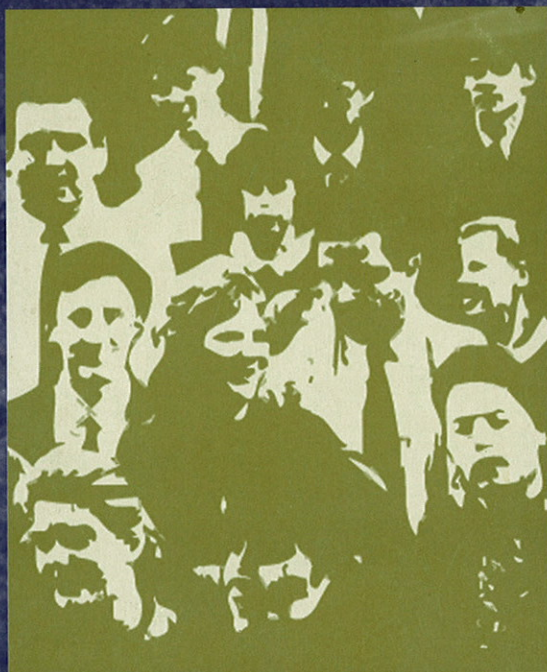


Ministry of
CONSUMER AFFAIRS

Annual Report
1990-91



VICTORIA

Report

of the

MINISTRY OF CONSUMER AFFAIRS

for the

Year ended 30 June 1991

Ordered by the Legislative Assembly to be printed



The Hon. Theo Theophanous
Minister for Consumer Affairs

The Hon. Theo Theophanous
Minister for Consumer Affairs
500 Bourke Street
MELBOURNE 3000

Sir,

ANNUAL REPORT 1990-91

Pursuant to section 8 of the Annual Reporting Act 1983, I present to you my report on the activities of the operations of the Ministry of Consumer Affairs, for the year ended 30 June 1991.

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

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

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

Yours faithfully,



P. M. Faulkner,
Director of Consumer Affairs,
October 1991

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DIRECTOR'S OVERVIEW

In reflecting on the work of the Ministry of Consumer Affairs over the year 1990-91, I have reviewed the Ministry's operations over the last 12 years.

During this period, the work of the Ministry has become broader and more complicated. In 1979 the Ministry of Consumer Affairs was responsible for the administration of seven pieces of legislation. By 1991 this had grown to 22 pieces of legislation. During the 1980s the Ministry has assumed control of legislation affecting tenancy, consumer credit, finance brokers, travel agents, weights and measures, shop trading hours and fuel prices.

Some of this legislation - such as the Travel Agents Act 1986, the Credit legislation, and the Fair Trading Act 1985 - provides a completely new set of protection for consumers. Some of the legislation - Motor Car Traders Act 1986 - upgrades and broadens regulatory requirements which existed in earlier legislation. Other legislation, such as the Weights and Measures Act 1958 and the Finance Brokers Act (1969), have been transferred to the Ministry consistent with the fair trading objective of these Acts.

Much of this legislation is achieving results. In 1979 the then Director of Consumer Affairs highlighted the level of complaints against the Travel Industry. In 1991 the Travel Industry has caused very few consumer complaints - a reflection of the success of the establishment during the 1980s of a licensing and compensation system for consumers dealing with licensed travel agents.

The 1979 report also highlighted problems in the building industry - in particular dissatisfaction with "dispute solving mechanisms" and consumers "being asked to pay large deposits or progress payments". The 1981 report also highlighted the deficiencies in the dispute resolution system. The House Contracts Guarantee Act 1987 sets out a schedule of the progress payments which may be required by builders from home owners.

The other problem of unsatisfactory dispute resolution mechanisms remains. The majority of standard contracts used in the domestic building industry contain a clause that, when a dispute arises between parties to a contract, compels them to use arbitration. The compulsory arbitration clause is one of the aspects of the existing standard form contract that the Ministry believes should be changed. In December 1990 the Ministry published a series of three discussion papers which set out options for addressing the problems consumers face when they are building or renovating homes.

It proposed a fairer domestic building contract, an alternative to compulsory arbitration, as the method of resolving "within contract" building disputes and reforms to the House Contracts Guarantee Act, specifically, a change to the structure of the Board of the Housing Guarantee Fund Limited to ensure that consumers and builders have

equal representation on the Board of the Housing Guarantee Fund Limited.

Work on the revision of the standard form contract will continue during 1991 under the auspices of the Victorian Law Reform Commission. Work on an alternative to compulsory arbitration is continuing with the options of a specialised building dispute Tribunal and the Magistrates' Court still under active consideration. Proposed reforms to the House Contracts Guarantee Act were defeated in the 1991 Autumn Session of Parliament.

A revised domestic building and renovations contract is essential if disputes in this area are to be reduced. The existing standard domestic building contract is too complex and is unfair. Work to improve dispute resolution mechanisms and to improve the operation of the guarantor body alone will assist but will not solve the basic problems which consumers face in this area.

During the 1980s the number of tribunals and authorities charged with responsibilities for either licensing traders or resolving disputes between consumers and traders has also increased.

In 1991 traders who are involved in selling motor cars, providing travel services, finance broking or providing credit, require licences to operate. The licensing system ensures that entrants to these fields of business are likely to trade honestly and fairly with consumers and in some fields they are required to have sufficient financial resources to carry on business.

