, suspension and brakes.

As well as taking action to resolve individual complaints, the overall situation in relation to these problems is being closely monitored by the Ministry.

Direct Marketing (Mail Order)

The Ministry last year was inundated with complaints against mail order, direct selling companies. Of particular note was "Diet Circle", a company promoting and selling a slimming preparation of dubious and unsubstantiated quality. Consumers began to complain to the Ministry when the product had not been delivered many weeks after placing their order, and during the year over five hundred complaints were received.

As a result of intervention by the Ministry, either the product or a refund was usually received by consumers.

REDRESS AND ADJUDICATION

The proprietor of the business, Mr R Gardner, was requested to discuss his operations with the Ministry. A meeting was convened and a number of undertakings were given by Mr Gardner, but unfortunately, these were not kept.

Wide media attention was given to Mr Gardner and "Diet Circle" since that meeting, and hopefully consumers will be very wary about sending money to similar schemes in the future. In the meantime, the Ministry's Industry Regulation Branch is investigating appropriate action with a view to controlling Mr Gardner's future activities.

Consumers need to be aware of the risks involved in ordering goods by mail and need to decide whether these risks may outweigh the possible benefits to be obtained. If the merchandise is available locally, comparison shopping is obviously imperative. The price should be compared and additional costs such as postage should be considered.

The advantages of immediate delivery from a local vendor and the availability of that vendor if problems arise are also relevant.

Travel Industry

Travel agents continued to cause concern to the Ministry. The "disappearance" of Peter Marzella of Supersonic Travel affected several consumers who had paid for overseas travel but had not received tickets. It is understood that the Fraud Squad is still investigating this matter.

Also of serious concern were the operations of Martin Newell of Newell Travel, who has taken payment in full for overseas travel, often months in advance, while not producing the tickets until the day before the consumer's departure date. In one case, Mr Newell sold a consumer an airline ticket from Melbourne to London and return, via Singapore and Colombo. What the consumer had not been advised was that the flight was confirmed as far as Colombo, the Colombo to London leg being wait-listed only. After spending three days in Colombo trying to board a flight to London without success, and being advised that he may have to wait another four days before he could leave Colombo, the consumer decided to return to Melbourne. His family, who had travelled from Scotland to London to meet him, were deprived of the pleasure. The consumer is taking action to recover the moneys he paid to Newell Travel.

Complaints were also received from numerous consumers about the performance of this agent in relation to interstate coach travel. Complaints concerned long delays in advertised departure times, inadequate and unsuitable coaches, failure to collect passengers at advertised ports of call on a route and the failure of Newell Travel to compensate consumers in any way. Discussions are still being held with Mr Newell and possible courses of action evaluated.

REDRESS AND ADJUDICATION

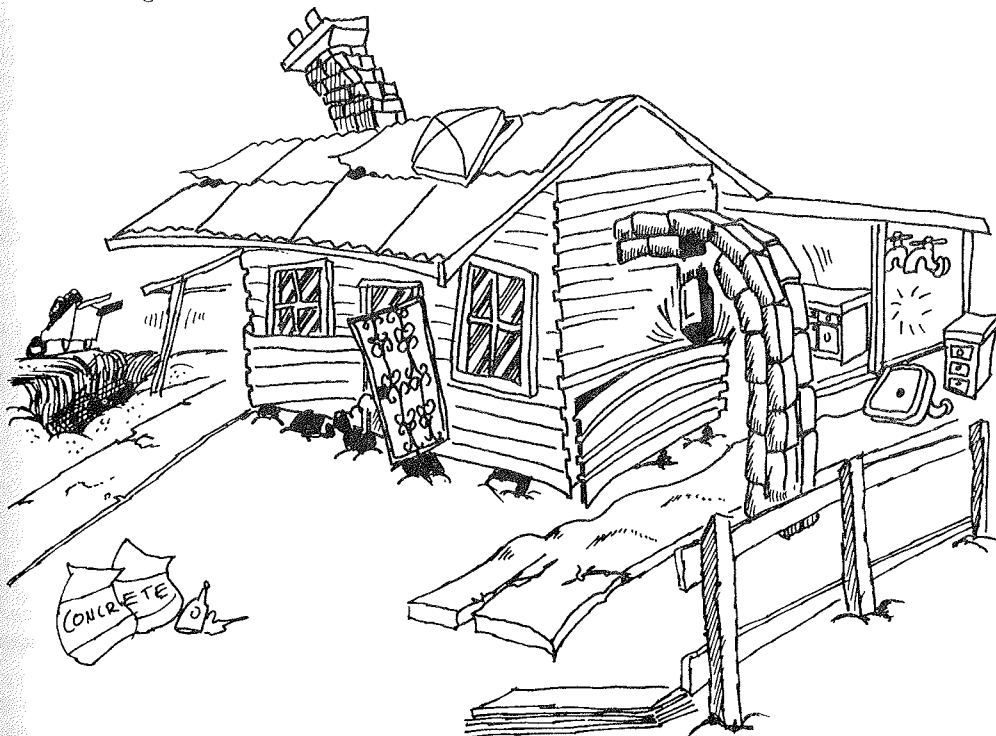
It is interesting to note that the majority of complaints received concern a handful of travel agents. It is these agents who are tarnishing the reputation of the whole travel industry. Reputable agents have urged for legislation to regulate the travel industry.

The proclamation of the Travel Agents Act should eliminate most of the common problems in the travel industry.

Building and Construction Industry

This is still a major area of complaint, relating to:

- . poor workmanship;
- . poor materials;
- . delays;
- . either no guarantees or worthless guarantees;
- . false or misleading representation of products;
- . some unrealistic expectations from consumers;
- . lack of proper shopping by consumers;
- . insufficient contract details;
- . payments of large deposits (or total moneys);
- . lack of knowledge of both consumers and traders in relation to legislation and remedies.



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Over the years the Ministry and trade associations, have published pamphlets and conducted media campaigns in an attempt to advise consumers of the steps required to protect themselves and the remedies available to them. Although these have been partially successful, the number of complaints received suggests that intensive efforts are still required.

In the building and allied industries, lack of awareness can have costly consequences for consumers. The amount of money involved in the disputes is often considerable, and a lack of clear and detailed contractual commitments on behalf of all parties can ultimately lead to matters being litigated or prepared for litigation often at great expense to both parties. Of concern is the apparent readiness or willingness of consumers to sign a contract or related documents without fully reading and understanding the contents.

Some consumers mistakenly believe that what they are signing is only a quotation or is not legally binding, or else they are under the misapprehension that they have a cooling off period in which to reconsider. A cooling off period of ten days is available only if a contract was entered into as a result of an unsolicited approach from a business or a trader.

The Ministry has maintained close links with relevant trade associations, and has been able to resolve many complaints as a result of such contacts.

The Ministry is, however, concerned at the relative ease with which some persons who do not have trade qualifications or expertise manage to secure projects or employment in house renovations. That these people have been employed by companies on sub contract is most disturbing. It is clear that many workmanship problems can be attributed to lack of qualifications or expertise.

Complaints concerning house cladding have been a cause for concern over the last four years, but with meetings held during this year with various manufacturers and distributors it is anticipated that the overall situation will improve considerably.

Although it would be unrealistic to assume that problem traders will suddenly cease their activities overnight, a more reputable and cooperative industry will eventually force such operators from the market place.

Credit Reporting Act 1978

This Act, in part, regulates the operations of various credit reporting agencies with respect to the nature, accuracy and dissemination of information retained on a consumer's credit file. Under the Act, the Director of Consumer Affairs, upon request by a consumer, is able to check information retained on a credit file and if warranted, seek the amendment of some information.

REDRESS AND ADJUDICATION

A cause for concern is the failure of various credit providers to amend a default listing. That is, if a consumer defaults in his monthly payments, it is probable that his credit provider will refer the default to the credit reporting agent. The default then shows up on the consumer's credit file but if or when the consumer makes up the arrears, it is usually not struck out from his credit file.

Credit providers should be aware of their responsibility not only to report defaults, but also to advise the credit reporting agent when the consumer's account is brought up to date.

During the year under review, the Ministry received five complaints against credit reporting agents.

Residential Tenancies

As in previous years, the majority of residential tenancies complaints received, dealt with the retention of bonds or security deposits.

Landlords are still retaining security deposits contrary to the provisions of Section 77 of the Residential Tenancies Act, which specifies the conditions under which the security deposit may be retained.

Another concern is the breaking of fixed term tenancy agreements by tenants. Tenants should realise that they are contractually bound by the agreement and are responsible for the payment of rent up to the contracted final date of the tenancy. Release from a fixed term lease, in the majority of cases, is achieved by the agreement of both landlord and tenant.

Liquidation and Failed Businesses

A major concern over the last few years has been the number of liquidations and business closures that occur. This year was certainly no exception. Major building companies, swimming pool companies and suppliers of building products failed, causing many consumers to forfeit both goods and moneys they had paid.

With the exception of new home contracts, there is no guarantee that consumers will be protected from failed companies. In other company failures, the position of consumers as unsecured creditors means that it is very unlikely they will receive any return from the distribution of the company's remaining assets. The difficulties experienced by Ministry officers in explaining this to consumers suggest that many are totally unaware of this situation.

The Ministry makes every effort to anticipate such business failures, and to prevent or minimise resultant consumer losses. However, care must be taken not to jeopardise legitimate attempts by businesses to trade out of temporary difficulties. Adverse publicity can hasten or even precipitate a

REDRESS AND ADJUDICATION

company's financial demise, and in some cases consumer interests are best served by encouraging the company concerned to rationalise its operations and deal responsibly with existing consumer complaints.

Property Sales

A number of schemes have surfaced recently which purport to match prospective buyers and sellers of commercial and private properties.

These schemes have usually proved to be rather unsuccessful, and in some cases there is serious doubt as to whether any effort at all has been made for clients.

A large number of complaints were received during the year concerning the operations of Property and General Private Sales Pty Ltd, a company which claimed to match prospective buyers and sellers of properties by means of a computer listing scheme.

Investigation of complaints revealed that the company had ceased trading with no remaining assets, leaving consumers with no avenue of redress.

Of particular concern in this case was the company's practice of obtaining the consumer's name and credit card number over the phone and debiting the consumer's account before providing any goods or services. Many consumers were led to believe that documentation would be forwarded to them for consideration before any payment would be required. While this form of consumer prepayment may be practicable or necessary in some circumstances or particular industries, consumers should be aware that giving such details over the phone does enable their account to be accessed without the need for written confirmation.

SPECIAL PROJECTS - DEFAULTING TRADERS

In the 1984/85 Annual Report reference was made to three special projects undertaken by the Ministry through its Conciliation Branch. These projects, which related to defaulting traders, have now been completed.

The most complex and large scale of these concerned Electronic Sales and Rentals (ES & R) Geelong, Ballarat and Albury. Since late 1983, sales people from ES & R had sold a video package deal involving a video recorder, lifetime membership of a video library, free gifts, etc, to consumers in their own homes. The price paid for this package varied from \$2,000 to \$5,000, and usually involved the use of a credit facility established by ES & R with various credit providers.

A company named Adams Electronics Pty Ltd purchased the franchise in Geelong, Ballarat and Albury and set up outlets in these towns. A number of serious problems developed with the company's operations, and by April 1985 the three video libraries had closed and consumers were unable to obtain

REDRESS AND ADJUDICATION

service and free movie swaps, as contracted. Adams Electronics Pty Ltd went into liquidation and consumers who had paid cash for their video package deal were unable to obtain redress.

However, the Ministry was in a position to seek compensation for consumers who had entered into loan contracts with the various credit providers. The Ministry's Conciliation Branch devised a formula which was eventually accepted by the respective credit providers, based on the principle that consumers should not pay for any goods or services they did not receive.

A great deal of co-operation was received from a community consumer group called the Geelong Budgeting Advisory Service (now the Geelong Financial Counselling and Consumer Information Service), who organised meetings in Geelong and collected the information pertaining to the consumer contracts with ES & R and with the credit providers.

The Ministry was eventually able to contact over 700 consumers. The formula was then applied to each loan contract and amounts credited to consumers' accounts. Where the consumer had previously paid out the loan contract, refund cheques were disbursed by the credit providers. After approximately eight months of negotiation and calculation of individual accounts, it was estimated that consumers received about 1.5 million dollars in compensation.

Similar projects were undertaken and completed in relation to two other companies which ceased trading in early 1985. TESCO Frozen Foods and Allied Sales and Service were both involved in the sale of frozen food plans and associated appliances on a pre-payment basis, often through a credit facility established by the company with a particular credit provider.

Action taken by the Ministry along similar lines to the ES & R project resulted in an agreement with the credit providers that consumer would not be pursued for outstanding credit payments.

The obligations placed on such linked credit providers by the Credit Act in relation to misrepresentation or breach of contract by the supplier involved mean that in some circumstances the consumer may seek compensation from the linked credit provider. The Ministry anticipates that credit providers who previously linked up with suppliers of future services will now totally divorce themselves from trading schemes which require a membership of some type, such as health and fitness clubs, video package deals and freezer food services.

At the time of writing this report, credit providers were clearly avoiding such membership schemes.

TRIBUNALS

Hearings of all three Tribunals are conducted at the offices of the Ministry at 500 Bourke Street, Melbourne and at other centres throughout the State. As part of the Ministry's commitment to regionalisation and improved access

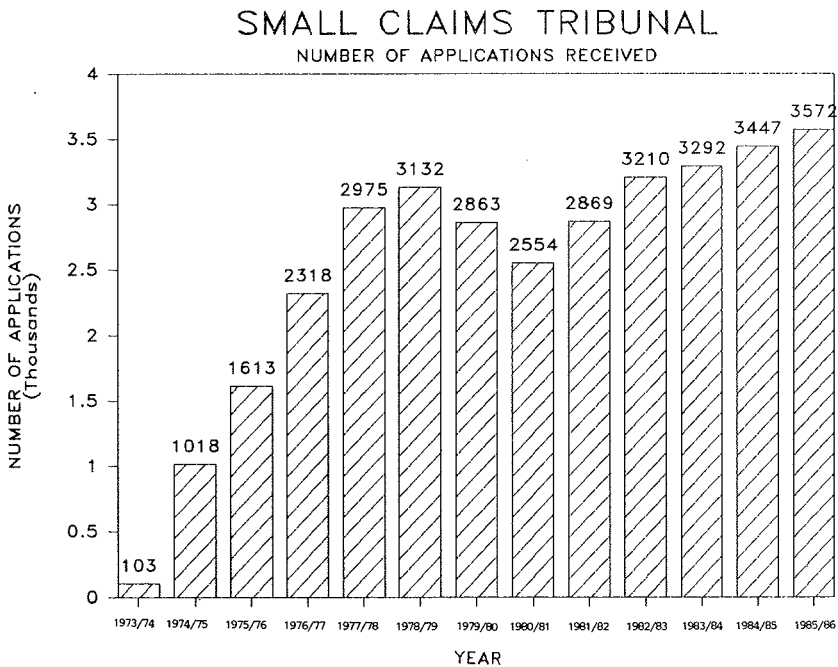
REDRESS AND ADJUDICATION

to services, hearings were conducted in regional venues on 585 days during 1985/86, an increase of 157.7% over the previous year (see Appendix 15 on page 149 for full details).

Computerisation of the previously manual system during the year will enhance the future efficiency and responsiveness of the Tribunals operation.

SMALL CLAIMS TRIBUNALS

The graph below shows the number of applications to the Small Claims Tribunal since its inception in February 1974.



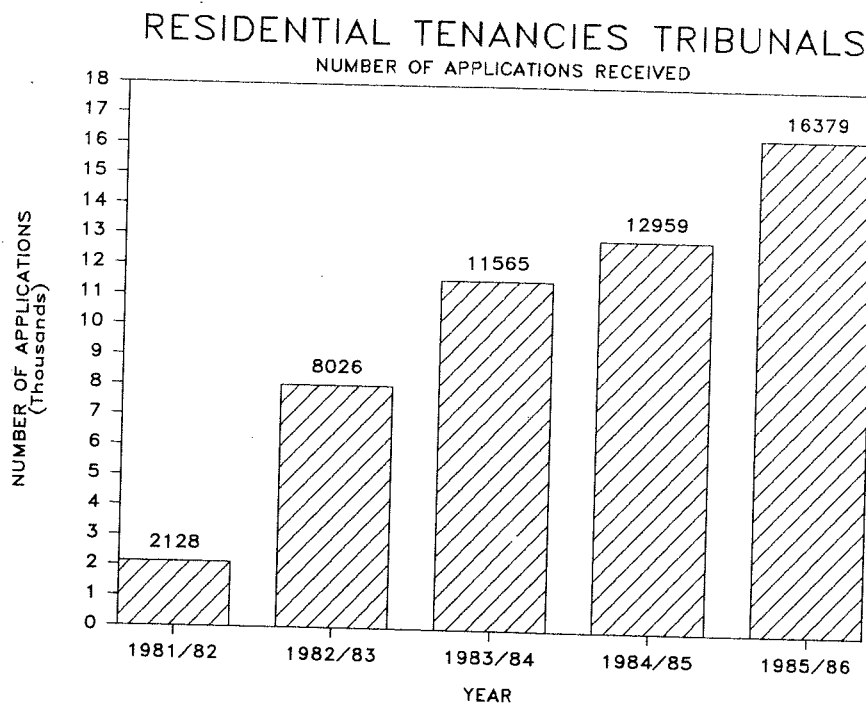
The 3,572 claims lodged in the general division of the Small Claims Tribunal during 1985/86 was an increase of 3.6% on 1984/85 when 3,447 were lodged.