In 1990-91 the licensing authorities made determinations with respect to 11 objections against proposed or existing licensees. As well, 5 licensees surrendered their licences prior to the hearing of an objection. The Ministry provides administrative support to these authorities and is responsible for collection of licence fees from traders. The licence fees are used to offset the costs of running the licensing systems, enforcing legislation, education of players in the marketplace and resolving disputes between consumers and traders. In the case of the Motor Car Traders licence fees, these are also used to fund the Motor Car Traders Guarantee Fund. In 1990 the Ministry commenced a review of the level of these fees, to ensure that in future these fees are capable of recovering the full cost of the activities they are intended to fund.

In 1990-91 over 34,000 applications were made for determinations from the three tribunals (Small Claims Tribunal, Residential Tenancies Tribunal, Credit Tribunal) which the Ministry administers. This compares with 3,006 disputes which were heard by the Small Claims Tribunal in 1979 (this was the only tribunal administered by the Ministry in 1979).

In 1990-91 over 280,000 consumers sought either assistance from the Ministry through its telephone enquiry service or sought individual assistance to conciliate disputes which they had with traders. The

continued demand for individual advice and assistance has led the Ministry to review how it can provide for this constantly increasing demand, while ensuring services are directed to those most in need in a period when resources are likely to decline.

Over the past few years the Ministry has been working with community organisations to establish community based consumer and tenancy advice services in all regions of Victoria. These groups assisted 48,000 clients this year. The Ministry supports these groups with funding, the supply of printed materials on consumer and tenancy issues and training.

The Ministry is in the process of upgrading its telephone information service by providing recorded information to answer the most common enquiries of consumers. This will be provided 24 hours a day, 7 days a week. These improvements should enable consumers and traders to increase knowledge of their rights and responsibilities and hopefully reduce disputation or enable the parties to a dispute to resolve complaints without intervention from the Ministry. The Ministry has also continued to upgrade its publications on consumer and tenancy issues and to undertake new approaches through media campaigns (Credit Costs You), press advertisements, co-sponsorship with traders, audio material and direct mail.

The focus of consumer affairs issues has shifted during the 1980s. In the 1990s the focus of the Ministry's attention is likely to be on more complex transactions such as credit provision, banking, insurance products and house building contracts. This increased emphasis on information for both consumers and traders has been backed by an improved research and economics capacity within the Ministry. This capacity enables the Ministry's education campaigns to be carefully targeted and for the implications of the Ministry's legislation and services to be assessed and monitored.

Over the next decade I anticipate that the Ministry's scarce resources will be directed to ensuring that fair trading standards are developed for more complex products to ensure that consumers are given clear and accurate information about their rights and exactly what they are buying. The areas of insurance and credit are areas where the nature of products is often so complex that consumers are unable to usefully assess and compare products. I believe that, if resources are dedicated to the development of disclosure standards and standard contracts for more complex and expensive products, this will reduce the need for Ministry involvement in the settling of disputes at a later stage.

P. M. Faulkner

P. M. FAULKNER

CORPORATE MISSION

The Ministry of Consumer Affairs aims to ensure a balance between the rights and responsibilities of consumers and traders, tenants and landlords in the marketplace, through the development and enforcement of standards, including legislation, and the provision of information and mechanisms for resolving disputes.

Corporate Objectives

- (i) To identify unfair practices in the marketplace.
- (ii) To establish appropriate standards of conduct for consumers and traders, and tenants and landlords, through legislation and codes of practice.
- (iii) To improve the knowledge of the public on their rights and responsibilities as consumers and traders, landlords and tenants, and increase public access to the services of the Ministry, through the provision of advice and information.
- (iv) To enable the exercise of these rights and responsibilities through provision of informal, speedy and accessible avenues for resolving disputes between consumers and traders, and tenants and landlords.
- (v) To improve compliance with established standards through a program of licensing and enforcement.
- (vi) To minimise risks to the public arising from the trading of hazardous products.
- (vii) To deter excessive prices.
- (viii) To improve management and administrative practices.

CONTACTING THE MINISTRY

How We Can Help

The Ministry provides advice, information, referral and dispute resolution services in relation to consumer and residential tenancy matters.

Telephone

General enquiries and information

602 8123

toll free number: (008) 13 6716

Residential tenancies enquiries

602 8140

TTY/TDD number (for hearing impaired)

602 8234

Correspondence

Ministry of Consumer Affairs

GPO Box 5408CC

Melbourne Vic. 3001

Personal Visits

The main reception area at Head Office

3rd floor, 500 Bourke Street

Melbourne Vic. 3000

The office is open to enquiries

between 9.00 am and 4.30 pm,

Monday to Friday

Regional Offices

Regional offices are also able to assist with enquiries and complaints about general consumer and residential tenancy matters. These offices are open to the public between 9.00 am and 4.30 pm, Monday to Friday. General enquiries should be directed to the Ministry's Head Office on 602 8123 or 602 8140.