A detailed analysis of claims determined is contained in Appendix 15 on pages 150 to 155.

REDRESS AND ADJUDICATION

RESIDENTIAL TENANCIES TRIBUNAL

The number of applications to the Residential Tenancies Tribunal has risen dramatically in each year of operation, as can be seen in the bar graph below which shows applications on a yearly basis:-



During 1985/86, 16,379 applications were lodged, an increase of 26.4% on the 12,959 applications received in 1984/85.

Cases are listed for hearing promptly with some extremely urgent matters being listed within days or even hours of lodgement. 91.2% of the applications were lodged by landlords and 8.8% by tenants with the most common applications being for possession of the premises. However, the high proportion of applications lodged by landlords as opposed to tenants relates primarily to the requirements placed on landlords to apply to the Residential Tenancies Tribunal whenever they seek possession of the premises outside the terms of the tenancy agreement or seek to keep any portion of a security deposit for any other reason except rental arrears. On the other hand tenants may submit claims to the Ministry of Consumer Affairs for conciliation or use the services of community groups involved in tenancy matters.

REDRESS AND ADJUDICATION

The Residential Tenancies Tribunal is also responsible for hearing disputes over "prescribed premises" as defined in the Landlord and Tenant Act, including disputes over rental increases, evictions and repairs to premises occupied by "protected Tenants".

CREDIT DIVISION, SMALL CLAIMS TRIBUNAL

The Credit Division of the Small Claims Tribunal came into existence with the proclamation of the Credit Act 1984 and the Credit (Administration) Act 1984 on 28 February, 1985, and is empowered to hear disputes between credit providers and consumers relating to contracts which arose after that date.

The Credit Division differs from the general division of the Small Claims Tribunal in jurisdictional and procedural aspects.

Disputes are adjudicated by the Referees of the Small Claims Tribunal taking cognizance of the legislative provisions of the Credit Acts. They are able to determine disputes to a limit of \$20,000 in the case of credit sale contracts, loan contracts or continuing credit contracts between consumers and credit providers, or in the case of the goods financed being agricultural machinery or a commercial vehicle to an unlimited value.

Legal representation is generally desirable in these cases and the proceedings are more formal than those in the other two jurisdictions. Nonetheless, the objective of a timely and accessible hearing of a dispute is achieved and the costs that can be awarded are minimal so that parties are not discouraged from taking action due to the risk of prohibitive costs. Applications can be lodged by debtors, guarantors, credit providers and other parties involved in the credit contract. During the year 36 claims were lodged the majority by the Consumer Credit Legal Service on behalf of its clients.

Proceedings are more complex and lengthy than in the other Tribunals but to enable matters to be dealt with expeditiously, a system of preliminary hearings was instituted. This provided a forum for settlement and a means of having all parties to the dispute as fully informed as possible of the stance of the other parties to the dispute prior to a full hearing. Monetary amounts involved in the disputes have ranged from approximately \$500.00 in a case involving the financing of a television receiver to approximately \$75,000 in a dispute involving the loan of moneys for the purchase of a truck and trailer.

Applications to the Tribunal can also be made by credit providers. For instance, some applicants sought permission from the Tribunal to gain possession of mortgaged goods located on the premises of defaulting debtors and three claims were lodged where a Credit Provider sought to increase liability of a debtor where the Credit Provider had not executed contracts and/or documentation within the parameters defined by the credit legislation.

**REDRESS AND
ADJUDICATION**

The jurisdiction seems likely to grow in the coming year as more contracts come within its ambit and as the community, including credit providers becomes more aware of its existence.

EVALUATION AND FUTURE DIRECTIONS

The Ministry set out in its Annual Report for the 1984/85 year its objectives, and priority tasks for the coming year.

The corporate planning and management processes of the Ministry have largely proved to be highly effective in ensuring that activity has been focused according to corporate priorities, and that programs have been responsive to changing needs and circumstances.

In the next year, we will be critically examining the areas in which we have not achieved our targets (as stated in the Annual Operating Plans of each of the Ministry's Divisions) and taking correction action. This may involve management improvement measures, trying to direct more resources to under-serviced areas, or re-stating our aims in more realistic terms.

The Overview section, and the detailed program narratives, clearly indicate many successes of the Ministry. The passage of the Fair Trading Act and its consequent enforcement, implementation of the Community Credit Program, introduction of computers in the customer information and adjudication areas, major policy review activity in the motor car traders and house builders liability fields, and greatly improved procedures for processing inquiries, complaints, claims and licensing applications have all been of evident benefit to consumers and traders alike.

Matters for specific attention during the coming year include:-

- . significant legislative reform in the motor car traders and home-building, repairs and renovations areas, drawing on substantial reviews now under way;
- . integration of all aspects of the Ministry's licensing responsibilities, focused around a single licensing authority for which legislative mandate is expected in the first half of 1987;
- . comprehensive review of trade measurement (weights and measures) and packaging and labelling functions; rationalising activity in line with overall Ministry objectives reflecting Government priorities;
- . refinement of financial, human resources, and information management. New technology, including implementation of the FM-80 financial management system, will support these activities;
- . re-assessment of inquiry-handling procedures, and the further development of partnerships with relevant community groups and organisations to improve customer services;
- . finalisation of new structures and procedures for the servicing of claims-handling and licensing, to ensure maximum efficiency and effectiveness;

EVALUATION AND FUTURE DIRECTIONS

continued promotion of industry self-regulation, including close liaison with industry associations in working towards an improved self-regulatory framework.

The statistical sections of this report indicate a general increase in activity over the previous year. General comment and the results of special surveys indicate that the Ministry is operating effectively and:

the great majority of people, whether consumers or traders, appreciates the independence and impartiality of the conciliation and adjudication processes for which the Ministry is responsible;

most people believe that the information they are given by the Ministry, whether directly through the Customer Information Service or indirectly through literature and awareness programs, helps them in resolving problems;



Providing advice to consumers in the Ministry's mobile van.

everyone would like easier, quicker access to the Ministry!

while trying to meet legitimate requirements of consumers and providers, the emphasis of the Ministry must be on countering unfair and inequitable trading practices that disadvantage consumers.

As anyone who tries to make use of our services knows only too well, there are delays in obtaining access to some of the Ministry's services. However, it would be unrealistic for us to think that we could (or should) meet all demands placed upon us. The development of the social justice strategy will assist the Ministry in identifying much more sharply real needs, and allow it to distinguish them from less urgent matters. This will further refine the objectives of equity and fairness as set out in our Corporate Plan.

EVALUATION AND FUTURE DIRECTIONS

Consumer issues in general, and those relating to Ministry Consumer Affairs responsibilities in particular, are likely to be very much in the spotlight over the next three to five years.

Presumably, the effects of the economic situation may manifest themselves in less willingness on the part of traders who are hard-pressed to give consumers the benefit of the doubt. Consumers may find themselves equally pressed and will seek the exercise of their rights wherever possible.

Such a climate puts the Ministry on notice that it will have to be attuned to the needs of a more assertive marketplace. The Ministry can expect to have to focus attention on establishing, and enforcing the application of, acceptable standards of trading that reflect the fair trading ethos. At the same time, the Ministry would always wish to be in a position to negotiate appropriate resolution of disputes that arise from lack of understanding or failure of communication.

To an increasingly significant extent, the success of fair trading and social justice in consumer/trader relations will depend on the Ministry's capacity to engage business and industry bodies in healthy co-operative action on matters of concern. Ongoing liaison with industry is of the utmost importance in the future development of a fair market.

APPENDIX 1**LEGISLATION ASSIGNED TO THE MINISTRY OF CONSUMER AFFAIRS**

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

Local Government Act 1958 (Sections 918A to 918U)

Sections 918A to 918U of the Local Government Act have the aim of protecting purchasers of dwelling-houses from builders whose work is unfinished or defective. This is achieved through a guarantee which varies according to the magnitude of the defect and the value of the work.

The guarantee can be given by a guarantor or an insurer, but at present the only guarantor is Housing Guarantee Fund Ltd, a private company formed by the Master Builders' Association of Victoria and the Housing Industry Association and approved by the Minister. As well as acting as a guarantor, this company must by law maintain registers of builders whom it recognizes and of houses it has guaranteed.

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.

Building Contracts (Deposits) Act 1962

Provides that a builder on entering into a contract to construct, alter or add to a dwelling house or any building, structure or fence which is appurtenant to a dwelling house must pay any amount received by way of deposit in excess of \$500 into a special purpose account in a bank in Victoria nominated by the builder, in the joint names of the owner and builder.

Finance Brokers Act 1969

Regulates finance brokers through a system of licensing. Under the Act, the Registrar has the power to cancel licences and impose restrictions upon commissions that may be payable to a finance broker. The Act has provisions relating to unfair advertising and misrepresentations.

APPENDIX 1**LEGISLATION ASSIGNED TO THE MINISTRY OF CONSUMER AFFAIRS****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. It prohibits certain dishonest or undesirable trading practices, such as false or misleading advertising. The Act requires the marking of prescribed merchandise, for example, footwear. Under the Safe Design and Construction of Goods provisions 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.

Also 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 of the Commonwealth to ban those goods, or upon the recommendation of the Director of Consumer Affairs.

Also provides for the establishment of a Consumer Affairs Committee to advise the Minister.

The Ministry of Consumer Affairs Act 1973

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

Small Claims Tribunals Act 1973

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 \$3,000. Orders thus made have the full force of the law.

Motor Car Traders Act 1973

Provides for the establishment of the Motor Car Traders Committee, whose functions include issuing licences to motor car traders (including wholesalers and auctioneers) and the administration of a Guarantee Fund.

Stipulates that contracts for the sale of motor vehicles must be in writing, and prescribes statutory warranties for used cars. It also prohibits the sale of used cars unless a notice of prescribed particulars is attached to the car, and provides that second-hand motor vehicles sold by licenced traders have (depending upon the cash price of the vehicle) a statutory warranty.

APPENDIX 1

LEGISLATION ASSIGNED TO THE MINISTRY OF CONSUMER AFFAIRS

Market Court Act 1978

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

Firstly, the Director can bring an action against a trader before the Court. The Court can, by order, restrain a trader from engaging in unfair conduct.

Secondly, the Director can enter into a Deed of Assurance with a trader, which has the same effect as an order of the Market Court but is less costly and time consuming than an action before the Court.

Credit Reporting Act 1978

Under an agreement reached between the Attorney-General and the Credit Reporting Bureaux the Act provides that certain rights are bestowed on credit users who want to verify the information kept on their file by the Credit Bureaux. The Director of Consumer Affairs also assumes responsibility under the agreement for the investigation of any file allegedly containing wrong information.

Residential Tenancies Act 1980

Section 7, Part II, Sections 64, 71, 77 (4)-(7), 96, 100, 101, 106, 108, 111, 112, 113, 127-135, 136 (4)-(6) and Part VI.

Sets out the rights and responsibilities of both the tenant and landlord in relation to residential tenancies.

Also establishes the Residential Tenancies Tribunal to resolve disputes between tenants and landlords. Decisions by the Tribunal are final and binding on the parties.

Chattel Securities Act 1981

Parts 1 and 2 of the Act are administered by the Ministry of Consumer Affairs and provide for the mechanics of the operation of the security interest. The rules of priority of competing interest in goods are also provided for. Part 3 of the Act, which provides for the establishment of a registration system of security interests in motor vehicles, is administered by the Road Traffic Authority.

APPENDIX 1

LEGISLATION ASSIGNED TO THE MINISTRY OF CONSUMER AFFAIRS

Employment Agents Act 1983

After consideration of comment on a discussion paper issued by the Ministry of Consumer Affairs, it has been decided that there are alternative strategies available under the Fair Trading Act 1985 which more adequately address consumer affairs problems associated with the "employment agents" industry. The Government will not, therefore, proclaim the provisions of Act which have been overtaken by the Fair Trading Act. It is understood, however, that the Department of Labour proposes to seek the proclamation of parts of the Act to overcome specific problems in the theatrical industry.

Weights and Measures Act 1958, excluding Section 58B

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

Regulates, through the Ministry and Local Government Authorities, the use and testing of weighing and measuring instruments for trade. The Act requires the verification of instruments to specified standards on commissioning and the reverification of them at prescribed periods of time to maintain their accuracy.

Also sets out the manner in which goods, whether weighed or measured in the presence of the purchaser, assembled to the order of a person or pre-packed in advance for sale, may be sold.

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.

APPENDIX 1

LEGISLATION ASSIGNED TO THE MINISTRY OF CONSUMER AFFAIRS

Credit (Administration) Act 1984

Provides for the administrative framework for implementing the Credit Act.

It also provides for the establishment of the Credit Licensing Authority to conduct licensing of credit providers. The Credit Licensing Authority has the power to suspend or cancel a licence where a credit provider is acting in an unfair or illegal manner.

The Act also provides for the Small Claims Tribunals to hear disputes between consumers and credit providers.

Fair Trading Act 1985

This legislation is modelled upon the 'prohibitions' or 'protections' found in Division 1 of Part V of the Commonwealth Trade Practices Act, with the accompanying remedy and enforcement provisions.

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

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

APPENDIX 2

CREDIT ACT 1984 EXEMPTION ORDERS

	Credit Orders		
		15J	Musical Instruments Leases Exemption
1	Housing Loan Contracts	16	American Express Extended Payment Plan
2	Pawnbrokers	17	AGC Credit Line
3	Monthly Account Charges	17A	Dealer Finance
4	Low Value Transactions	17B	Exempt Credit Unions
5	Existing Continuing Credit Contracts	18	Citicorp Ready Credit
6	Bank Continuing Credit Contracts	19	Salary Deductions
7	Substitution of Mortgaged Property	20	Supply of Goods
8	Taking Possession of Fixtures	21	Australian Films
9	Powers of Mortgagee	22	Overseas Visitors Cash Advances
10	Mortgage Exemption	23	Westpac Bankcard Contracts
11	Variation of Insurance	24	Petrol and Taxi Cards
12	Insurance Premium Financing	25	Citibank and Citicorp Continuing Credit Contracts
13	Insurance Premiums in Trust	26	Recognised States
14	Petrol and Taxi Cards- Revoked (see 24)	27	HFC Financial Services Limited
15	Term Loans	28	Mercantile Credits Ltd Continuing Credit Contracts
15A	Rural Finance Commission	29	Chase AMP Bank Ltd Continuing Credit Contracts
15B	Stock and Station Agents	30	Statement of Account Payable on Demand
15C	Arcadian Wool Brokers	31	National Mutual Royal Bank Limited
15D	Mildura Cooperative Fruit Company Ltd	32	Statement of Account
15E	Pacific Seven Pty Ltd	33	Natwest Australia Bank Limited
15F	Chase AMP Bank Limited: Visa Card	34	Westpac Continuing Credit Contracts
15G	Continuing Credit Contract Variations		
15H	Multiple Card Systems		
15I	Bonlac Foods Limited		

Credit (Administration) Orders:

Private Mortgagee
Licensing Exemption

International Harvester
Credit Corporation

Solicitors Nominee Lending
Exemption

Trustee Lending Exemption

APPENDIX 3A**LIST OF PUBLIC OFFICE HOLDERS WHO
DECLARED THEIR PECUNIARY INTERESTS TO THE MINISTER**

David Hall	Director of Consumer Affairs	
Judith O'Neill	Assistant Director, Policy	
Andrew Levens	Assistant Director, Management and Information Services	
Susan Holmes	Assistant Director, Education and Community Programs	
Graham Dent	Assistant Director, Regulation and Standards	
Andrew Lachowicz	Senior Adviser	
Hans Janssen	Superintendent of Weights and Measures	
Joseph Nieuwenhuizen	Minister's Adviser	
Karen Goldhahn	Private Secretary to the Minister	
Susan Mueller	Confidential Secretary to the Minister	
Richard Viney	Chairman, Credit Licensing Authority and Motor Car Traders Committee (full time)	
Michael Levine	Chairman and Senior Referee, Tribunals	
Colin Kent	Roderic Armitage	Greg Bickley
Anthony Duggan	Keng Lee	Bruce Revill
Brian Barnfield	Frederick Wray	John Trevenen
Jack Heward	Janine Maher	William Holloway
Greg Levine	Mary Slade	Graeme Johnstone
Kathy Dimitscheff	Frank Plata	Rosemary Musolino
Adrian Bradbrook	John Lesser	Janice Slattery
Peter McMullin	John Myers	Neil Cole
Damien Cremean	Linda Dessau	Jacqueline Kefford
Peter Lauritsen	Cathy McCallum	Dick Gross
Graeme Harris	David Murden	Case Muskens
John Collins	Maurice Reed	Margaret Roberts
Michael Sherry	George Williams	Maureen Willmott
Bill Ford	Brian Pittard	Leanna Darvall
John Fulton	Margaret Hansen	Paul Hassall
David Jones	Catherine Laffey	Dorothy Leviston
Elaine McNamara		

APPENDIX 3B

Persons employed as reported to the
Department of Management and Budget
in the June 1986 Return

	Males	Females	Total
Full time	139	77	216
Part time	15	20	35
Total	154	97	251

APPENDIX 4

OCCUPATIONAL HEALTH AND SAFETY

In accordance with section 29(1) of the Occupational Health & Safety Act 1985, the Ministry in response to a request from the Victorian Public Service Association conducted negotiations on the definition of work places and designated work groups under the above Act.

The agreed work places and designated work groups are:-

<u>Workplaces</u>	<u>Designated Work Groups</u>
1 500 Bourke Street	(a) All keyboard operators (b) 2nd Floor except keyboard operators (c) 5th Floor except keyboard operators (d) 8th Floor except keyboard operators
2 Weights and Measures Branch	(a) Weights and Measures Branch
3 Western Suburbs Regional Office	(a) Western Suburbs Regional Office.

The Ministry also agreed with the VPSA on a schedule for the training of Occupational Health and Safety representatives elected by Ministry staff in respect of each designated work group.

The actual training, formation of committees and other requirements will take place early in the coming period.

APPENDIX 5**MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1985/86****MINISTRY OF CONSUMER AFFAIRS****SUMMARY OF RECEIPTS AND PAYMENTS FOR THE YEAR ENDED****30 JUNE 1986**

PAYMENTS	NOTES	APPROPRIATIONS - CONSOLIDATED FUND		TRUST FUND				TOTAL			
		1985-86	1984-85	1985-86	1984-85	1985-86	1984-85	1985-86	1984-85		
		Special Annual	Total	State Accounts	Common-wealth Accounts	Total	Total				
		\$	\$	\$	\$	\$	\$	\$	\$		
Corporate Services Program		-	1,892,051	1,892,051	1,475,604	599,218	-	599,218	549,830	2,491,269	2,025,434
Community and Consumer Services Program (p)		-	4,397,881	4,397,881	2,214,968	2,037,530	-	2,037,530	1,958,080	6,435,411	4,173,048
NET PROGRAM PAYMENTS		6,289,932	6,289,932	3,690,572		2,636,748	-	2,636,748	2,507,910	8,926,680	6,198,482
Add Administration Costs recouped from Motor Car Traders Guarantee Fund		86,078	86,078	110,950							
Total Consolidated Fund Payments		-	6,376,010	6,376,010	3,801,522						
PUBLIC ACCOUNT ADVANCES											
TOTAL ALL PAYMENTS										8,926,680	6,198,482

APPENDIX 5

MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1985/86

MINISTRY OF CONSUMER AFFAIRSSUMMARY OF RECEIPTS AND PAYMENTS FOR YEAR ENDED30 JUNE 1986

RECEIPTS	NOTES	CONSOLIDATED FUND		TRUST FUND			1985-86	TOTAL	1984-85	1985-86	TOTAL	1984-85
		1985-86	1984-85	1985-86	Common-wealth Accounts	Total						
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Corporate Services Program		13,339	22,232	5,552,008	-	5,552,008	3,403,196	5,565,347	3,425,428			
Community and Consumer Services Program (p)		1,331,989	695,146	829,392	-	829,392	757,420	2,161,381	1,452,566			
NET PROGRAM RECEIPTS		1,345,328	717,378	6,381,400	-	6,381,400	4,160,616	7,726,728	4,877,994			
Add Administration Costs recouped from Motor Car Traders Guarantee Fund		86,078	110,950									
TOTAL CONSOLIDATED FUND RECEIPTS		1,431,406	828,328					-	-			
PUBLIC ACCOUNT ADVANCES												
TOTAL ALL RECEIPTS								7,726,728	4,877,994			

APPENDIX 5

MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1985/86

PUBLIC ACCOUNT PROGRAM RECEIPTS FOR THE YEAR ENDED 30 JUNE 1986

Ref.	Notes	1985-86	1984-85
		\$	\$
<u>CORPORATE SERVICES PROGRAM</u>			
<u>CONSOLIDATED FUND</u>			
Fees and Charges -			
	Freedom of Information	233	125
	Recoup Administration Costs	--	--
	Community Employment Program	97	5,515
<u>Miscellaneous Receipts</u>			
	Appropriations of former Years	1,644	4,431
	Commission on Group Assurance	326	277
	Premiums		
	Commission on Hospital and Medical		
	Deductions	463	192
	Costs awarded in court proceedings	5,926	4,115
	Sale of Government property	--	4,322
	Small amounts paid in by Departments	4,650	3,055
	Surplus cash	--	200
	TOTAL CONSOLIDATED FUND	13,339	22,232
<u>TRUST FUND</u>			
<u>State Trust Accounts</u>			
1.	Residential Tenancies Fund	5,552,008	3,403,196
	TOTAL TRUST FUND	5,552,008	3,403,196
	<u>TOTAL GROSS PROGRAM RECEIPTS</u>	5,565,347	3,425,428

APPENDIX 5

MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1985/86

PUBLIC ACCOUNT PROGRAM RECEIPTS FOR THE YEAR ENDED 30 JUNE 1986

Ref.	Notes	1985-86	1984-85
		\$	\$
<u>COMMUNITY & CONSUMER SERVICES PROGRAM</u> (p)			
<u>CONSOLIDATED FUND</u>			
Taxation -			
2.	Credit Providers Licences	595,412	693,146
	Finance Brokers Licences (q)	250,411	--
Fees and Charges -			
3.	Weights and Measures		
	- Inspection Fees (q)	481,748	2,000
	- Recoups	276	--
	Small amounts paid in by departments	774	--
	Small Claims Tribunal Application Fees(r)	<u>3,368</u>	<u>---</u>
	NET	1,331,989	695,146
Add Administration Costs recouped from Motor Car Traders Guarantee Fund		<u>86,078</u>	<u>110,950</u>
TOTAL CONSOLIDATED FUND		1,418,067	806,096
<u>TRUST FUND</u>			
<u>STATE TRUST ACCOUNTS</u>			
	Residential Tenancies Fund	92,089	112,156
	Motor Car Traders Guarantee Fund (h)	<u>737,303</u>	<u>645,264</u>
TOTAL TRUST FUND		829,392	757,420
TOTAL GROSS PROGRAM RECEIPTS		2,247,459	1,563,516

APPENDIX 5

MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1985/86

PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED 30 JUNE 1986

Ref	Notes	Budget 1985-86	Actual 1985-86	Actual 1984-85
		\$	\$	\$
CORPORATE SERVICES PROGRAM				
<u>CONSOLIDATED FUND</u>				
ANNUAL APPROPRIATIONS				
<u>Recurrent Expenditure</u>				
4.	Salaries and Associated Costs (i)	1,575,150	1,507,976	1,308,265
5.	Operating Expenses (j)	256,000	287,446	160,716
6.	Other Recurrent Services Victorian Consumer Affairs Committee	--	--	6,623
	Total Recurrent Expenditure	1,831,150	1,795,422	1,475,604
<u>Works and Services Expenditure</u>				
	Administrative Unit Payments EDP Facilities and Services Project	72,000	70,629	--
7.	Micro computer Strategy	--	26,000	--
	Public Works Department (n)	--	--	--
	Total Works & Services Expenditure	72,000	96,629	--
	<u>TOTAL GROSS CONSOLIDATED FUND</u>	1,903,150	1,892,051	1,475,604

APPENDIX 5

MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1985/86

PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED 30 JUNE 1986

Ref	Notes	Actual 1985-86	Actual 1984-85
		\$	\$
<u>TRUST FUND</u>			
<u>State Trust Accounts</u>			
Motor Car Traders Guarantee Fund		12,061	369
Residential Tenancies Fund		579,651	378,841
Community Employment Program			
Treasury Trust	(m)	<u>7,506</u>	<u>170,620</u>
TOTAL TRUST FUND		599,218	549,830
		-----	-----
		-----	-----
TOTAL GROSS PROGRAM PAYMENTS		2,491,269	2,025,434
		-----	-----

APPENDIX 5

MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1985/86

PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED 30 JUNE 1986

Ref	Notes	Budget 1985-86	Actual 1985-86	Actual 1984-85
		\$	\$	\$
<u>COMMUNITY & CONSUMER SERVICES PROGRAM</u>				
	(p)			
<u>CONSOLIDATED FUND</u>				
ANNUAL APPROPRIATIONS				
<u>Recurrent Expenditure</u>				
8,4	Salaries & Associated Costs	(k) 2,966,200	3,173,163	1,852,891
8	Operating Expenses	(l) 452,550	438,010	217,076
	Other Recurrent Services			
	Victorian Consumer Affairs Grant Scheme	237,000	224,109	145,000
9,6	Victorian Consumer Affairs Committee	25,000	2,438	--
	Community Credit - Anti Poverty Strategy - Grants and Expenses	500,000	477,056	--
	Total Recurrent Expenditure	4,180,750	4,314,776	2,214,967
<u>Works & Services Expenditure</u>				
	Public Works Department Payments			
	Building & Civil Engineering - including maintenance	51,000	35,755	--
	Administrative Unit Payments			
7	Micro Computer Strategy	--	47,350	--
	Total Works & Services Expenditure	51,000	83,105	--
	<u>Add Administration Costs recouped from Motor Car Traders Guarantee Fund</u>	90,100	86,078	110,950
	TOTAL GROSS CONSOLIDATED FUND	4,321,850	4,483,959	2,325,917

APPENDIX 5

MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1985/86

PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED 30 JUNE 1986

Ref	Notes	Actual 1985-86	Actual 1984-85
		\$	\$
<u>TRUST FUND</u>			
<u>State Trust Accounts</u>			
		403,085	340,304
		1,632,092	1,533,951
		2,353	83,825
	(m)	2,353	83,825
		2,037,530	1,958,080
TOTAL TRUST FUND			
TOTAL GROSS PROGRAM PAYMENTS			
		6,521,489	4,283,998

APPENDIX 5

MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1985/86

APPENDIX 5A - ADDITIONAL TRUST FUND INFORMATION
STATEMENT OF TRUST FUND BALANCES FOR THE YEAR ENDED 30 JUNE 1986(a) General Trust Accounts

	<u>Notes</u>	<u>Cash</u>	<u>Investments</u>	<u>Total</u>
		\$	\$	\$
Motor Car Traders				
Guarantee Fund		1,239,528	--	1,239,528
Residential Tenancies				
Fund	(0)	1,066,261	6,850,000	7,916,261

(b) Suspense and Accounting
Type Trust Accounts

Departmental Suspense Account		189,862	--	189,862
Housebuilders Liability		12,000	--	12,000

APPENDIX 5

MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1985/86

APPENDIX 5A - ADDITIONAL TRUST FUND INFORMATION
STATEMENT OF TRUST ACCOUNTS WITH PAYMENTS OF EXCESS OF \$200,000 FOR THE YEAR
ENDED 30 JUNE 1986MOTOR CAR TRADERS GUARANTEE FUND

	Notes	1985-86	1984-85
		\$	\$
Receipts			
Licence Fees		665,330	636,560
Fines	(h)	<u>71,973</u>	<u>8,704</u>
Total Receipts		<u>737,303</u>	<u>645,264</u>
Payments			
Salaries and Allowances		225,797	201,121
General Expenses		32,512	29,666
Committee Fees		67,896	90,857
Claims against Guarantee Fund		88,941	19,029
Total Payments		<u>415,146</u>	<u>340,673</u>
Cash Surplus for the Year		322,157	304,591
Balance brought forward		<u>917,371</u>	<u>612,780</u>
Balance carried forward		<u>1,239,528</u>	<u>917,371</u>

APPENDIX 5

MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1985/86

APPENDIX 5A - ADDITIONAL TRUST FUND INFORMATION
STATEMENT OF TRUST ACCOUNTS WITH PAYMENTS OF EXCESS OF \$200,000 FOR THE YEAR
ENDED 30 JUNE 1986RESIDENTIAL TENANCIES FUND

	Notes	1985-86	1984-85
		\$	\$
Receipts			
Interest on Bond Monies		4,571,887	3,403,196
Fees		112,415	91,953
Rent - Special Account		40,295	20,203
Gifts, Donations & Bequests		64	--
Other		1,227	--
Interest on Investments	(o)	<u>918,209</u>	<u>--</u>
Total Receipts		<u>5,644,097</u>	<u>3,515,352</u>
Payments			
Salaries and Allowances		1,350,000	1,218,618
General Expenses		357,126	286,696
Computerisation		163,569	153,691
Tenants Advice Service - Grant		186,840	173,250
Other Grants		115,220	64,600
Payments to Tenants and Landlords		<u>38,988</u>	<u>15,937</u>
Total Payments		<u>2,211,743</u>	<u>1,912,792</u>
Cash Surplus for the year		3,432,354	1,602,560
Balance brought forward		<u>4,483,907</u>	<u>2,881,347</u>
Balance carried forward		<u>7,916,261</u>	<u>4,483,907</u>

APPENDIX 5

MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1985/86

APPENDIX 5B - SUPPLEMENTARY INFORMATION AND STATEMENT OF BALANCES FOR THE YEAR ENDED 30 JUNE 1986

SUPPLEMENTARY INFORMATIONPayments from Appropriations of other Departments

As at 30 June 1986, the Ministry had made nil payments from appropriations of other Departments.

Resources Received and Provided free of charge

As at 30 June 1986, the Ministry had provided no significant staff resources to other organisations.

As at 30 June 1986, the Ministry had received no significant staff resources from other organisations.

STATEMENT OF BALANCESCash and Investment Balances

As at 30 June 1986, the Ministry had the following cash and investment balances held in accounts outside the Public Account which are administered, held or transacted by the Ministry.

	Cash	Investments	Total	Interest Earned for the year
	\$	\$	\$	\$
Small Claims Tribunal Trust Account	9,609	--	9,609	--
Suspense Account	15,411	--	15,411	--
Advance Account	(4,643)	--	(4,643)	--
Collections Account	12,196	--	12,196	--

Debtors

As at 30 June 1986 the following amounts were outstanding

- <u>Debtors of the Ministry</u>	1985/86	1984/85
	\$	\$
Accounts Receivable - Weights & Measures	43,667	251
Salary Recovery	<u>2,997</u>	<u>218</u>
	46,664	469
	-----	-----

APPENDIX 5

MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1985/86

APPENDIX 5B - SUPPLEMENTARY INFORMATION AND STATEMENT OF BALANCES FOR THE YEAR ENDED 30 JUNE 1986

Debtors (continued)

- <u>Amounts collected but not paid to the Public Account</u>	1985/86	1984/85
	\$	\$
Weights and Measures	1,639	--
Residential Tenancies Fund	--	290
Motor Car Traders Guarantee Fund	--	875
Recoups	--	174
	<u>1,639</u>	<u>1,339</u>

General Stores on Hand

As at 30 June 1986, the Ministry had nil stores on hand.

Creditors

As at 30 June 1986, the Ministry had the following amounts outstanding:

	1985/86	1984/85
	\$	\$
General Expenses	148,880	20,918
Personal Expenses Claims	<u>4,292</u>	<u>1,391</u>
	153,172	22,309
	-----	-----

Capital Commitments

As at 30 June 1986, the Ministry had \$3,791 in Capital Commitments.

Leasing Commitments

As at 30 June 1986, the Ministry had nil Leasing Commitments.

Balance Outstanding on Loans

As at 30 June 1986, the outstanding loan balances on loans made by the Ministry including accrued interest were as follows:

	1985/86	1984/85
	\$	\$
Loans under Residential Tenancies Act	200	200

APPENDIX 5

MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1985/86

NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 1986

- (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, wages and pensions which are reported on an accrual basis.
- (b) The financial details provided in Appendix B 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 workers' compensation 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 Public Works Department have been included in the financial statements to provide a comprehensive statement of the resources allocated to the Administrative Unit.
- (e) A reference in the financial statements to a 'Budget' figure means:
- (i) the estimates for recurrent expenditure and works and services expenditure specified in an annual appropriation Act for that year; and
 - (ii) the estimates for special appropriation specified in the Victorian Budget document entitled "Receipts and Program Expenditures" published in respect of that financial year.
- (f) A reference in the financial statements to an 'Actual' figure means the payments actually made by the administrative unit in respect of the item to which it refers.
- (g) The receipts and payments set out in the financial statements include receipts and payments which come within the overall responsibility of the administrative unit whether or not they have been collected or paid by the administrative unit.
- (h) The Ministry has overall policy responsibility for the Motor Car Traders Guarantee Fund. Receipts include fines paid into the Fund by the Law Department, totalling \$71,973 in 1985/86 (\$8,704 in 1984/85).