DANDENONG	FOOTSCRAY	RINGWOOD
Level 3, 329 Thomas Street DANDENONG 3175 706 8884 (008) 13 3837	1A Wingfield Street FOOTSCRAY 3011 689 8744 (008) 13 4838	88 Maroondah Hwy RINGWOOD 3134 879 5677 (008) 13 3838

Community Organisations

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

What to do if you have a problem

If you have a problem that you think the Ministry of Consumer Affairs may be able to help with, the first thing you must do before contacting the Ministry is to go back to the other party and try to amicably resolve the problem. Many people find that the problem can be resolved following discussion with the other party, without resorting to further action.

Ring for Advice

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

Telephone enquiries, the front line of the Ministry.



Resolving Disputes

Having spoken to the Ministry's telephone or counter enquiry staff or an advice service, you will be advised what to do next and provided with information on your rights and obligations. You may be advised

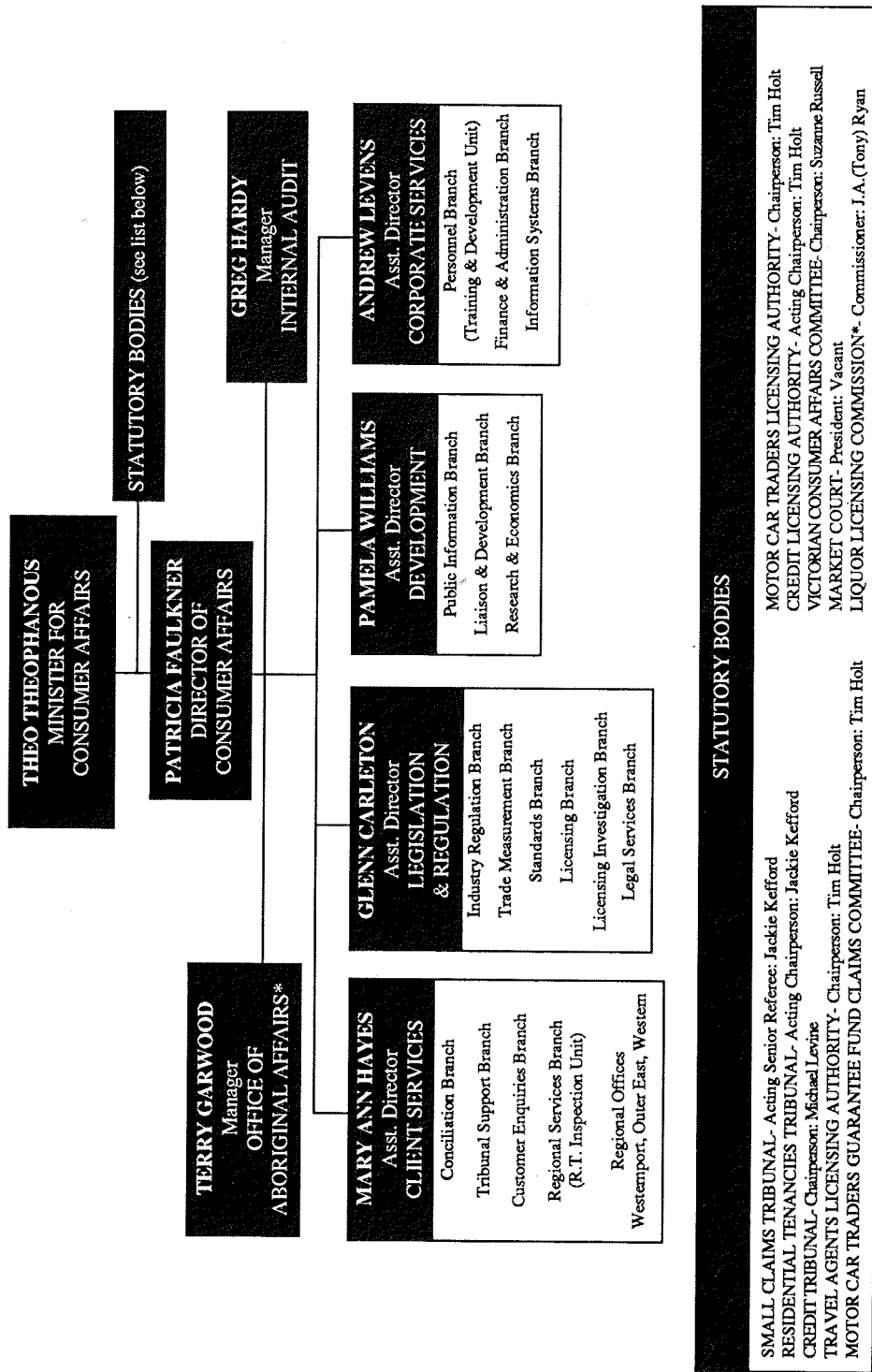
to send us a written complaint, in which case the matter may be conciliated. Depending on where you live or work, you can lodge a complaint at either the Ministry's Head Office or one of the three regional offices.

Alternatively, you may apply directly to the Small Claims, Credit or Residential Tenancies Tribunals.

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

Tribunal hearings are held at venues throughout the State, including the Ministry's Head Office and regional offices. Hearings are held in an informal atmosphere, and the referee's decision is final and binding on all concerned.

If the matter is urgent or serious you may be asked to come into one of the Ministry's offices for an interview.



STATUTORY BODIES

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

* These bodies have prepared separate Annual Reports. The Office of Aboriginal Affairs officially ceased to be the responsibility of the Minister for Consumer Affairs on 1 July 1991 although the Ministry of Consumer Affairs will continue administrative responsibility until the end of the supply period.