APPENDIX 5

MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1985/86

(i) Actual Expenditure 1985/86 comprised:	Budget 1985/86 \$	Actual 1985/86 \$	Actual 1984/85 \$
Salaries and allowances	1,458,000	1,399,531	1,195,797
Overtime and penalty rates	2,000	3,241	2,114
Payments in lieu of long service leave	13,400	6,961	11,181
Payroll tax	87,600	83,346	81,407
State Employees Retirement Benefit Fund - Contribution	3,400	3,759	3,639
Employers Superannuation Contribution	10,750	11,138	10,682
Workers Compensation CEP Projects	--	--	3,445
	<u>1,575,150</u>	<u>1,507,976</u>	<u>1,308,265</u>

(j) Actual Expenditure 1985/86 comprised:			
Travelling and subsistence	16,100	17,759	18,489
Office requisites and equipment, printing and stationery	63,700	74,513	55,840
Books and publications	16,500	16,734	9,834
Postal and telephone expenses	44,200	54,708	28,813
Motor vehicles - purchase and running costs	16,400	19,174	5,402
Fuel, light, power and water	--	3,910	--
Incidentals	16,500	14,776	14,275
Electronic Data Processing	36,600	44,701	24,415
Consultants and Special Projects	46,000	41,171	3,648
	<u>256,000</u>	<u>287,446</u>	<u>160,716</u>

(k) Actual Expenditure 1985/86 comprised:			
Salaries and allowances	2,792,000	2,985,709	1,737,836
Overtime and penalty rates	6,300	9,401	5,127
Payroll tax	167,900	178,053	108,070
Workers Compensation CEP Projects	--	--	1,857
	<u>2,966,200</u>	<u>3,173,163</u>	<u>1,852,892</u>

(l) Actual Expenditure 1985/86 comprised:			
Travelling and subsistence	130,500	128,523	34,749
Office requisites and equipment, printing and stationery	66,700	59,189	81,192
Book and publications	1,500	1,889	3,908
Postal and telephone expenses	17,000	13,702	6,593
Motor Vehicles - Purchase and running costs	127,300	110,662	21,029
Fuel, light, power and water	6,550	7,713	493
Incidental expenses	81,900	94,606	69,112
Electronic Data Processing	--	3,313	--
Stores, equipment and materials	21,100	18,413	--
	<u>452,550</u>	<u>438,010</u>	<u>217,076</u>

APPENDIX 5**MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1985/86**

- (m) Overall policy responsibility for the Community Employment Program belongs to the Department of Labour. For details of receipts into this trust account, refer to the financial statements of that Department.
- (n) Expenditure previously identified against this line in 1984/85 has been deleted. It is recorded in the accounts of the Department of Property and Services to avoid double counting.
- (o) As at 30 June 1986, the Department of Management and Budget had invested an amount of \$6.85 million from the Residential Tenancies Fund on behalf of the Ministry. Interest from these investments collected during 1985/86 totalled \$918,209.
- (p) In 1985/86, the Market Regulation and Enforcement, Community Awareness and Consultation and Redress and Adjudication Programs were amalgamated into a program titled Community and Consumer Services.
- (q) The financial statements include receipts and payments in respect of Weights and Measures, Housebuilders Liability and Finance Brokers/Money Lenders, following machinery of Government changes announced in 1984/85.
- (r) Application fees are paid in cash and by duty stamps. Fees shown represent only cash received by the Ministry. Prior to 1 February 1986, all application fees were paid by duty stamp(s).

APPENDIX 5

MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1985/86

EXPLANATORY STATEMENT

1. Receipts for the Residential Tenancies Fund rose substantially in 1985-86. This was mainly attributed to:
 - (a) Income from investments made by DMB on the Ministry's behalf.
 - (b) A general rise in interest rates on tenancy trust accounts lodged with approved institutions.
2. Credit legislation was proclaimed on 28 February 1985. Collections in 1985-86 were lower due to:
 - (a) 1984-85 revenue including non-recurring application fees; and,
 - (b) refunds to individuals and corporations who applied for licenses but were not required to hold them. Most of these refunds related to monies collected in 1984-85.
3. Inspection fees from the Weights and Measures function located at Birdwood Avenue, South Yarra, are not shown in the 1984-85 figures as the Local Government Department then had responsibility for that function. The 1984-85 comparative figure refers to Weights and Measures packaging functions transferred to the Ministry in June 1984.
4. \$83,200 was transferred from Corporate Service's salaries and associated costs to the Consumer and Community Services Program to meet salary and related expenses in that program, with the approval of the Treasurer.
5. Expenditure on administrative expenses was greater than estimated. The additional expenditure was financed by savings in administrative expenses in the Consumer and Community Services Program and additional funds provided by the Treasurer.
6. The appropriation line "Victorian Consumer Affairs Committee" changed from the Corporate Services Program in 1984-85 to the Community and Consumer Services Program in 1985-86.
7. Additional funds totalling \$74,000 were approved by the Treasurer to purchase microcomputer equipment. \$26,000 was allocated to Corporate Services and \$48,000 to the Community and Consumer Services Program.
8. In 1985/86 the Ministry was provided with funds to implement the Government's Fair Trading legislation proclaimed on 1 April 1986. Funds were allocated to the Community and Consumer Services Program as follows:

Salaries and associated costs	\$72,450
Operating expenses	\$ 7,900
9. Committee expenses were less than anticipated, inspite of the Committee functioning throughout 1985-86.

APPENDIX 5

MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1985/86

CERTIFICATIONStatement 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 1986, and of the Supplementary Information and Statement of Balances at the end of the financial year.

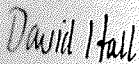


Acting Finance Manager
Ministry of Consumer Affairs
September 10, 1986

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 1986, and of the Supplementary Information and Statement of Balances at the end of the financial year.



David Hall
Director
Ministry of Consumer Affairs
September 10, 1986

APPENDIX 5

MINISTRY OF CONSUMER AFFAIRS FINANCIAL STATEMENTS 1985/86

Contact
 Telephone
 Our Ref:
 Your Ref:



1 MACARTHUR STREET
 MELBOURNE, VIC
 TELEPHONE: 651 9111

AUDITOR-GENERAL'S REPORT

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

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

In my opinion, the financial statements present fairly the financial transactions of the Ministry of Consumer Affairs for the year ended 30 June 1986 in accordance with the Annual Reporting Act 1983.

MELBOURNE
 19/9/1986

R.G. HUMPHRY
Auditor-General

APPENDIX 6**FREEDOM OF INFORMATION ARRANGEMENTS****REQUESTS**

During the 1985/86 financial year, the Ministry dealt with 58 requests made under the Freedom of Information Act. These requests had the following results:

Access granted in full	17
Request transferred in full to another agency	nil
Request transferred in part to another agency	1
Access granted in part only	28
Access denied	3
Access denied - no relevant material	6

At the time of reporting, 4 requests for the year under review are still in progress and decisions on these requests have yet to be made.

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

The information requested pertains to the judicial functions of a court (S6) - 3 requests

The document does not exist (S27(1)(e)) - 7 requests

Disclosure would be contrary to the public interest and would prejudice State-Commonwealth or State-State relationships (S29(a)) - 1 request

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

Disclosure would prejudice investigation of, or procedures dealing with, breaches or evasions of the law, or disclose the identity of a confidential source of information in relation to enforcement of the law (S31(1)) - 5 requests

The document is subject to legal professional privilege (S32(1)) - 1 request

Disclosure of the document would involve the unreasonable disclosure of the personal affairs of a third party (S33(1)) - 9 requests

Disclosure of the document would disclose information acquired by an agency from a business, commercial or financial undertaking, and which would expose the undertaking to disadvantage (S34(1)) - 3 requests

Disclosure would divulge material communicated in confidence by a person or government, which would be reasonably likely to impair the ability of an agency to obtain such information in the future (S35(1)(b)) - 21 requests

APPENDIX 6**FREEDOM OF INFORMATION ARRANGEMENTS**

The document is subject to an enactment prohibiting disclosure of information of the kind contained in the document (S38) - 1 request

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

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

During the period under review, 2 applicants sought an internal review of a decision in accordance with S51 of the Act.

In one case, the original decision was upheld. In the other case, the reviewing officer overturned the original decision.

The Ministry levied charges of \$300.20 in respect of 13 of the 58 requests. In addition, charges are yet to be assessed in respect of 6 of the requests.

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

By agency decision	11
Request by Member of Parliament	18
Request deemed to be in public interest	6
Request deemed to be routine	2
Financial hardship of applicant	2

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(s)
Ministry of Consumer Affairs	Director	Information Manager Asst Information Manager
Motor Car Traders Committee	Chairman	Secretary
Credit Licensing Authority	Chairman	Registrar

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

APPENDIX 6

FREEDOM OF INFORMATION ARRANGEMENTS

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

All responses to applicants are monitored by the Information Manager to ensure that the requirements of the legislation are fully observed.

FOI STAFF TRAINING AND DEVELOPMENT

Appropriate Ministry staff have attended a total of 5 training courses conducted by the Law Department.

Internal training sessions are planned in order to make all Ministry staff more aware of the implications of FOI legislation.

FOI PART II STATEMENT

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

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

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

Copies of the Part II Statement are available for inspection in the Ministry's Library or for purchase from the Information Manager.

APPENDIX 7CREDIT LICENSING STATISTICS 1985/86

Annual statements received		342
Applications for licences		49
Advertisements placed		13
Applications advertised		227
Hearings		
- no objection		117
- objection		9
	- DCA	- 5
	- Other	- 3
	- Both	- 1
Licences granted		
- with conditions and/or undertakings		60
- without conditions and/or undertakings		54
Licences refused or withdrawn following objections		5
	- DCA	- 0
	- Other	- 4
	- Both	- 1
Withdrawals of licence applications		137
Inspections of register of credit providers		0
Applications for approval of a form of document pursuant to S.153 of the Credit Act 1984		0

FINANCE BROKERS STATISTICS 1985/86

	<u>New Applications Granted</u> <u>During 1985/86</u>	<u>Licences Renewed as at</u> <u>30/06/86 for 1986-87</u>
Corporations	109	209
Individuals	66	100
Agents	47	67
	<hr/>	<hr/>
	222	376
	<hr/>	<hr/>

APPENDIX 7HOUSEBUILDERS LIABILITY STATISTICS 1985/86Total September 1985 - June 1986

Applications sent in	314
Applications approved	260
Placed on Bond Scheme	6
Applications refused	13
Applications pending	35

MOTOR CAR TRADERS LICENSING STATISTICS 1985/86As at 30/06/86

Licensed motor car trading businesses	2311
Premises licensed	2538
Licence holders	3224
Licences revoked	4

Objections by the Director of Consumer Affairs

- i) Philmore Motors Pty Ltd - licence renewed subject to conditions.
- ii) R & M Renzella trading as Peninsula Vehicle Sales - licence renewed subject to conditions.
- iii) G Hartley trading as Arcadia Motor Auctions - MCTC refused to renew licence.
- iv) Melbourne Motor Market Pty Ltd - licence renewed subject to conditions.
- v) P B & E L Wright trading as Camberwell Car Centre - licence renewed subject to conditions.
- vi) D`Arcy Russell trading as Charles Jansen Cars - licence renewed subject to conditions.
- vii) Jometi Pty Ltd trading as Bev/Glennis Selected Used Cars - did not proceed - trader ceased business.
- viii) T Grujin trading as Tony James Car Sales - not yet heard.
- ix) Ralena Pty Ltd - not yet heard.
- x) W Feltham trading as Lower Dandy Motors - not yet heard.
- xi) G & A Italiano trading as Auto Travel Leasing and Sales - not yet heard.

APPENDIX 8**BANNED PRODUCTS**

In the period of this report, the Minister has signed orders for seven interim bans and six permanent ones. These are -

**Product Banned**

Pull-Along Mini Loco

Reason for Banning

The paint on wooden blocks included with the train, has a lead content of 8%. Toxic by ingestion.

Interim Ban : 24/07/85

Permanent Ban : 7/08/85

Product Banned

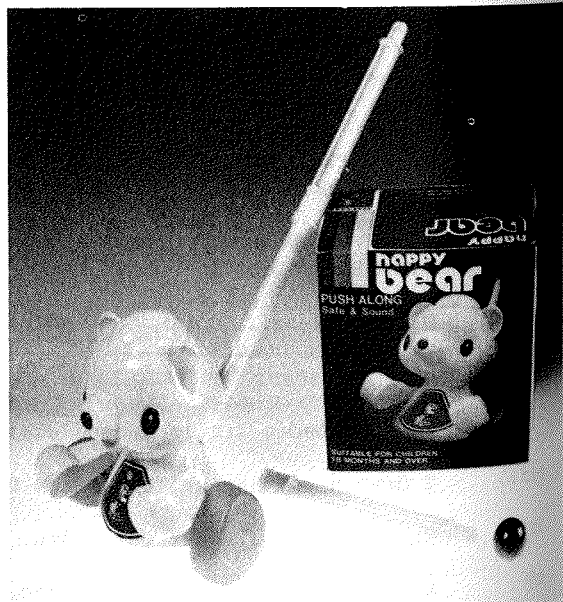
Happy Bear, Happy Penguin, Corn Popper and Ball Popper type Push-along Toys*

Reason For Banning

One reported death of an 18-month-old girl by asphyxiation due to small, round plastic handgrip which was inadequately attached.

Interim Ban : 10/7/85

Permanent Ban : 7/8/85



* Fisher Price Corn Pop Toys and John Sands Ball Popper Toys are exempt from the ban.

APPENDIX 8

BANNED PRODUCTS

Product Banned

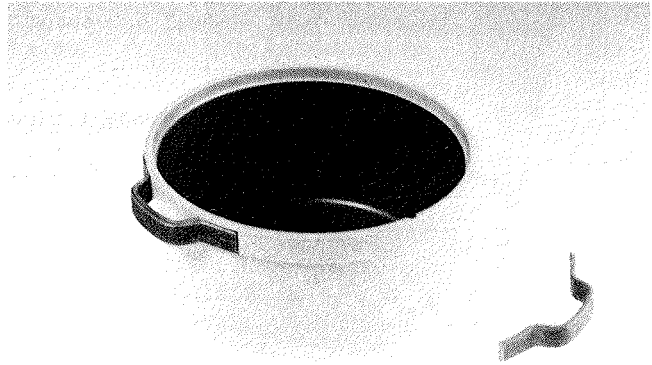
Habitat Microwave cookware

Reason For Banning

One person suffered second-degree burns due to wooden handles falling off after heating. Handles were inadequately secured.

Interim Ban : 14/8/85

Permanent Ban : 11/9/85



Product Banned

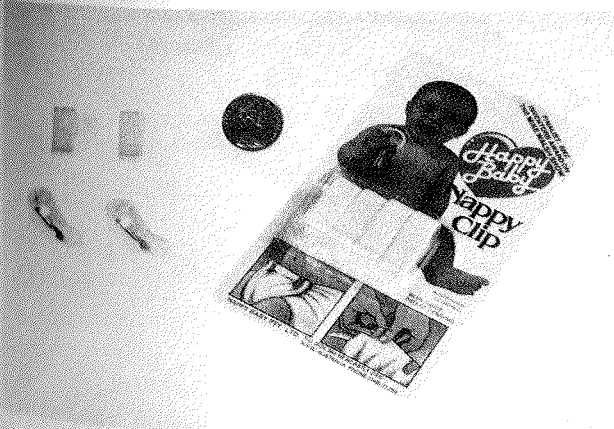
Happy Baby Nappy Clip

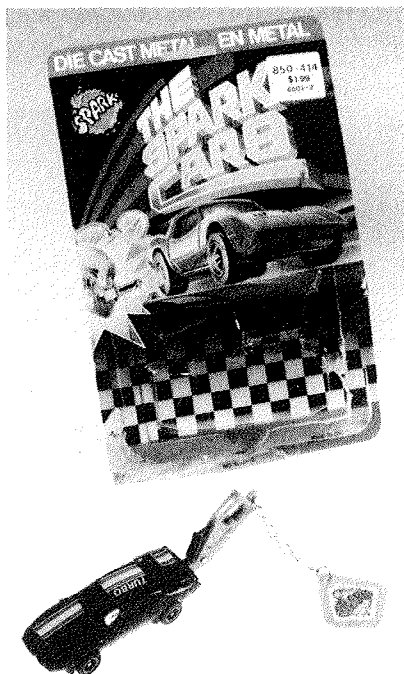
Reason for Banning

The plastic U-shaped slide-on pegs present an inhalation or ingestion hazard to babies.

Interim Bans : 18/12/85
21/01/86

Permanent Ban : 19/2/86



APPENDIX 8**BANNED PRODUCTS****Product Banned**

The Spark Cars

Reason for Banning

The toy cars are propelled by a spring which is released by a key. They have inadequate locking mechanisms causing keys to eject. One reported eye injury to a child after being struck by the key.

Permanent Ban : 5/3/86

Product Banned

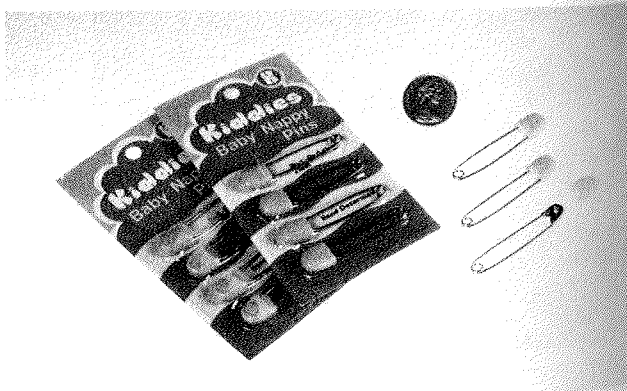
Kiddies Baby Nappy Pins

Reason for Banning

Attached plastic head cover presents ingestion hazard.

Interim Ban : 14/5/86

Permanent Ban : 18/6/86



Banned Product
Austrian Wines
(not pictured)

Reason for Banning
Wines contaminated with diethylene glycol. Toxic by ingestion.

Interim Ban
7/8/85

APPENDIX 9**DETAILS OF COURT PROSECUTIONS FOR 1985/86**

Trader	Offence		Hearing	
	Date	Offence Details	Date	Result
Meale, Stanley	Jun/Dec 1984	Motor Car Traders Act s.14	050785	Proven Fine \$200 Costs \$433
Ferguson Truck Sales Pty Ltd	Jul1984	Consumer Affairs Act s.13 (8 counts) Motor Car Traders Act Reg 403 (8 counts)	080785	Proven Fine \$1200 Costs \$268.25
Doug Chandler Motors Pty Ltd	Jun1984	Motor Car Traders Act s.26 (19 counts) s.40 (17 counts) s.41(1A) (3 counts)	100785	Proven Bond \$300 Costs \$294.15
Scenic Home Improvements Pty Ltd	Oct1984	Consumer Affairs Act s.20(1) Building Contracts Deposits Act s.3(3)	230785	Proven Fine \$500 Costs 218
Cure, Pierre (Scenic Home Improvements)	Oct1985	Building Contracts Deposits Act s.3(3) (2 counts)	230785	Proven Fine \$300 Costs 153
Consolidated Blinds Pty Ltd	Dec1984 Mar1985	Consumer Affairs Act s.13A(2) (6 counts)	020885	Proven Fine \$600 Costs \$155
Mitcham Leisure Pty Ltd (602 Health Club)	Nov1984	Consumer Affairs Act s.13A(1)	070885	Proven Fine \$40 Costs \$155
Rinmo Pty Ltd (Lifestyle Frankston)	Feb1984	Consumer Affairs Act s.13A(1)	080885	Dismissed
Al Tennis Shops Pty Ltd	Jun/Aug/ Oct/Dec 1984	Consumer affairs Act s.13A(2) (4 counts)	090885	3 charges proven 1 dismissed Fine \$150 Costs \$224
Varsandi, Ferenc	Feb1985	Residential Tenancies Act s.146, 148	100985	Proven Bond \$500 Fine \$100 Costs \$203

APPENDIX 9DETAILS OF COURT PROSECUTIONS FOR 1985/86

Trader	Offence		Hearing	
	Date	Offence Details	Date	Result
Kosky, John C H Lodge & Co	Oct/Nov 1984	Consumer Affairs Act s.13(2)b (9 counts) s.64(2)(a) and (b)	120985	Proven Fine \$2250 Costs \$268
Biviano, Dominic	Sep1984	Residential Tenancies Act s.122	110985	Proven Fine \$200 Costs \$147
Listaglen Pty Ltd (Terry King's Car Sales)	Aug/Dec 1984	Consumer Affairs Act s.13, Motor Car Traders Act s.26, 40	180985	Proven Fine \$1900 Costs \$417
Oreja Pty Ltd (J & D Auto Wholesalers)	Aug1984	Motor Car Traders Act s.26 (26 counts)	021085 Melbourne	Proven Fine \$650 Costs \$267
Spot On Motor Cycles Pty Ltd	Apr/May 1985	Motor Car Traders Act s.29, 40	081085 Melbourne	Proven Fine \$400 Costs \$502
Pengelly, John (Spot On Motor Cycles)	Apr/May 1985	Motor Car Traders Act s.56(2), 67A	081085 Melbourne	Proven Bond \$200 Poor Box \$100
Kresta Blinds Ltd	Jan1984	Consumer Affairs Act s.13A(2)	101085 Melbourne	Proven Fine \$100 Costs \$219
Trabeth Pty Ltd (Coordinate Furnishings)	Nov1984	Consumer Affairs Act s.13A(2) (4 counts)	111085 F/tree Gully	Proven Bond \$500 Costs \$273 Poor Box \$150
Scenic Home Improvements Pty Ltd	Jan1985	Consumer Affairs Act s.15, 20	241085 Werrisbee	Proven Fine \$700 Costs \$225
Cure, Pierre (Scenic Home Improvements)	Jan1985	Consumer Affairs Act s.15, 20	241085 Werrisbee	Proven Fine \$700 Costs \$225
Fitefficient	Jun1985	Consumer Affairs Act s.13(1)(b)(i)	251085 Melbourne	Proven Fine \$200

APPENDIX 9**DETAILS OF COURT PROSECUTIONS FOR 1985/86**

Trader	Offence		Hearing	
	Date	Offence Details	Date	Result
Scenic Home Improvements Pty Ltd	Sep1984	Building Contracts Act s.3, Consumer Affairs Act s.15, 20	041185	Costs \$200 Proven
			Ringwood	Fine \$300 Costs \$244.80
Cure, Pierre (Scenic Home Improvements)	Sep1984	Consumer Affairs Act s.15, 20	041185	Proven
			Ringwood	Fine \$400 Costs \$18
Dulwan Holdings (Electronic Sales & Rentals Brunswick	Dec1984	Consumer Affairs Act s.13 (2 counts)	081185	Proven
	Jan1985		Brunswick	Fine \$400 Costs \$810
Parker, Alan (Middleboro Car Sales)	Mar/May 1985	Motor Car Traders Act s.29, 40, Consumer Affairs Act, s.36	141185	1 charge
			Box Hill	dismissed, rest proven, Fine \$531 Costs \$256
Personal Fitness Centre Pty Ltd	May1985	Consumer Affairs Act s.13A(1) (2 counts)	151185	Proven
			Oakleigh	Fine \$220 Costs \$220
Watts, PB	Feb/May 1985	Motor Car Traders Act s.14	061285	Proven
			Brunswick	Fine \$500 Costs \$212
Dial Promotions	Apr1984	Consumer Affairs Act s.15	101285	Proven
			Preston	Fine \$150 Costs \$327
Furnishing Media Pty Ltd	Nov1984	Consumer Affairs Act s.23 (2 counts)	191285	Proven
			Prahran	Fine \$1000 Costs \$265
Vance, Gunther	Nov1985	Consumer Affairs Act	191285	Proven
				Fine \$500
Auto Trade Auctions	Nov1984	Motor Car Traders Act s.29 (5 counts)	070286	Proven
	Mar1985			Fine \$200 Costs \$135
Philmore Motors Pty Ltd	Sep1984	Motor Car Traders Act s.26, 40	280286	Proven
			Northcote	Fine \$1075

APPENDIX 9DETAILS OF COURT PROSECUTIONS FOR 1985/86

Trader	Offence		Hearing	
	Date	Offence Details	Date	Result
Bala, Mumin	Jan1985	Residential Tenancies Act, s.62 (5 counts)	030386	Costs 450 Proven
	Jul1985		William- stown	Fine \$350 Costs \$566
Neophytou, Dennis	Dec1984	Motor Car Traders Act s.29, Consumer Affairs Act s.36	040386 Brunswick	Proven Fine \$500 Bond 12 months Poor Box \$150 Costs \$211
Cook, R C	Jan1986	Motor Car Traders Act s.14	120386 Melbourne	Proven Fine \$700 Costs \$200
Bobar, Peter (The Ad Agency)	1983/84	Appeal to County Court by BOBAR	130386	4 charges
			140386	dismissed Penalty reduced to \$250 with 12-month bond. Payments of \$850 Costs \$400
Cinconte, Mario (Southern Mitsubishi)	Jan1985	Motor Car Traders Act s.29	140386 Dandenong	Proven Fine \$250 Costs \$150
Feltham, Walter	Jan/Aug	Motor Car Traders Act s.14	180386 Sand- ringham	Proven Fine \$400 Costs \$365
Davis, Earl Seymour	Feb1985	Motor Car Traders Act s.14, Consumer Affairs Act s.64	240386	Proven
	Jun1985		Prahran	Fine \$750 Costs \$365
Jenny Craig Weights Loss Centres Pty Ltd	Jan1985	Consumer Affairs Act s.13A(2) (3 counts)	260386 Melbourne	Proven Fine \$600 Costs \$236
Foote Cone & Belding (advertising agency)	Jan1985	Consumer Affairs Act s.13A(2) (3 counts)	260386	Proven Bond \$300 Costs \$136

ERRATUM

Ministry of Consumer Affairs Report, 1985-86

Ordered to lie on the Table and be printed by the Legislative Assembly,
9.10.1986.

Parliamentary Paper No 108, Session 1985-86

ON page No 114, on the line following the record of prosecution of -

CINCONTE, Mario

Delete the words -

"(Southern Mitsubishi)"

APPENDIX 9**DETAILS OF COURT PROSECUTIONS FOR 1985/86**

Trader	Offence		Hearing	
	Date	Offence Details	Date	Result
Benson, William	Mar1986	Motor Car Traders Act s.29, Consumer Affairs Act s.36	110486 Geelong	Dismissed
Butterworth, A (Keys Road Autos)	May1985	Consumer Affairs Act s.36 (1 count)	060586 Chelt- henham	Proven Fine \$200 12-month Bond, Poor Box \$100 Costs \$165
Sail, John	Mar1985	Consumer Affairs Act s.36	140586 Heidelberg	Dismissed
Comatch Pty Ltd (Computerlist)	Jan/May Jun1985	Consumer Affairs Act s.15(1) (1 count)	220586 Box Hill	Proven Fine \$150 Costs \$320
Siberras and Vitalis (Wheels Plus)	Nov1985	Motor Car Traders Act s.29, Consumer Affairs Act s.36	160686 William- stown	Proven Fine \$200 Costs \$260
Maxir Nominees (Max Kirwan Motors)	Oct1986	Motor Car Traders Act s.40 (19 counts) s.26 (27 counts)	180686 Preston	s.40 Proven Fine \$950 adjourned on the rest
Garry Ewart Motors	Nov1985	Motor Car Traders Act s.40 (6 counts)	200686 Traralgon	Proven Fine \$300 Costs \$168
Murphy, Anthony	Nov1985	Motor Car Traders Act s.40 (17 counts) s.41 (5 counts)	200686 Traralgon	Proven Fine \$1000 Costs \$168
Jenny Craig Weight Loss Centres Pty Ltd	Sep1985 Oct1985	Consumer Affairs Act s.13A(2B) (3 counts)	250686 Melbourne	Proven Fine \$600 Costs \$312
Pratt, K	May1983	House Builders Liability act	300686 Moe	Proven Fine \$100 Costs \$162

* An explanation of the offences involved is provided on page ***

APPENDIX 9**DETAILS OF COURT PROSECUTIONS 1985/86****DESCRIPTION OF THE SECTIONS BREACHED****Consumer Affairs Act 1972**

- s.13 False or misleading advertising
- s.13A Misleading marking of prices
- s.15(1) Door to door sales agreement to be in writing and to include Schedule One Notice
- s.20 Certain provisions in agreements and offers void
- s.23 Assertion to the right of payment from a recipient for unordered goods
- s.36 False trade descriptions
- s.64 Facilitation of inspection denied
- s.67A Liability of officers or directors for offences of a corporation

Motor Car Traders Act 1973

- s.14 Trading in motor cars without a licence
- s.26 Incomplete, false or misleading entry in Purchases Book
- s.29 False mileage statement or tampering with the odometer
- s.40 K Form not displayed, or incomplete, or false, or misleading
- s.41 "No Warranty" notice not displayed by motor car trader
- Reg.403 Motor car traders licence number, registration or engine number and cash price not included in advertisements

Building Contracts (Deposits) Act 1962

- s.3(3) Builder fails to pay deposits into a special purpose account

Residential Tenancies Act 1980

- s.62 Landlord increased rent within an interval of less than six months
- s.122(3) Landlord lets rented premises before expiration of six months from day of notice to vacate
- s.146 Landlord obtains possession by entering rented premises
- s.148 Making false representations as to rights, obligations under the Act.

Local Government Act 1958

- s.918B(1) House Builders Liability provision - approved indemnity not in force

APPENDIX 9**ANALYSIS OF COMPLETED INVESTIGATIONS**

	1983/84	1984/85	1985/86
Number of offenders prosecuted successfully	12	39	48
Number of charges - prosecuted successfully*	33	298	285
Number of charges prosecuted unsuccessfully	2	5	4
Licensing objections (for result details see relevant text) :			
Credit	--	--	8
Motor Car Traders	--	--	11
Finance Brokers	--	--	1
Files completed (not prosecuted):			
Offence detected but not prosecuted owing to:			
a) Inadequate evidence	16	18	16
b) Witness unavailable/unwilling to appear	5	3	2
c) Breach remedied by offender	54	63	40
d) Offender disappeared	13	9	4
e) Lapse of time prevented prosecution	10	10	44
f) Failure to supply information under Section 64 of Consumer Affairs Act or Section 42 of Fair Trading Act - resolved by reply or Tribunal hearing	4	0	0
g) Company in liquidation	1	7	4
h) Printer's error or advertising agent's mistake	1	0	2
i) Explanation accepted once, offender warned and activities monitored	13	42	32
j) Referred to another agency (Trade Practices Commission, Police, etc)	36	22	17
k) Market Court Deed of Assurance or Order obtained	0	5	2
l) No offence detected			
- allegations unjustified	219	60	17
- no apparent breach	66	30	110
- investigation inconclusive	8	32	26
Number of enquiry files, including from Minister's or Director's office	n/a	119	431
Total number of alleged breaches received	458	744	486
Total number of files completed	-	459	747

*not included in total because these figures do not represent the number of matters referred but the number of charges arising from matters proceeding in Court.

APPENDIX 9DETAILS OF PROSECUTIONS FOR 1985/86 BY LOCAL AUTHORITIES UNDER THE WEIGHTS AND MEASURES ACT 1958

<u>TRADER'S NAME</u>	<u>OFFENCE DATES</u>	<u>OFFENCE DETAILS</u>	<u>DATE OF HEARING</u>	<u>RESULT OF HEARING</u>
ASTRON PETROLEUM	070884	Sec 82H	030785	Proven. Fine \$800. Costs \$342.98
ALFREDO LUNEDEI		Sec 82H(1), 82H(2)	080785	Proven. Fine \$800. Costs \$318.00
ARJUNA MANUEL	050585	False Declaration	090785	Proven. Fine \$100. Costs \$30.00
REXCAM P/L	110485	Sec 82H, 82E	100785	Proven. Fine \$200. Costs \$344.96
GEORGE FARMER LTD	190185	Selling Short Weight	120785	Proven. Fine \$250 with 12 month bond. Costs \$578.00
AUSTRALIAN SAFEWAY STORES P/L		Sec 82H(2)	190785	Proven. Fine \$300. Bond \$500 Costs \$800.00
HI-TEST SEEDS AUST P/L	111184	Sec 82H(2), 82D Sec 82H(1), 67(1)	190785	Proven. Fine \$375. Costs \$598.00
ALAN PORTER	281284	A/c not paid	270885	Proven. Fine \$40. Costs \$33.60
GARY PLUMRIDGE	281284	A/c not paid	270885	Proven. Fine \$40. Costs \$25.10
STEPHEN LABOZZETTI	141284	Sec 67(2), 77 1(B) Sec 76(2)	100985	Proven. Fine \$600. Costs \$250.00

APPENDIX 9**DETAILS OF PROSECUTIONS FOR 1985/86 BY LOCAL AUTHORITIES UNDER THE WEIGHTS AND MEASURES ACT 1958**

GUISEPPE & MARIA MASTRANTUONO		Sec 67(2), 77 1(B)	100985	Proven. Fine \$300. Costs \$100.00
GUISEPPE & MARIA MASTRANTUONO	141285	Sec 67(2), 76(2) Sec 77(1B)	100985	Proven. Fine \$300. Costs \$100.00
TINA PIRERA	141284	Sec 77(1B)	100985	Proven. Fine \$500. Costs \$300.00
GRANT WILLIAM BARTHOLOMEW		Sec 76(1B)	160985	Proven. Fine \$90. Costs \$862.00
INSUL-LITE (AUST) LTD	030485	Sec 77(1B), 82F(1A) Sec 82F(3), 82D(A)	300985	Proven. Fine \$100. 3 charges dismissed
BALLARAT BUILDING SUPPLIERS	030485	Sec 77(1B), 82F(3)	011085	Adjourned indefinitely
SE DICKENS P/L		Sec 79(4), 82H(1)	211085	Proven. Fine \$800. 12 month bond. Costs \$700
STEGGLES P/L	100485	Sec 82H 3 Counts	041285	Proven. Fine \$300. 12 month bond. Costs \$459.00
HAPPY HEN POULTRY FARMS P/L	100485	Sec 82H 2 Counts	041285	Proven. Fine \$300. 12 month bond. Costs \$459.00
DAIRY FARMERS CO-OP LTD (VIC) AGENT	060685	Sec 82H 2 Counts Selling Lt. Wt. chickens	051285	Proven. Fine \$500. Poor Box \$1000 Costs \$434.00
CHRISTOPHER JOHN GEE	111285	Sec 77(1A)	111285	Proven. Fine \$200. Costs \$331.50

APPENDIX 9DETAILS OF PROSECUTIONS FOR 1985/86 BY LOCAL AUTHORITIES UNDER THE WEIGHTS AND MEASURES ACT 1958

SAM GAZZARDI	151085	False Declaration	161285	Proven. Fine \$75. Poor Box \$225.00
RICKI DE RUITER	151085	Selling Sht. Wt. chickens	161285	Dismissed
CHEMORGANIC INDUSTRIES	181285	Sec 82H(6) Selling Sht. Measures	181285	Proven. Fine \$800. Costs \$1273.00
ARCOOLA NOMINEES P/L	311285	Sec 67(2) Reg 70	140386	Proven. Fine \$348. 5 charges dismissed
MAYFAIR FOODS P/L		Selling Sht. Wt. Hams	050386	Proven. Fine \$400. Costs \$1062.17
T & J ENTERPRISES P/L (TRADING AS JOLLY JOHNS BAKERY)	070186	Sec 79(4) 5 Counts Sec 67(2) 2 Counts	280486	Proven. Fine \$550. Costs \$436.00
ROD GRAHAM	110286	Sec 77(1A), 77(1B)	010586	Proven. Fine \$300. Costs \$232.00
WESTCOST BAKERIES (WISS BAKERY)	110386	Sec 79(4) 3 Counts	080586	Proven. 12 month bond. Costs \$361
HOMEPRIDE BAKERIES (GEELONG) P/L	110386	Sec 79(4) 6 Counts	080586	Proven. Fine \$300. Costs \$383.00
KRONTEL P/L	070186	Sec 77(1B) 2 Counts Sec 77 1 (6) Sec 67(1)	190586	Proven. Fine \$140. Costs
			190586	Proven. Fine \$140. Costs \$100.