CONSULTATIVE GROUPS

Victorian Consumer Affairs Committee

The Victorian Consumer Affairs Committee (VCAC) comprises 15 voluntary representatives from industry, trade union and consumer groups, and meets monthly under the chairmanship of Suzanne Russell, Senior Lecturer in Consumer Science at Royal Melbourne Institute of Technology.

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

Issues investigated by the VCAC during the year have included IOOF Low Start Loans, the general insurance complaints scheme proposed by the Insurance Council of Australia and the effectiveness of the Housing Guarantee Fund Limited consumer protection measures. The Committee has made recommendations to the Minister on several of these issues, as well as making recommendations to the Minister on the Ministry of Consumer Affairs' Review of the Administration of Trade Measurement in Victoria. The VCAC also successfully sponsored two seminars; one in October 1990 on insurance issues for consumers in the light of the British experience with insurance self-regulation, and one in March 1991 on 'Sexually Transmitted Debt' covering the issue of women being tied to other people's debt, which resulted in a number of recommendations for future action.

Industry Liaison Group

The Industry Liaison Group (ILG) is a consultative forum between the Ministry of Consumer Affairs and various industry and commerce groups. Its main functions are to assist the Ministry in developing information and awareness programs for traders and consumers, and to advise on priority areas for research and information provision so as to facilitate a fair marketplace.

In 1990-91 the ILG assisted the Ministry in developing a customer complaints handling procedure for retail trader use. Trader education projects such as this represent a major working area of the Group.

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

Tenancy Information and Research Advisory Committee

The Tenancy Information and Research Advisory Committee (TIRAC) was established as a result of the recommendations of the Review of

Residential Tenancies Functions and Services 1989 to provide a consultative forum on the planning of tenancy information, education and research for the Ministry.

TIRAC meets bi-monthly with membership comprising representatives of the Tenants Union of Victoria, Shelter Victoria, Tenants Advice Network of Victoria, Real Estate Institute of Victoria, Estate Agents Board and the Department of Planning and Housing.

CORPORATE OBJECTIVE (1): Unfair Practices

To identify unfair practices in the marketplace

The Ministry of Consumer Affairs aims to expose unfair practices in the marketplace. The Ministry is informed of unfair practices in the marketplace through analysis of the many cases which come to our attention through the telephone and counter enquiry service, the conciliation service, the tribunals, research, and contact with industry groups and the community based organisations funded by the Ministry. Where unfair trading practices are identified, the Ministry develops options for the eradication of such practices.

House Contracts

The Ministry has received many complaints from consumers who are involved in building a new home or renovating an existing home.

The House Contracts Guarantee Act 1987 provides for a seven year guarantee on domestic building work for contracts valued above \$3,000. The guarantees are issued by the Housing Guarantee Fund Limited (HGFL) as the approved Guarantor under the Act. The HGFL is the registration body for builders, who may gain approval only after complying with HGFL's standards. Builders who fail to meet the required standards may be deregistered by the HGFL, while breaches of the Act can be prosecuted by the Ministry of Consumer Affairs.

Second hand flooring, insufficient clearance between floor and ground, bowed and cracked plaster and a smelly sludge from broken pipes - that was the legacy of a reblocker's work. The Ministry is investigating with a view to prosecution.



The existence of this legislation has addressed a range of problems in relation to domestic building. However, the following problems remain:

- the existing domestic building contract is unfair to consumers;
- the system of dispute resolution (i.e. arbitration), is too costly for both builders and consumers; and,
- the structure of the Board of the HGFL is seen as biased in favour of builders.

On 4 December 1990, a package of three discussion papers on these issues was released, comprising:

- a fairer contract for new house construction;
- a discussion paper on options for dispute resolution in the house building industry in Victoria; and,
- a discussion paper on possible amendments to the House Contracts Guarantee Act 1987.

The Minister requested comments on the papers prior to 31 January 1991 and over 100 submissions were received.

A series of consultative meetings was undertaken, resulting in consensus on a number of issues, including agreement on the need for a new tribunal with exclusive jurisdiction to resolve building disputes. Work on the feasibility of establishing this tribunal is continuing. A Bill making amendments to the House Contracts Guarantee Act 1987, including providing for equal numbers of builder and consumer representatives on the Board, was introduced and defeated in the Legislative Council in May 1991.

Representatives from the Ministry met with the Housing Industry Association, Master Builders Association, Victorian Consumer Affairs Committee, Victims of Builders Support Group Inc, Law Institute of Victoria, Department of Planning and Housing, Royal Australian Institute of Architects and the Dispute Practitioners Society, to seek their views on an equitable new house construction contract. The work on a new domestic building contract is now continuing under the auspices of the Victorian Law Reform Commission.

Compliance on an Industry-Wide Basis

Unfair market practices are identified by various means, including receiving verbal and written complaints, investigation of alleged breaches of Acts, monitoring media coverage and examination of material sent by consumers. Efforts to achieve compliance or to change the practice are then often made on an industry-wide basis. Examples of this include:

Cladding Contracts - 30% Damages Clauses

The questionable conduct of several traders within the cladding industry has been of grave concern to the Ministry recently.