APPENDIX 9**DETAILS OF PROSECUTIONS FOR 1985/86 BY LOCAL AUTHORITIES UNDER THE
WEIGHTS AND MEASURES ACT 1958**

FOOTNOTE: Explanation of the various sections of the Weights and Measures Act.

<u>Section</u>	<u>Explanation</u>
67	prohibition of unstamped incorrect or unjust instrument requirement to provide and correctly position a weighing or measuring instrument.
77	offences as to false declaration, short weight, etc.
79(4)	short weight bread
81	sale of firewood other than by weight or measure.
82D	packer identification not marked on package.
82E	package not in prescribed quantity denomination.
82F	package not marked with quantity statement.
82H	short weight or measure.

APPENDIX 10VICTORIAN CONSUMER AFFAIRS COMMITTEECHAIRPERSON:

Mr William M Ford

ORGANISATIONAL REPRESENTATIVES:

Mr Rod Armitage, Australian Finance Conference (AFC)
 Mr John Fulton, Direct Selling Association of Australia (DSSA)
 Ms Dorothy Leviston, Victorian Chamber of Commerce and Industry
 Ms Mary Hansen, Tenants Union of Victoria
 Dr Leanna Darvall, Australian Consumer Association
 Ms Margaret Roberts, Consumer Credit Legal Service
 Mr Michael Sherry, Victorian Commercial Teachers Association (VCTA)
 Mr Maurice Reed, Victorian Trades Hall Council

AREA REPRESENTATIVES:

There were 108 nominations received for the 8 area positions on the Committee.

Area A (North-West, Inner Urban, West)

Ms Janine Maher of Footscray

Area B (Outer East, North-East and Inner East)

Mr Paul Hassal of Northcote

Area C (Southern and Westernport)

Mr Brian Pittard of Murrumbeena

Area D (Barwon and Glenelg)

Mr George Williams of Geelong

Area E (Central Highlands and Wimmera)

Ms Catherine Laffey of Ballarat

Area F (Loddon, Campaspe and Mallee)

Ms Elaine McNamara of Bendigo

Area G (Goulburn and Upper Murray)

Mr David Jones of Kyabram

Area H (East and Central Gippsland)

Ms Maureen Willmott of Paynesville (Bairnsdale)

As the above indicates, the Committee is representative of a broad cross-section of the community, i.e. female, male, industry and trader representatives, consumer representatives and community organisation representatives.

APPENDIX 11CONSUMER AFFAIRS GRANTS SCHEME APPROVED PROJECTS 1986

<u>Organisation</u>	<u>Purpose of Grant</u>	<u>Amount</u>
Consumer Credit Legal Service	Provide a legal advice to consumers. Enhance the interests of consumers of credit. Research consumer credit issues. Advocacy of needs of consumers. Influence consumer affairs policies and services and consumer consultation.	\$45,120
Financial Counselling and Consumer Information Service	Continue part time role of Extension Officer in areas of consumer education, organisation of consumer interests, consumer research and consultation. Create position of Specialist Consumer Advice Worker to expand existing consumer information service.	\$35,000
Colac Community Development Association	Consumer awareness and education, debt collection, credit education, purchase and hire of teaching aids.	\$500
Sale Access Program	Involve young people in the collection and dissemination of information relating to consumer issues and policies that confront them. Produce an Information Resource Kit. Inform/consult on relevant issues. Promote consumer awareness among young people.	\$1,000
Wangaratta Citizens Advice Bureau	Provide advice and information on consumer affairs. Referral of clients to representative of the Ministry of Consumer Affairs.	\$800
Mordialloc Citizens Advice Bureau	Answer consumer enquiries. Purchase office equipment. Train staff.)))) \$2,500
Moorabbin Citizens Advice Bureau	Consumer contact point for Southern Region. Provide consumer education and awareness, information and referral. Organisation and representation.)))))

APPENDIX 11CONSUMER AFFAIRS GRANTS SCHEME APPROVED PROJECTS 1986

<u>Organisation</u>	<u>Purpose of Grant</u>	<u>Amount</u>
Latrobe Valley Citizens Advice Bureau	Consumer information and advice service.	\$3,500
Community Buying Advisory Service	Expand and develop a community buying advisory service by increasing staff levels, computerisation and telephone system.	\$27,000
South Gippsland Citizens Advice Bureau	Handle consumer and Residential Tenancies complaints, consumer information, provide consumer access in South Gippsland area.	\$1,500
Springvale Community Aid and Advice Bureau	Provide consumer affairs information advocacy consumer education.	\$1,500
Glenelg Family Care	Provide local community based program on consumer education and awareness. Contact point for consumer enquiries in Glenelg region.	\$10,000
Financial Counsellors Association of Victoria	Provide full time Project Officer, Training Officer and Administrative Secretary. The project to benefit members of Financial Counsellors Association of Victoria and follow through to Victorian community.	\$18,000
East Gippsland Family Support Centre	Consumer education and awareness, information and referral, complaint resolution. Contact for Ministry of Consumer Affairs in East Gippsland region.	\$6,264
Wimmera Region Consumer Affairs Region	Consumer education and awareness in Wimmera Region. Consumer information and referral in Wimmera.	\$6,588

APPENDIX 11CONSUMER AFFAIRS GRANTS SCHEME APPROVED PROJECTS 1986

<u>Organisation</u>	<u>Purpose of Grant</u>	<u>Amount</u>
Goulburn Valley Community Care Centre	Handle consumer enquiries and complaints at grass roots level, information and referral, education and publicity.	\$7,500
Preston Citizens Advice Bureau Inc	Provide consumer information, referral, education and awareness, research and develop networks, promote availability and access to consumer information.	\$2,000
Broadmeadows and District Migrant Resource Centre	Provide consumer information, education and representation to non-English speaking members of North West Region.	\$5,000
Ballarat Children's Homes and Family Services	Consumer and trader education and awareness, information and referral service, local community base access for rural consumers. Local access for redress and conciliation as appropriate. Consultation on consumer policies. Organisation and representation of consumer interests.	\$10,000
Australian Vietnamese Women's Welfare	Education, information and translation services for Vietnamese.	\$2,960
Sunraysia Citizens Advisory Centre	Consumer information and referral, educate and inform local volunteers, traders, consumers and general public in Region about consumer affairs. Act as liaison and referral contact point in Sunraysia Region.	\$5,000
Glenelg Regional Information Network	Continue maintenance of consumer information to establish contact point in Region (over forty contact points). Consumer education.	\$1,000
Disability Resources Centre	Fund three project workers to provide consumer information and advice to disabled people across Vic.	\$3,500
Coburg Citizens Advice Bureau	Costs towards maintenance of the service in Coburg region. Running costs for consumer affairs week.	\$2,000

APPENDIX 11CONSUMER AFFAIRS GRANTS SCHEME APPROVED PROJECTS 1986

<u>Organisation</u>	<u>Purpose of Grant</u>	<u>Amount</u>
Citizens Advice Bureau (Ballarat) Inc	Costs towards maintenance of the bureau in Central Highlands Region.	\$1,000
Centre for Education and Research in Environ- mental Strategies (CERES)	Publish pamphlets and posters on alternative forms of energy and range of consumer services.	\$2,000
West Heidelberg Commu- nity Health Centre	Fund a coordinator and consumer education officer for consumer awareness group.	\$8,320
Goldfields Community Radio Cooperative Ltd	Costs towards producing consumer education session on Goldfields community radio.	\$2,500
National Council of Women of Victoria	Fund costs for holding one day seminar on consumer information early in 1986.	\$2,057
Victorian Aboriginal Legal Service	Assist the organisation in providing consumer information to Aboriginal communities through the various cooperative societies throughout Victoria. Inform the Ministry of Consumer Affairs of any special needs of Aborigines in this area.	\$10,000
	Total	<u>\$224,109</u>

APPENDIX 11CONSUMER AFFAIRS RESIDENTIAL TENANCIES GRANT SCHEMEAPPROVED PROJECTS 1986

Organisation	Purpose of Grant	Amount
Goulburn Regional Housing Council Inc	Conduct seminars in Goulburn Region during 1986.	\$1,000
Outer East Regional Housing Council	Employ Housing Worker 3 days a week. Pay administrative support costs.	\$10,000
Gippsland Tenants Union - Advice Service	Full time worker to staff Tenants Advice Service	\$11,000
Geelong Tenants Union	Coordinate and expand current Geelong TAS providing tenant education. Resourcing tenants advice services in Colac, Warrnambool, Portland and Ballarat.	\$26,000
Australian Vietnamese Women's Welfare Assoc	Research housing needs for Vietnamese youth. Discuss and find a solution for Vietnamese youth.	\$2,000
Bayside Tenants Information service	Operate Tenants Information and Community Education Service.	\$36,720
South West Tenants Information Network	Manage a tenants service, tenants rights information and tenants support service.	\$11,000
Heidelberg Public Tenants Association	Disseminate information and provide tenancy speakers for campaign during March 1986.	\$500
Wodonga Community Action	Expand consumer information service, public tenancy information, advisory role to disadvantaged consumers.	\$11,000
Tenants Union Advice Service	Maintenance of current services and functions of tenants advice service.	\$186,840
AMIDA	Assist towards preparation of posters and kits on Residential Tenancies issues for the mildly intellectually disabled.	\$6,000
	Total	\$302,060

APPENDIX 12COMMUNITY CREDIT PROGRAM - APPROVED PROJECTS 1986

<u>Organisation</u>	<u>Purpose of Grant</u>	<u>Amount</u>
East Gippsland Family Support Centre	To provide financial advisory service, consumer credit advocacy	\$ 20,890
Carlton/Fitzroy Financial Counselling Service	Financial advisory service (pilot scheme) and consumer credit advocacy	\$ 36,042
Victorian Aboriginal Education Asso. Inc.	Financial advisory service for Aboriginal students including cost towards computerisation of records to assist aboriginal students in financial planning	\$ 39,680
West Heidelberg Community Health Centre	Establishment of consumer buying advisory service including one staff member to establish service and cost of computer and other equipment for developing network with community buying advisory service	\$ 19,652
Hanover Welfare Services	Establishment of consumer buying advisory service/consumer credit advocacy and financial advisory service including cost of worker computer and operating costs	\$ 24,833
Good Shepherd Youth & Family Service Inc.	To enhance computerisation currently being undertaken with appropriate staff training. Provide some financial advice and consumer credit advocacy to complement the organisation's existing services	\$ 7,390
Community Buying Advisory Service	To establish a computer-based community buying advisory service network	\$125,359
Doveton-Hallam Community Health Centre	Establish a consumer credit advocacy service	\$ 15,674
Dandenong Credit Union Co Ltd	To provide consumer buying advice, low cost lending services, financial advisory service and consumer credit	\$ 26,300

APPENDIX 12

<u>Organisation</u>	<u>Purpose of Grant</u>	<u>Amount</u>
Consumer Credit Legal Service Co-Op Ltd and Financial Counsellors Association of Victoria (Inc.)	To provide consumer credit advocacy. Class actions. Licensing officer	\$ 32,671
Lilydale Family Support Services	To establish a consumer credit awareness program, undertake research into community buying advisory service and provide an advocacy and self-help service	\$ 10,539
Financial Counselling & Consumers Information Service	Consumer credit advocate for Barwon Region	\$ 24,234
Kyabram Community Centre Inc.	Consumer credit advocacy and financial advisory service	\$ 7,650
Fitzroy & Arc Co-operative Credit Society Ltd	To expand and develop the services of the Fitzroy and Arc Co-operative Credit Society Ltd to enable low income residents of Fitzroy and Carlton to have improved access to credit. Improve the credit union's responsiveness to the needs of low income people	\$ 27,000
Macaulay Community Credit Co-operative	To expand organisation's services through the introduction of computerised services, to enable the organisation to assist an increasing number of low income earners	\$ 20,350
Eagle Hawk and Long Gully Community Health Centre	Establishment of financial advisory service and consumer credit advocacy service	\$ 18,526
Lake Condah & District Aboriginal Co-op Ltd	To provide a consumer credit advocacy service for aboriginal people	\$ 17,999
	Total	\$474,789

APPENDIX 13CUSTOMER INFORMATION SERVICES ENQUIRY HANDLING STATISTICS 1985/86

<u>AVERAGE NUMBER OF ENQUIRIES HANDLED PER DAY</u>	411
<u>TOTAL NUMBER OF ENQUIRIES HANDLED</u>	95,342

	<u>Consumer Affairs</u>	<u>Residential Tenancies</u>
- Written Enquiries	214	85
- Counter Enquiries	6,337	4,288
- Telephone Enquiries	63,283	32,059

TELEPHONE ENQUIRIES

Average number of calls offered per day	341	188
Average number of calls abandoned per day (9.00am to 4.30pm)	Not Available*	60
Average number of calls handled per day	253	128
Average wait before calls abandoned	3.9 min	3.6 min
Average longest wait before calls abandoned	28 min	24 min
Average wait before calls handled	13.7 min	9.6 min
Average duration of calls	4.5 min	4.6 min

*Calls abandoned through PABX are not tabulated; therefore, accurate figures are not available.

APPENDIX 13

CUSTOMER INFORMATION SERVICES ANALYSIS OF ENQUIRIES

ANALYSIS OF ENQUIRIES 1985/86

	GENERAL ADVICE GIVEN %	TRADER CONTACT GIVEN %	LODGE WRITTEN COMPLAINT %	APPT. MADE %	REFERRED TO TRIBUNALS %	PAMPHLETS GIVEN %	REFERRED TO OTHER ORG. %	TOTAL %	
CONSUMER AFFAIRS									
BUILDING & ALLIED TRADES	5.90	0.06	0.53	0.18	0.50	0.02	0.56	7.75	
VEHICLE REPAIRS, WARRANTY	6.55	0.11	0.01	0.01	0.02	0.00	0.03	6.73	
VEHICLE PURCHASE (NEW/USED)	4.07	0.11	0.12	0.18	0.06	0.01	0.23	4.78	
APPLIANCES	5.41	0.35	0.51	0.09	0.21	0.03	0.18	6.78	
CLOTHING, FOOTWEAR, JEWELLERY	3.44	0.05	0.40	0.05	0.10	0.01	0.09	4.14	
FURNITURE, CARPETS, DRAPES	2.80	0.16	0.29	0.06	0.19	0.01	0.21	3.72	
PRODUCT/TRADER REPUTATION	3.40	0.03	0.09	0.01	0.01	0.00	0.38	3.92	
PERSONAL SERVICES	2.49	0.06	0.24	0.05	0.10	0.04	0.28	3.26	
PROFESSIONAL SERVICES	1.01	0.02	0.04	0.01	0.02	0.00	0.39	1.49	
INSURANCE	1.22	0.15	0.06	0.04	0.01	0.00	0.30	1.78	
FINANCE	1.06	0.03	0.16	0.03	0.02	0.01	0.11	1.42	
TRAVEL/HOLIDAY ACCOMMODATION	0.67	0.03	0.09	0.02	0.02	0.00	0.08	0.91	
MAIL ORDER	0.69	0.01	0.10	0.00	0.00	0.01	0.09	0.90	
DOOR TO DOOR SALES	0.35	0.00	0.01	0.00	0.00	0.01	0.01	0.38	
PRICING	0.56	0.00	0.01	0.00	0.00	0.00	0.05	0.62	
ADVERTISING	0.36	0.00	0.04	0.00	0.00	0.01	0.01	0.42	
LAYBY	0.74	0.01	0.03	0.00	0.01	0.01	0.01	0.81	
PRODUCT SAFETY	0.26	0.00	0.02	0.00	0.00	0.00	0.03	0.31	
CREDIT NOTES	2.73	0.00	0.18	0.00	0.02	0.01	0.01	2.95	
OTHER	3.04	0.02	0.12	0.02	0.09	0.17	1.29	4.75	
SUB-TOTAL	46.75	1.20	3.04	0.75	1.38	0.35	4.34	57.82	
RESIDENTIAL TENANCIES									
	LANDLORD	TENANT							
FORMS, LEASES, ETC.	5.55	2.54	0.00	0.00	0.01	0.01	2.82	1.49	12.42
SECURITY DEPOSITS	1.69	4.76	0.01	0.25	0.03	0.14	0.09	0.03	7.00
RENT	2.01	3.89	0.00	0.13	0.02	0.07	0.05	0.05	6.22
REPAIRS	0.99	4.82	0.01	0.11	0.01	0.01	0.06	0.02	6.03
QUIET ENJOYMENT	0.48	1.42	0.00	0.00	0.00	0.01	0.00	0.03	1.94
TERMINATION	3.54	4.60	0.21	0.01	0.01	0.04	0.11	0.03	8.55
SUB-TOTAL	14.26	22.03	0.23	0.50	0.08	0.28	3.13	1.65	42.16
GRAND TOTAL	83.04	1.43	3.54	0.83	1.66	3.48	5.99	99.98	

* Statistics expressed as a percentage of total number of enquiries for the period.