Apart from its highly publicised prosecution of RBP and Co. Pty Ltd and its director, Raymond Yallouz, the Ministry has also taken the initiative in seeking to remove certain onerous and unjust provisions commonly found in many cladding contracts.

One such provision entitled the cladding company to claim 30% of the contract price where the consumer, after signing the contract, no longer wished to proceed. This 30% entitlement arose immediately upon the signing of the contract and seemed to have no correlation with any genuine pre-estimate of loss which the company might be expected to sustain upon a breach of contract by the consumer.

Door-to-Door - Chocolate Sales

A scam, in which people could have ended up paying more than \$500 for packets of chocolate, has been exposed by the Ministry.

The Ministry heard of the scam when a woman became angry over a demand for \$565 for chocolates worth only a few dollars.

The woman and 13 others in the Croydon and Doncaster areas were approached by a man who told them he was selling chocolates to aid the Alpine Bush Walking Club, and stated they did not have to pay when they made their order, but would be billed later.

After consumers signed an order form, the man would seal the order form in an envelope concealing fine print on the back. This required them to pay \$565 if payment of the original amount was not received by the due date.

But the scam turned sour when the man returned to one of the late payers and demanded the extraordinary amount. The woman immediately phoned the Ministry, which intervened and put a stop to the operation. While no charges were laid because no money was collected, swift action by inspectors prevented the development of a large scale scam.

Swimming Pool Construction

The Ministry has received complaints in relation to some organisations selling swimming pools, which are using what is commonly termed as an "upsell" to get consumers to purchase more or better equipment or pools than the consumer initially intended, in some cases more than they could reasonably afford.

The pool is advertised at a very low price to attract consumers; then having signed a contract for the basic item they are upsold on the equipment they will require to enable the pool to function properly.

They are invariably informed by the salesperson that the standard equipment they have purchased is not really satisfactory.

The Ministry is currently investigating this type of complaint with a view to prosecution under the Fair Trading Act 1985.

Consumers are warned to be wary of this type of selling and to have any contract they are about to sign checked by a solicitor prior to signing, for their own protection.

Problem Areas

Through the Ministry's complaint handling processes, a number of unfair practices in the marketplace were identified during the year. Consumers are urged to "Watch Out" for bogus companies and marketing 'scams', and to thoroughly read and comprehend all documentation before signing any agreement.



WATCH OUT

CONSIGNMENT SELLING

Warning: People selling caravans should be alert to the risks of doing so on consignment to a caravan or mobile home trader.

Consumers should consider the risks attached to this type of sale carefully and consider the alternatives, such as selling their vans privately or through a dealership.

The Ministry has received a number of complaints from people who have signed agreements to sell their caravans on consignment.

Case 1

A consumer put his caravan up for sale at Mr Cheap, a caravan sale yard in Brooklyn, in October last year after seeing an advertisement in the local paper. The consumer signed an agreement to sell the van on consignment for \$2,500.

When the consumer contacted the trader two months later, he discovered the caravan had been sold along with the business. The previous owner could not be found, so the consumer was referred to the Small Claims Tribunal to try and get his money back.

The Tribunal ordered the trader pay \$2,500 but, as this has not been done, the consumer has now been advised to take out a

warrant of possession for execution by the Sheriff's office.

Case 2

Some months later, another consumer signed an agreement at the same Brooklyn premises, now trading as New Look Mobile Homes, to sell his van for \$2,500 and pay the dealer 10 % of the consignment price as commission for the sale.

The agreement clearly stated the dealer had to advise the consumer of any offer before finalising the transaction.

Three months later the dealer advised the consumer that the van had been sold and the consumer would get \$1,800. A dispute arose about the validity of the agreement to sell the van for less than \$2,500. When the consumer finally received the cheque, it bounced. This case was also referred to the Small Claims Tribunal.



WATCH OUT

WARRANTIES

Warning: Do not deal with any firms which seek to remove your basic rights to a warranty for goods and services.

If you are thinking of buying a security alarm, shop around.

Do not sign any contracts until you get advice from your insurance company and advice on security precautions from your local police. Read all documents carefully.

Many complaints have been received about the validity of warranties received with goods and services.

The main problems are with companies failing to provide operating instructions, failing to respond to requests for repair during the warranty period and having contract conditions which waived responsibility for warranty work.

Case

A consumer had a digital security system installed in his home by Lindmac Securities Pty Ltd. The alarm kept going off without security being breached. Not only was the alarm causing problems for the consumer, he was also

concerned that the house and contents insurance would be jeopardised without an effective alarm. The company did not respond to the consumer's requests for the problem to be fixed, claiming that the sale specifically excluded any rights for claims to be made under warranty.

This matter was settled after the Ministry intervened, but there have been 13 other instances where the same company failed to fulfil warranty obligations. A number of these cases have been referred to the Small Claims Tribunal and the Industry Regulation Branch for investigation of possible breaches of legislation.



WATCH OUT

EXTENDED WARRANTIES

Warning: Be wary because extended warranties often come with requirements that the vehicle is serviced on the exact mileage specified, and that service coupons are sent to the insurer within seven days of service. These conditions are often overlooked by the consumer.

Consumers should think carefully about the need for extended warranties, as most used cars bought from dealers already come with a statutory warranty.

Consumers continue to experience problems after paying for extended warranties on cars. People have had claims rejected on purely technical grounds or because the consumer did not understand the sometimes onerous obligations required to maintain the policy.

Case

A consumer made a complaint to the Ministry after a claim for a failed fuel pump was rejected, despite fuel pumps being covered in his policy.

The insurer rejected the claim on the grounds that the car had been 2,000 km overdue for a service and that the service coupon had been sent in late.

Ministry staff maintained the decision was harsh considering the failure of the fuel pump was not related to servicing the car. Had the car been serviced on time, it would not have stopped the breakdown. Following intervention by the Ministry, the insurer paid the claim.



WATCH OUT

LOAN CONTRACTS

Warning: Consumers should not accept assurances that filling in forms with false information is "normal business practice" when buying a car. Not only is it an offence to sign documents knowing the information is false, but in doing so consumers may end up with something they don't want or can't afford - such as a loan which is too large.

The Credit Act 1984 and the Motor Car Traders Act 1986 provide the legislative framework in which credit providers and motor car traders should conduct their business. The Ministry has continued to receive complaints about finance contracts entered into by consumers who are not fully aware of the commitments they have made. Due to the cost of cars, many complaints the Ministry receives about credit contracts relate to consumer dealings in the motor car industry.

falsely claimed that the purchase price of the vehicle was \$13,103 and that the consumer had paid a deposit of \$2,000. Etheridge Pty Ltd also falsely claimed in the finance application to AGC that it was the motor car dealer selling the car.

The loan was approved with the contract showing the amount to be financed for the vehicle as \$11,103 (plus various insurance policies, totalling \$3,765). The loan was to be repaid over five years with an interest rate of 29%.

Case

A consumer purchased a used motor vehicle from a Licensed Motor Car Trader (who will be referred to as Trader A). The contract of sale showed a total purchase price of \$12,603 with no deposit paid. The consumer, however, stated that he had paid a \$500 deposit which left a balance of \$12,103 to be arranged by way of finance.

The difference between the loan of \$11,103 approved by AGC and the \$12,103 required by Trader A was arranged by way of a separate loan through AGC Credit Line. AGC therefore unwittingly provided an additional loan to cover what AGC had been led to believe was the owner's equity in the vehicle.

Trader A referred the consumer to another motor car dealer, Etheridge Pty Ltd, to arrange finance through Australian Guarantee Corporation Ltd (AGC). However, as the consumer had very little equity in the deal, Etheridge Pty Ltd presented AGC with a different set of figures. Etheridge Pty Ltd

The consumer became unemployed shortly after the purchase and was unable to make any payments. As a result of the false representations made by Etheridge Pty Ltd, the Ministry was able to have the consumer relieved from making payments under the loan contract. The vehicle was returned to AGC and AGC undertook to pursue its loss against Etheridge Pty Ltd.



WATCH OUT

CREDIT

Warning: Credit costs you - sometimes more than you may realise. When purchasing a car with a loan, it is desirable to have as much equity as possible in the vehicle. Also, shop around for insurance and be aware that there is no requirement to take out life insurance or loan protection insurance when purchasing a car.

Case

A consumer purchased a used car for \$14,990. The dealer sold insurance over the vehicle for \$2,633 and life insurance at a premium of \$1,013. As the consumer could provide no equity, the total amount was borrowed.

Shortly after purchasing the car it was stolen. The insurance company agreed to pay the market value, as required in the

terms of the policy. However, the market value was assessed as less than the price paid for the vehicle. The consumer was left to pay the outstanding balance of \$9,500, including finance charges, on the car and the insurance, even though he now had no car.

After contacting the Ministry, the finance company agreed to a rescheduling of loan repayments and waived any additional interest charges.

CORPORATE OBJECTIVE (2): Establishing standards

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

The Ministry of Consumer Affairs is responsible for establishing standards of fair conduct for consumers and traders, and tenants and landlords in the marketplace. Standards are developed either through legislation or codes of practice to create certainty, equity and consistency in commercial dealings between these groups. The Ministry ensures that, through an on-going process of legislative evaluation and reform, established standards continue to fulfil this aim. In developing these standards, the Ministry works closely with industry and the Ministry's funded community groups, and seeks information on consumer protection and tenancy legislation from interstate and overseas.

Legislation and Legislative Reform

Rooming Houses

On 1 November 1990, the Rooming Houses Act 1990 came into operation. This Act sets out the rights and duties of owners and residents of rooming houses and provides for the fair and quick resolution of any disputes which may arise between the parties.

As required under the Act, the Ministry has provided a guide for people living in rooming houses setting out the rights and responsibilities of owners, mortgagees and residents of rooming houses. This guide is written in easy to understand English and explains what a resident needs to know upon arriving in the rooming house, whilst staying, and when departing, as well as providing other useful advice.

A central city rooming house.



The guide has been distributed widely to residents of rooming houses by the Rooming House Tenants Association and by the Ministry.

Disputes between rooming house owners or mortgagees and residents which cannot be settled between the parties are referred to the Residential Tenancies Tribunal for resolution, as in the case of residential tenancies and caravan park disputes. Easy to use forms for rooming house disputes have been designed to assist owners, mortgagees and residents in applying to the Tribunal and in exercising their rights.