NOTE: Percentages do not add up to exactly 100% due to roundings.

APPENDIX 13

REGIONAL SERVICES STATISTICS

REGION	No. of Visits to Region	No. of Complaints Taken	No. of Enquiries		No. of Investigations/ Inspections	No. of Educational Kits Distributed	No. of Talks	No. of Training Programs	No. of Media Contacts	Total
			Personal	Telephone						
BARWON	24	55	334	189	5	24	-	3	-	610
CENTRAL HIGHLANDS	12	26	207	101	3	7	1	-	-	345
CENTRAL GIPPSLAND	12	16	120	57	-	-	-	1	-	194
EAST GIPPSLAND	5	4	106	-	-	6	-	-	-	116
GLENELG	10	20	172	-	-	61	-	1	2	256
GOULBURN	6	-	46	2	-	8	-	1	5	62
LODDON CAMPASPE	12	12	130	64	-	7	-	-	1	214
MALLEE	5	3	93	-	-	10	2	1	4	113
UPPER MURRAY	12	12	89	34	2	28	-	3	7	175
WIMMERA	10	15	109	-	4	24	1	-	-	153
WESTERN SUBURBS (FOOTSCRAY OFFICE)	N/A	616	2221	5171	26	14	4	1	-	8053
TOTALS	108	779	3627	5618	40	189	8	11	19	10291

APPENDIX 13

<u>WESTERN SUBURBS REGIONAL OFFICE - FOOTSCRAY</u>	<u>1984/85</u>	<u>1985/86</u>
Telephone enquiries	3503	5171
Interviews	529	496
Complaints lodged	614	616
Pamphlets - kits distributed	27	14
Visitors to Office	17	32
Visits to Community	27	7
Visits to Traders	47	20
Inspections	31	26
Breach Investigations	----	----
Media	1	----
Speaking engagements	<u>8</u>	<u>4</u>
TOTAL OCCASIONS OF SERVICE	<u>4804</u>	<u>6386</u>

APPENDIX 14ANALYSIS OF CONSUMER COMPLAINTS
PRACTICE CLASSIFICATION

C A T E G O R Y	C O M P L A I N T S			
	No.	Per Cent	No.	Per Cent
1. ADVERTISING				
(a) Health or Safety	3	0.02		
(b) Employment and Remuneration	---	----		
(c) Price	27	0.20		
(d) Quantity	---	----		
(e) Sponsorship or Approval	---	----		
(f) Specification of Goods or Services	48	0.36		
(g) Nature of Services	2	0.01		
(h) Free Gifts, Special Offers	39	0.29		
(i) Availability	---	----		
(j) Conditions of Sale	1	0.01		
(k) Other Advertising	14	0.10	134	1.00
Representations				
(a) Health or Safety	2	0.01		
(b) Employment and Remuneration	3	0.02		
(c) Price	5	0.04		
(d) Quantity	4	0.03		
(e) Sponsorship or Approval	---	----		
(f) Specification of Goods or Services	59	0.44		
(g) Nature of Services	1	0.01		
(h) Free Gifts, Special Offers	14	0.10		
(i) Availability	---	----		
(j) Conditions of Sale	19	0.14		
(k) Other Representations	3	0.02	110	0.82

APPENDIX 14**ANALYSIS OF CONSUMER COMPLAINTS
PRACTICE CLASSIFICATION**

C A T E G O R Y	C O M P L A I N T S			
	No.	Per Cent	No.	Per Cent
2. PACKAGING OR LABELLING				
(a) Safety Label or Instructions	3	0.02		
(b) Care or Operating Label or Instructions	19	0.14		
(c) Description of Contents	9	0.07		
(d) Deceptive Packaging	4	0.03		
(e) Date Stamping	2	0.01		
(f) Weight or Volume of Packaged Goods	---	----		
(g) Other Packaging or Labelling	10	0.07	47	0.35
3. SALES METHODS				
(a) Unsolicited Product or Service	67	0.50		
(b) Door-to-Door Sales	21	0.16		
(c) Auctions (inc Mock Auctions)	4	0.03		
(d) Mail Order	914	6.79		
(e) Double Ticketing	---	----		
(f) Need to buy a Quantity Greater than Required	5	0.04		
(g) Need to buy a Whole Assembly	3	0.02		
(h) Pyramid Selling	1	0.01		
(i) Referral Selling	1	0.01		
(j) Other Sales Methods	10	0.07	1026	7.62

APPENDIX 14**ANALYSIS OF CONSUMER COMPLAINTS
PRACTICE CLASSIFICATION**

C A T E G O R Y	C O M P L A I N T S			
	No.	Per Cent	No.	Per Cent
4. PRICES AND CHARGES				
(a) Charges Above Quote	116	0.86		
(b) Industry Pricing Policy	20	0.15		
(c) Overcharging	289	2.15		
(d) Failure to Indicate Selling Price	5	0.04		
(e) Failure to Provide Estimate	3	0.02		
(f) Failure to Indicate Existence of Minimum Charge	1	0.01		
(g) Comparisons with other Quoted Prices	4	0.03		
(h) Charging for Quote	9	0.07		
(i) Price Control	---	---		
(j) Frequent Price Rises	9	0.07		
(k) Retention of Deposits	182	1.35		
(l) Other Prices and Charges	77	0.57	715	5.31
5. QUALITY OF PRODUCT OR SERVICE				
(a) Unsatisfactory Repair	705	5.24		
(b) Unsatisfactory Installation	393	2.92		
(c) Unsatisfactory Performance of a Service	654	4.86		
(d) Unavailability of Price, Component or Service	113	0.84		
(e) Unsafe or Hazardous Product or Service	33	0.25		
(f) Unauthorised Repairs	36	0.27		
(g) Defective at Purchase (i.e. Before Use)	1771	13.15		
(h) Defective After Purchase	739	5.49		
(i) Loss of Consumer's Goods	100	0.74		
(j) Damage to Consumer's Property	307	2.28		
(k) Weight or Measure of Unpacked Goods	5	0.04		
(l) Supply of Incorrect Goods	181	1.34		
(m) Non-performance	168	1.25		
(n) Other Quality of Product or Service	189	1.40	5394	40.07

APPENDIX 14ANALYSIS OF CONSUMER COMPLAINTS
PRACTICE CLASSIFICATION

C A T E G O R Y	C O M P L A I N T S			
	No.	Per Cent	No.	Per Cent
6. CREDIT PRACTICES				
(a) Repossession	40	0.30		
(b) Debt Collection	33	0.25		
(c) Deposits or Lay-bys	36	0.27		
(d) Exorbitant or Incorrect Interest or Credit	79	0.59		
(e) Overcommitment	24	0.18		
(f) Documentation Complaints	50	0.37		
(g) Rebates (Credit and Insurance)	5	0.04		
(h) Other Credit Practices	44	0.33	311	2.31
7. CONTRACTS				
(a) Harsh and Unconscionable Contracts	44	0.33		
(b) Non-disclosure and Misrepresentation of Terms	312	2.32		
(c) Retention of Bond	13	0.10		
(d) Other Landlord/Tenant Dispute	7	0.05		
(e) Dispute Concerning Cancellation of Contract	541	4.02		
(f) Non-Supply of Goods and Services	2620	19.46		
(g) Non-Performance of Service within a Reasonable Period	216	1.60		
(h) Rejection of Insurance Claim	163	1.21		
(i) Delays in Processing Insurance Claims	70	0.52		
(j) Other Contracts	318	2.36	4304	31.97

APPENDIX 14ANALYSIS OF CONSUMER COMPLAINTS
PRACTICE CLASSIFICATION

C A T E G O R Y	C O M P L A I N T S			
	No.	Per Cent	No.	Per Cent
8. GUARANTEES AND WARRANTIES				
(a) Statutory Warranties	592	4.40		
(b) Express (including Oral) Warranties	26	0.19		
(c) Other Guarantees and Warranties	12	0.09	630	4.68
9. OFFERS OF REDRESS				
(a) Provision of a Credit Note	42	0.31		
(b) Provision of a Replacement	19	0.14		
(c) Repair - No Replacement, Refund	39	0.29		
(d) No Refund Policy	406	3.02		
(e) Insistence that Consumer Pay for Repair	118	0.88		
(f) Other Offers of Redress	168	1.25	792	5.88
			13,463	100.00

APPENDIX 14ANALYSIS OF CONSUMER COMPLAINTS
PRODUCT SERVICE CLASSIFICATION

Category	Complaints					
	No.	Per Cent	No.	Per Cent	No.	Per Cent
1. Food, Beverages, Tobacco						
(a) Food Products						
Bread	1	0.01				
Dairy Products	4	0.04				
Meat	11	0.12				
Poultry	1	0.01				
Fish	2	0.02				
Vegetables	---	---				
Canned Goods	6	0.06				
Other	25	0.26	50	0.52		
(b) Beverages						
Beer	2	0.02				
Wine	3	0.03				
Spirits	1	0.01				
Soft Drinks	2	0.02				
Juices	1	0.01				
Other Beverages	---	---	9	0.09		
(c) Tobacco						
Tobacco	1	0.01				
(d) Other Food, Beverages						
Tobacco	1	0.01	2	0.02	61	0.64

APPENDIX 14ANALYSIS OF CONSUMER COMPLAINTS
PRODUCT SERVICE CLASSIFICATION

Category	Complaints			
	No.	Per Cent	No.	Per Cent
2. Clothing, Footwear, Drapery				
(a) Clothes	346	3.63		
(b) Footwear	105	1.10		
(c) Accessories	49	0.51		
(d) Haberdashery, Clothing Materials	11	0.12		
(e) Bed Linen, Blankets, Car Rugs	14	0.15		
(f) Trousseau	1	0.01		
(g) Other Clothing, Footwear, Drapery Manchester	17	0.18	543	5.70
3. Consumer Durables				
Washing Machines	68	0.71		
Dishwashers	23	0.24		
Clothes Dryer	5	0.05		
Electric Stoves	9	0.09		
Microwave Ovens	10	0.10		
Gas Stoves	17	0.18		
Other Fuel Stoves	6	0.06		
Air Conditioners	30	0.31		
Oil Heaters	3	0.03		
Gas Heaters	49	0.51		
Electric Heaters	10	0.10		
Other Fuel Heaters (including Fire Places)	48	0.51		
Hot Water Systems	10	0.10		
Refrigerators, Freezers	127	1.33		
Small Appliances (e.g. Toasters, Hair Dryers, etc)	25	0.26		
Vacuum Cleaners	20	0.21		
Sewing Machines	24	0.25		
Televisions, Television Aerials	91	0.95		
Radio, Radio/Cassettes, Cassette Players	66	0.69		
Record Players	2	0.02		
Hi-Fi (including Amplifier, Turntable Tape-Deck)	57	0.60		
Video Recorder, Video Camera	90	0.94		
CB Radio	8	0.08		

APPENDIX 14**ANALYSIS OF CONSUMER COMPLAINTS
PRODUCT SERVICE CLASSIFICATION**

Category	Complaints			
	No.	Per Cent	No.	Per Cent
Home Computers	57	0.60		
Used Household Appliances	27	0.28		
Other Household Appliances	63	0.66		
Beds	52	0.55		
Other Furniture	240	2.52		
Bathroom Furniture and Accessories	32	0.34		
Carpets, Soft Floor Coverings	135	1.42		
Curtains, Blinds	88	0.92		
Lamps, Light Fittings	10	0.10		
Lino, Cork Tiles, Hard Floor Coverings (not Ceramic)	35	0.37		
Flyscreens, Security Doors, Security Screens, Awnings	84	0.88		
Other Furnishings	20	0.21		
Kitchenware, Tableware, Dinnerware	59	0.62		
Solar Appliances	3	0.03		
Other Consumer Durables	24	0.25	1727	18.12

4. Motor Vehicles and Other Transport Equipment

Purchase of New Motor Vehicle	315	3.30		
Purchase of Used Motor Vehicle	922	9.67		
Consignment Sales	13	0.14		
Mechanical	216	2.27		
Electrical	13	0.14		
Panel Beating, Bodywork, Painting	59	0.62		
Exchange Engines (Long or Short Reconditioned Engines)	43	0.45		
Towing and Storage	1	0.01		
Parking	2	0.02		
Rustproofing	8	0.08		
Other Automotive Repair				
Servicing Sales	44	0.46		
Tyres, Tubes, Wheel Rims	27	0.28		
Batteries	7	0.07		
Accessories	24	0.25		
Helmets	1	0.01		
Replacement Parts (New)	28	0.29		
Replacement Parts (Reconditioned)	13	0.14		
Other Spare Parts and Accessories	25	0.26		

APPENDIX 14**ANALYSIS OF CONSUMER COMPLAINTS
PRODUCT SERVICE CLASSIFICATION**

Category	Complaints			
	No.	Per Cent	No.	Per Cent
Motorbikes, Trail Bikes (New)	18	0.19		
Motorbikes, Trail Bikes (Used)	7	0.07		
Cycles	12	0.13		
Caravans, Campervans	47	0.49		
Trailers	1	0.01		
Tractors, Farm Machinery	10	0.10		
Boats, Outboard Engines	26	0.27		
Trucks, Other Commercial Vehicles	4	0.04		
Other Transport Equipment	1	0.01		
Other Motor Vehicles and Other Transport Equipment	10	0.10	1897	19.90

5. Building and Construction

New Home Construction	368	3.86		
Concrete Work, Foundations, Paving, Brickwork, Blockwork	106	1.11		
Fence, Walls, Gates	64	0.67		
Carpentry, Joinery (including Frames, Trusses)	26	0.27		
Painting, Decorating, Plastering	46	0.48		
Plumbing	38	0.40		
Electrical Work	20	0.21		
Roofing (including Insulation, Guttering)	99	1.04		
Cladding and Coating	74	0.78		
Glazing	20	0.21		
Tiling	31	0.33		
Other Home Extensions, Renovation, Decoration	42	0.45		
Tools and Equipment	11	0.12		
Hardware	11	0.12		
Tiles (Ceramic and Slate)	19	0.20		
Decorating Products (Paint, Wallpaper, etc)	7	0.07		
Power Tools	8	0.08		
Garage Tools	9	0.09		
Other Building and Decorating Products	39	0.41		
Swimming Pools (Concrete In-Ground)	55	0.58		
Swimming Pools (Fiberglass In-Ground)	5	0.05		

APPENDIX 14ANALYSIS OF CONSUMER COMPLAINTS
PRODUCT SERVICE CLASSIFICATION

Category	Complaints			
	No.	Per Cent	No.	Per Cent
Swimming Pools (Above Ground)	1	0.01		
Swimming Pool Equipment	14	0.15		
Spa Baths, Pools, etc	11	0.12		
Other Swimming Pools	12	0.13		
Landscape Gardening	20	0.21		
Plants	4	0.04		
Gardening Materials and Supplies	9	0.09		
Lawn Mowers, Gardening Machines, etc	36	0.38		
Chainsaws	11	0.12		
Bores, Reticulation, Pumps	7	0.07		
Other Gardening	14	0.15		
Kitchens	114	1.20		
Garages and Sheds	19	0.20		
Kit Homes	6	0.06		
Water Tanks	7	0.07		
Other Building Packages	4	0.04	1388	14.56

6. Miscellaneous Products

Tab Racing Systems	---	---		
Lotto Lotteries	2	0.02		
Other Gambling Activities	---	---		
Newspapers, Magazines	37	0.39		
Encyclopedias	3	0.03		
Records and Tapes	19	0.20		
Directory Entries, Advertising Services	49	0.51		
Learning Tapes	---	---		
Other Communication	20	0.21		
Office Stationery	14	0.15		
Office Furniture	8	0.08		
Office Computers	5	0.05		
Sporting Goods	42	0.44		
Camping Equipment	11	0.12		
Jewellery, Precious Stones	109	1.14		
Clocks, Watches	78	0.82		
Coins, Precious Metals	7	0.07		
Toys	31	0.33		
Musical Instruments	14	0.15		
Video Games	3	0.03		
Photographic Equipment	33	0.35		

APPENDIX 14ANALYSIS OF CONSUMER COMPLAINTS
PRODUCT SERVICE CLASSIFICATION

Category	Complaints			
	No.	Per Cent	No.	Per Cent
Films (Unprocessed)	3	0.03		
Video Tapes (Blank)	5	0.05		
Pharmaceuticals	3	0.03		
Soaps, Detergents, Polishes	9	0.09		
Pesticides	1	0.01		
Toiletries, Cosmetics	19	0.20		
Hearing Aids, Spectacles, Sun Glasses, Contact Lenses	21	0.22		
Slimming, Health and Medical Equipment	644	6.76		
Dentures	8	0.08		
Other Chemical Products and Health Equipment	18	0.19		
Animals, Pets, Livestock	27	0.28		
Other Miscellaneous Products	135	1.42		
Books	47	0.49	1425	14.95

7. Transport and Energy Services

Bus	14	0.15		
Air Services	10	0.10		
Train	2	0.02		
Ship	2	0.02		
Taxi	3	0.03		
Hire Car (Driver Supplied)	2	0.02		
Rent-A-Car, Taxi-Truck (Self Drive)	18	0.19		
Hire Trailer	1	0.01		
Other Transport	5	0.05		
Postal and Telephone Services	11	0.12		
Freight Services	14	0.15		
Heating Oil	1	0.01		
Lubricating Oil, Other Oil Products	3	0.03		
Petrol	13	0.14		
Natural Gas	6	0.06		
Coal and Coke	---	---		
Electricity	11	0.12		
Water and Sewerage	4	0.04		
Firewood	---	---		
L.P.G.	3	0.03		
Other Public Utilities and Fuel Supply	3	0.03		
Tours (Domestic)	10	0.10		