In 1990-91, the Ministry has made substantial efforts to inform those in rooming houses of the existence and operation of the Rooming Houses Act. In the coming year, the Ministry will continue to undertake appropriate publicity campaigns and provide necessary information to ensure that rooming house residents and owners are fully aware of their rights and responsibilities under the Act. The Ministry continues to monitor the operation of the Act.

Rental Bond Board

The Review of Residential Tenancies Functions and Services conducted in 1989 recommended that research into a Bond Board system be conducted with a view to implementation in 1990-91.

Legislation to establish a Rental Bond Board was introduced into the Legislative Assembly in April 1991. The objective of the Rental Bond Board Bill is to create a fair and efficient system for the collection, management and disbursement of tenants' bond money. The Bill is based on establishing a Tenancy and Residency Fund, providing for the payment of bonds to the Board and for investment and payments out of the Fund. It contains a provision for any surplus in the Fund after all operating expenses and other requirements of the legislation are fulfilled, to be used for the benefit of contributors, e.g. payment of interest to tenants, provision of tenancy advice services, and housing and support services. There is no substantive change proposed in the Bill with regard to bond eligibility on completion of tenancy. The Bill will be debated in the Spring Session of Parliament.

Trade Measurement

The Standing Committee of Consumer Affairs Ministers agreed in July 1990 that the States and Territories would adopt a Uniform Trade Measurement Bill. As Victoria has a unique system of shared administration of trade measurement with local authorities, it is also necessary to develop an Administration Bill. In addition, because of concerns with the level of service provided across Victoria, it was decided to review the system of administration in Victoria.

The Review of the Administration of Trade Measurement in Victoria was completed in June 1990, and released for public comment in August 1990. Submissions have been considered in the light of

administrative legislation which is being developed by the Ministry. Further discussions are now required to finalise the appropriate system for administration.

Shop Trading

Provisions in the Shop Trading Act 1987 relating to butchers shops were repealed as from 30 November 1990. Butcher shops can now observe the general shop trading hours. During 1990-91, there has been a general review of the Act, particularly in relation to Sunday trading, and an amending Bill will be introduced in the Spring Session.

Pre-paid Funerals

A feature of the funeral industry in recent times has been the marketing of schemes whereby consumers pay in advance for their funerals. Concern has been expressed that there is little, if any, control over advance payments and the Ministry was asked to consider options for their control. An options paper is now being prepared.

Credit Legislation

The Credit Act 1984 has been in operation since February 1985, and is consistent with legislation in a number of other States. This Act has been subject to criticism and a joint working party has been established, comprising representatives from Victoria, New South Wales, South Australia, Queensland, Western Australia and the Commonwealth, to review the Act and draft a uniform Credit Bill for all States.

In July 1990, Consumer Affairs Ministers reached agreement on outstanding issues of policy. The working party has been drafting a



Bill to reflect this agreement and it is anticipated that this Bill will be released for public consultation in September 1991.

The Ministry prepared a report which provided advice on how the proposed new Credit Act can provide the best form of regulatory control of establishment fees on loans for non business purposes. The report evaluates a number of options from an economic point of view. It argues that a maximum fee is desirable because, in an otherwise deregulated environment, this prevents lenders from understating interest rates by charging excessive up front fees.

The Credit (Further Amendment) Act 1991 came into operation in June 1991, and has three purposes:

- To retrospectively validate some minor disclosure errors by credit providers.
- To make a number of changes to the civil penalty regime under the Credit Act. The effect of the civil penalty is that, if a credit provider incorrectly discloses information on a credit contract, the credit provider loses its right to interest on the contract unless that right is restored by the Credit Tribunal. The changes made to the civil penalty regime include:
 - giving the Tribunal the power to declare whether a civil penalty applies to a contract;
 - prescribing the information a credit provider must provide when applying to the Credit Tribunal to have interest restored; and,
 - allowing the Credit Tribunal to notify debtors affected by a civil penalty by advertisement.
- To allow the Tribunal to hear disputes under the Moneylenders Act 1958; which regulates loan contracts entered into before 1985. Serious problems had occurred with respect to enforcement of some of these contracts in recent times, in particular contracts written by Waltons Credit Corporation. These disputes will be dealt with through the Credit Tribunal.

Door-to-Door Sales - Cooling-off period

On 23 May 1991, the Supreme Court of Victoria handed down a judgement which found that the Magistrate in the RBP and Co. Pty Ltd case had erred in finding the company not guilty of breaching the 'Door-to-Door Sales' provisions of the Consumer Affairs Act 1972.

The judgement has clarified the operation of section 14(3)(a) of the Act by removing any confusion which surrounded the meaning of the words "original approach". Consumers who telephoned RBP and Co. Pty Ltd in response to advertisements on television and in newspapers found to their surprise that a salesperson would attend their homes and subject them to a sales presentation. If a contract was entered into, the

consumer was considered to have made the original approach, hence forfeiting their rights under the Act to a cooling-off period. The Act provided that the cooling-off period did not apply where the original approach leading to the agreement or offer was made at appropriate trade premises.

The Supreme Court judgement upheld the Ministry's appeal, concluding that "... the words 'original approach' mean initial physical attendance and do not include a 'telephonic approach'". The Ministry will liaise with industry bodies and associations to ensure their members learn of this decision.