APPENDIX 14**ANALYSIS OF CONSUMER COMPLAINTS
PRODUCT SERVICE CLASSIFICATION**

Category	Complaints			
	No.	Per Cent	No.	Per Cent
Tours (Overseas)	33	0.35		
Travel Agents, Tour Operators	126	1.32		
Travel Goods (e.g. Suitcases)	4	0.04		
Other Transport and Energy Services	9	0.09	308	3.23

8. Insurance and Finance

Insurance (Life)	26	0.27		
Insurance (Travel)	27	0.28		
Insurance (Health)	28	0.29		
Insurance (Sickness, Accident)	18	0.19		
Insurance (Motor Vehicle Including Extended Warranty Insurance)	178	1.87		
Insurance (Fire)	2	0.02		
Insurance (Household)	50	0.52		
Insurance (Marine)	4	0.04		
Insurance (Consumer Credit)	12	0.13		
Insurance (Superannuation)	11	0.12		
Other Assurance and Insurance	31	0.33		
Bankcard	16	0.17		
Credit Cards	22	0.23		
Store Credit	6	0.06		
Chattel Mortgage	5	0.05		
Lay-By	1	0.01		
Hire Purchase	60	0.63		
Lease	6	0.06		
Personal Loans	83	0.87		
Real Estate Mortgages	18	0.19		
Debt Financial Counselling	5	0.05		
Other Finance	37	0.39		
Rural Investments (e.g. Pine Plantations)	5	0.05		
Franchises	4	0.04		
Finance Company Investment	7	0.07		
Insurance Company Investment	5	0.05		
Bank Investment	1	0.01		
Other Investment	16	0.17		
Other Insurance, Finance and Investment	---	----	684	7.18

APPENDIX 14**ANALYSIS OF CONSUMER COMPLAINTS****PRODUCT SERVICE CLASSIFICATION**

Category	Complaints			
	No.	Per Cent	No.	Per Cent
9. Real Estate and Accommodation				
(a) Property Management	4	0.04		
(b) (Real Estate) Purchase Sale Purchase	57	0.60		
(c) (Real Estate) Lease	---	---		
(d) (Real Estate) Rental Rental Agencies	15	0.16		
(e) Hotel	4	0.04		
(f) Motel	15	0.16		
(g) Caravan Park	14	0.15		
(h) Retirement Homes	3	0.03		
(i) Other Real Estate and Accommodation	14	0.15	126	1.32
10. Miscellaneous Services				
Medical	9	0.09		
Dental	23	0.24		
Pharmaceutical	3	0.03		
Optometrical	6	0.06		
Chiropractic	1	0.01		
Physiotherapy	---	---		
Hospital Nursing Homes	8	0.08		
Other medical and Para Medical	6	0.06		
Legal	17	0.18		
Funeral and Funeral Funds	18	0.19		
Architectural Engineering Surveying	3	0.03		
Accounting, Management Consulting				
Tax Consulting	8	0.08		
Stockbrokers, Investment Consultants	---	---		
Veterinary Services	1	0.01		
Bank Services (Not Finance and Investment)	15	0.16		
Insurance Brokers	4	0.04		
E.F.T./Automatic Teller Machines, etc	3	0.03		
Other Professional Services	9	0.09		
Stop Smoking Clinics	9	0.09		
Hairdresser, Manicure	19	0.20		
Slimming	18	0.19		
Fitness Courses, Gymnasium	73	0.77		

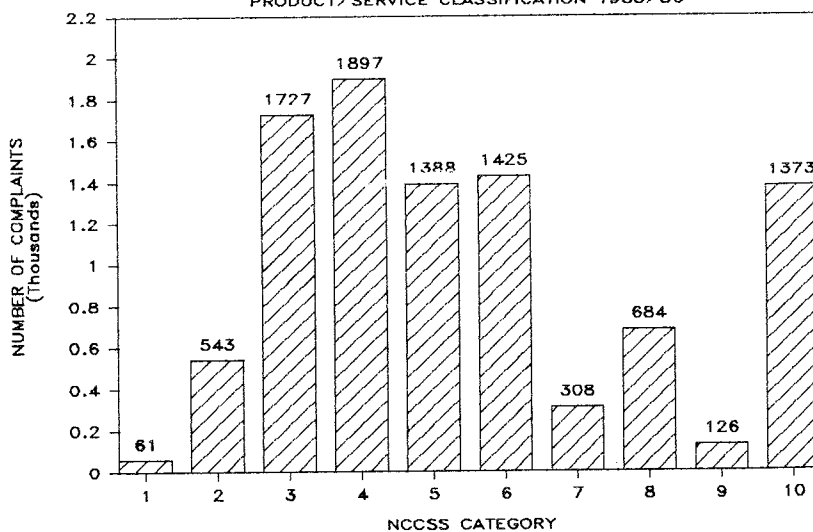
APPENDIX 14ANALYSIS OF CONSUMER COMPLAINTSPRODUCT SERVICE CLASSIFICATION

Category	Complaints			
	No.	Per Cent	No.	Per Cent
Driving Schools	4	0.04		
Dancing Lessons	1	0.01		
Photographic Processing	20	0.21		
Photography	58	0.61		
Marriage Consultants, Introduction Services	26	0.27		
Florists	13	0.14		
Tattoo, Tattoo Removal	---	---		
Dressmaking, Tailoring	24	0.25		
Hair Pieces, Hair Restoration	17	0.18		
Printing	3	0.03		
Private Investigations	1	0.01		
Other Semi-Professional and Personal Services	53	0.56		
Laundry and Dry Cleaning	102	1.07		
Carpet, Window, House Cleaning	29	0.30		
Furniture Removal and Storage	68	0.71		
Freezer Plans	29	0.30		
Hire Service (Not Vehicles)	32	0.34		
Pest Control	6	0.06		
Service, Maintenance Contracts	9	0.09		
Garbage, Garden Refuse Removal	3	0.03		
Security Services	7	0.07		
Other Household Services	20	0.21		
Computer Courses	3	0.03		
Photographic Courses	---	---		
Hairdressing	---	---		
Bar Training	---	---		
Beauty, Modelling	3	0.03		
Travel Agency	1	0.01		
Receptionist	2	0.02		
Other Educational	22	0.23		
Cinema	2	0.02		
Live Theatre	15	0.16		
Ticket Retailing	25	0.26		
Sports Grounds	4	0.04		
Restaurants	22	0.23		
Reception Houses	26	0.27		
Video Library	335	3.51		
Discount Voucher Schemes	15	0.16		
Other Entertainment Recreation	24	0.25		
Work at Home Schemes	7	0.07		
Other Employment	3	0.03		

APPENDIX 14**ANALYSIS OF CONSUMER COMPLAINTS
PRODUCT SERVICE CLASSIFICATION**

Category	Complaints			
	No.	Per Cent	No.	Per Cent
Other Miscellaneous Services	67	0.70	1373	14.40
			9532	100.00

The total number of consumer complaints recorded by the National Consumer Complaints System includes all complaints received by the Ministry during the period. Owing to a minor time delay the Conciliation figures; which reflect the number of complaints handled by the Conciliation Branch, are slightly different.

**ANALYSIS OF CONSUMER COMPLAINTS
PRODUCT/SERVICE CLASSIFICATION 1985/86**

- | | |
|---|---------------------------------|
| 1 Food, Beverages, Tobacco | 6 Miscellaneous Products |
| 2 Clothing, Footwear, Drapery | 7 Transport and Energy Services |
| 3 Consumer Durables | 8 Insurance and Finance |
| 4 Motor Vehicles and Other
Transport Equipment | 9 Real Estate and Accommodation |
| 5 Building and Construction | 10 Miscellaneous Services |

APPENDIX 15**TRIBUNALS HEARINGS**

Suburban and country centres were visited as follows -

SUBURBS	Number of hearing days
Brunswick	138
Camberwell	79
Mordialloc	41
Northcote	15
Oakleigh	79
South Melbourne	1
Springvale	10
Sunshine	45
Williamstown	14
Sub Total	422
COUNTRY	
Bairnsdale	8
Ballarat	20
Benalla	6
Bendigo	19
Cobram	3
Geelong	38
Horsham	3
Mildura	4
Moe	12
Morwell	13
Seymour	9
Shepparton	6
Swan Hill	3
Tatura	3
Warrnambool	9
Wodonga	7
Sub Total	163
TOTAL	585

APPENDIX 15SMALL CLAIMS TRIBUNALAnalysis of claims determined - Practice Classification 1985/86

	<u>No.</u>	<u>% of Total</u>
1 <u>Advertising and Representation</u>	25	0.79
2 <u>Packaging or Labelling</u>	2	0.06
3 <u>Sales Methods</u>	10	0.32
4 <u>Prices or Charge</u>		
Charge Above Quote	19	0.60
Overcharging	212	6.69
Failure to indicate selling price	-----	-----
Charging for Quote	3	0.09
Retention of Deposit	55	1.74
Other	16	0.50
SUB TOTAL	<u>342</u>	<u>10.79</u>
5 <u>Quality of Product or Service</u>		
Installation	147	4.64
Service or Repair	699	22.05
Unavailability of Product		
Component or Service	12	0.38
Unsafe or Hazardous Product or Service	5	0.16
Unauthorised Repairs	12	0.38
Defective at Purchase	69	2.18
Defective after Purchase	853	26.91
Damage to Consumer's Property	244	7.70
Weight or Measure of Unpacked Goods	1	0.03
Other	11	0.35
Loss of Consumer's Goods	61	1.92
Supply of Incorrect Goods	55	1.74
Non Performance	47	1.48
SUB TOTAL	<u>2,216</u>	<u>69.91</u>
6 <u>Credit Practices</u>		
Repossession	1	0.03
Debt Collection	-	-
Deposits and Lay-bys	7	0.22
Exorbitant or incorrect credit charges/interest	1	0.03
Overcommitment	1	0.06
Rebates	1	0.03
Other	2	0.06
SUB TOTAL	<u>13</u>	<u>0.41</u>

APPENDIX 15SMALL CLAIMS TRIBUNALAnalysis of claims determined - Practice Classification 1985/867 Contracts

Harsh and unconscionable acts	8	0.25
Non disclosure and misrepresentation of terms	52	1.64
Retention of Bond	3	0.09
Other landlord/tenant disputes	1	0.03
Disputes concerning cancellation of contracts	41	1.29
Non supply of goods and services	293	9.24
Non performance within a reasonable period	47	1.48
Rejection of insurance claim	41	1.29
Other	18	0.57
	<u>SUB TOTAL</u>	<u>504</u> <u>15.90</u>

8 Guarantees and Warranties

Statutory	32	1.01
Express Warranties	1	0.03
	<u>SUB TOTAL</u>	<u>32</u> <u>1.04</u>

9 Offers of Redress

Provision of credit note	1	0.03
Repair - no replacement or refund	13	0.41
No refund policy of seller	46	1.45
Insistence that consumer pay for repair	1	0.03
Other	1	0.03
	<u>SUB TOTAL</u>	<u>62</u> <u>1.96</u>

GRAND TOTAL 3.170 100%

Note: Percentage sub totals may not total 100 per cent due to rounding of decimal rounding.

APPENDIX 15SMALL CLAIMS TRIBUNALSAnalysis of Claims Determined - Product/Service Classification - 1985/86

	<u>No.</u>	<u>% of Total</u>
1. <u>Food and Beverages</u>		
Food Products	5	0.18
Beverages	-	-----
SUB TOTAL	<u>5</u>	<u>0.18</u>
2. <u>Clothing, Footwear and Drapery</u>		
Clothing	90	3.21
Footwear	33	1.18
Accessories	4	0.14
Drapery	3	0.11
Trousseau	1	0.04
Other	3	0.11
SUB TOTAL	<u>134</u>	<u>4.78</u>
3. <u>Consumer Durables</u>		
Electrical Goods, etc		
Washing Machines, Dishwashers,		
Drying Cabinets	26	0.93
Stoves and Ovens	11	0.39
Refrigerators and Freezers	32	1.14
Air Conditioners	16	0.57
Heaters	28	1.00
Small Appliances	2	0.07
Vacuum Cleaners	3	0.11
Hot Water Systems	8	0.29
Sewing Machines	8	0.29
T.V. Radio, Hi-Fi, etc	61	2.17
Video Recorder, Video Camera	15	0.53
Used Electrical Goods, etc	2	0.07
Home Computers	3	0.11
Other	9	0.32
Furniture	116	4.13
Furnishings:		
Carpets and other Floor Coverings	77	2.74

APPENDIX 15SMALL CLAIMS TRIBUNALSAnalysis of Claims Determined - Product/Service Classification - 1985/86

	<u>No.</u>	<u>% of Total</u>
Curtains and Blinds	45	4.13
Lamps, Light Fittings	1	0.04
Other	3	0.11
Linoleum, Cork Tiles, Hard Floor Coverings	26	0.93
Flyscreens, Security Doors	37	1.32
Hardware and Kitchenware	7	0.25
Solar Appliances	1	0.04
Other	7	0.25
SUB TOTAL	<u>544</u>	<u>19.39</u>
4.A <u>Motor Vehicles and Other Transport Equipment</u>		
New Motor Vehicles	41	1.46
Used Motor Vehicles	207	7.38
Consignment Sales	5	0.18
Parts and Accessories	51	1.82
Other	8	0.29
Motor Bikes	18	0.64
Cycles	1	0.04
Other Transport Equipment	2	0.07
Boats, Outboard Engines	8	0.29
Caravans, Campervans	13	0.46
Trailers	3	0.11
Other	1	0.04
Tractors, Farm Machinery	2	0.07
Trucks, Commercial Vehicles	1	0.04
SUB TOTAL	<u>361</u>	<u>12.87</u>
4.B <u>Repair and Servicing of Motor Vehicles</u>		
Mechanical	187	6.66
Electrical	4	0.14
Rust Proofing	1	0.04
Panel Beating	58	2.07
Exchange Engines	36	1.28
Other	15	0.53
Towing & Storage	2	0.07
Parking	1	0.04
SUB TOTAL	<u>304</u>	<u>10.83</u>

APPENDIX 15SMALL CLAIMS TRIBUNALSAnalysis of Claims Determined - Product/Service Classification - 1985/86

	<u>No.</u>	<u>% of Total</u>
5. <u>Building and Construction</u>		
New Homes	77	2.74
Extensions and Renovations; Concreting, Blockwork, Brickwork etc	114	4.06
Fences and Walls	45	1.60
Carpentry	18	0.64
Painting and Decorating	52	1.85
Plumbing	53	1.89
Electrical Work	22	0.78
Roofing and Insulation	53	1.89
Cladding	8	0.29
Tiling	30	1.07
Other	35	1.25
Supply of Packages, Kitchens, Garages etc	75	2.67
Building Products	31	1.10
Garage Doors	5	0.18
Swimming Pools	39	1.39
Gardening	24	0.86
Other	32	1.14
SUB TOTAL	<u>713</u>	<u>25.41</u>
6. <u>Miscellaneous Products</u>		
Gambling, Lotteries	1	0.04
Communications - Newspapers, Books, Periodicals, etc	4	0.14
Records & Tapes	2	0.07
Other	9	0.32
Office Equipment	10	0.36
Sporting Goods	17	0.61
Camping Equipment	2	0.07
Jewellery, Watches and Clocks		
Coins, Precious Metals	39	1.39
Toys and Musical Instruments	10	0.36
Photographic Equipment	4	0.14
Video	---	-----
Chemical Products	9	0.32
Health Equipment	3	0.11
Animals, Pets and Livestock	13	0.46
Personal Appliances	---	-----
Other	14	0.50
SUB TOTAL	<u>137</u>	<u>4.88</u>

APPENDIX 15**SMALL CLAIMS TRIBUNALS****Analysis of Claims Determined - Product/Service Classification - 1985/86**

	<u>No.</u>	<u>% of Total</u>
7. <u>Transport and Energy Services</u>		
Post and Telephone Services	-	-
Transport	20	0.71
Hire Transport	5	0.18
Fuel Supplies	6	0.21
Freight Services	7	0.25
Travel	45	1.60
Other	12	0.43
SUB TOTAL	<u>95</u>	<u>3.39</u>
8. <u>Insurance</u>	66	2.55
<u>Finance</u>	11	0.39
SUB TOTAL	<u>77</u>	<u>2.74</u>
9. <u>Real Estate and Accommodation</u>		
Investment	1	0.04
Property Management	1	0.04
Lease and Rental	---	---
Purchase, Sale	17	0.61
Short Term Accommodation	8	0.29
Other	11	0.39
SUB TOTAL	<u>38</u>	<u>1.35</u>
10. <u>Miscellaneous Services</u>		
Professional Services	57	2.03
Semi-Professional Services	139	4.95
Laundry and Dry Cleaning	97	3.46
Other Household Services	62	2.21
Educational	8	0.29
Entertainment, Recreation	25	0.89
Other	10	0.36
SUB TOTAL	<u>398</u>	<u>14.18</u>
GRAND TOTAL	2,806	100.00

Note: percentage sub-totals may not total exactly due to rounding of decimal point.