Other Legislative Reform

Insurance

The Ministry has completed work suggesting reforms are needed in certain areas of law relating to insurance contracts, particularly consumer credit insurance. Submissions have been made to the Trade Practices Commission as part of its inquiry into consumer credit insurance, proposing more meaningful disclosure of the costs and benefits of credit insurance. It is clear from an analysis of the data that many borrowers are being sold inappropriate policies upon which they would be unable to make a claim should the need arise. The Ministry has also proposed that the selling agent should be required to ensure the policy is appropriate to the borrower or to provide sufficient details for the borrower to decide for themselves.

A number of concerns have also arisen in the general insurance area. The Ministry has raised concerns about section 15 of the Insurance Contracts Act. Section 15 prevents the application of laws providing relief for misrepresentation or unconscionable conduct to insurance contracts. At present, insurance contracts are not subject to any provisions of the Trade Practices Act, the Fair Trading Act or the Credit Act.

Warranties

The Ministry has also prepared submissions to the Federal Bureau of Consumer Affairs on reforms to implied warranties on the sale of goods or services. At present a plethora of different warranties apply: the Common Law, the Goods Act (Victoria) and its equivalent in other States, and the Trade Practices Act. While the Ministry does not see major deficiencies in these implied warranties, it sees many advantages to consumers, traders and manufacturers if the laws were made uniform throughout Australia.

Codes of Practice

Television and Electronic Services

During the year, the Ministry liaised with consumer organisations and the Television and Electronic Services Association in the development

of a Code of Practice for the television and electronic services industries in Victoria.

Electronic Funds Transfer System (EFTS)

Since September 1986, financial institutions issuing debit cards for use in automatic teller machines have been governed by recommended procedures under the (EFTS) Code of Conduct. For several years the Ministry has monitored compliance with the Code by financial institutions and this continued in 1990-91.

It was pleasing to note that there has been a decrease in complaints in relation to EFTS. However, the Ministry remained concerned about the relatively poor information on EFTS terms and conditions and that a significant percentage of terms and conditions stipulated by financial institutions failed to comply with the EFTS Code.

Supermarket Scanning

The Ministry is also involved in supermarket scanning issues. An officer of the Ministry acts as the Government representative on the Victorian Scanning Complaints Committee (VSCC) set up under the national supermarket scanning Code of Practice. This Committee examines the more complex consumer complaints regarding scanning supermarkets.

The VSCC, in conjunction with RMIT, organised two surveys of scanning supermarkets in August 1990 and April 1991. The surveys found that, although price accuracy appeared to be high, the provision of customer Code information and staff training in relation to the Code needed to be improved. The results of the survey have been supplied to the Australian Supermarket Institute, which is responsible for supermarket compliance with the Code.

The Ministry received 99 complaints regarding scanning supermarkets in 1990-91. In total, 61% of these complaints concerned price integrity problems, involving discrepancies between shelf prices and scanned prices. In 78% of these cases, the store did not initially follow the "item free" policy.

Since February 1991, the Ministry has been passing all scanning complaints received to the Retail Traders Association of Victoria (RTAV) for investigation. This was requested by the RTAV and agreed to by the VSCC, and is in accordance with the scanning Code of Practice. Complaints are being dealt with satisfactorily under this new system.

Alternative Dispute Resolution Processes

EFT Disputes Affecting Credit Union Members

During the year, the Ministry was provided with the Terms of Reference for an Arbitration Scheme to deal with Electronic Funds

Transfer (EFT) disputes, launched by the Australian Federation of Credit Unions (AFCUL).

The AFCUL has been advised of the Ministry's concerns about the Scheme, which does not use independent processes and would be under the control of the industry. Further clarification was sought from AFCUL in May 1991, and the Ministry will not support the Scheme until it is satisfied that it is independent and accountable.

The Insurance Industry

During the year, the Ministry commented on developments by the insurance industry to establish alternative dispute resolution processes. The Insurance Council of Australia and the Life Insurance Federation of Australia launched new proposals for resolution of insurance complaints on 22 May 1991.

The schemes ultimately adopted by industry have a number of deficiencies, relating primarily to their lack of independence, accountability and accessibility. Prior to the launch, the Ministry provided detailed comments to the industry about concerns with the scheme. The Ministry favours increased debate and analysis on a suitable alternative model of dispute resolution. This would involve looking closely at the models which exist both overseas and within Australia; for example, the Australian Banking Industry Ombudsman and the State Insurance Office Ombudsman schemes.

CORPORATE OBJECTIVE (3): Public Information

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

The Ministry provides advice and information to the public through its telephone and counter enquiry service and public information activities to improve knowledge of consumer and tenancy issues. The provision of advice and information is one of the Ministry's preventative measures, assisting to empower the public with the necessary skills to avoid or resolve disputes. The Ministry provides advice and information to the public from its Head Office, regional offices and the many funded community groups located across the State.

Telephone and Counter Enquiries

The total number of telephone and counter enquiries received by the Ministry increased by 16.6% to 273,033 in 1990-91. 188,107 enquiries were received by head office, of which 31% related to residential tenancy matters; 84,926 enquiries were received from regional offices - Dandenong 26,018, Footscray 31,060, and Ringwood 27,848.

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

- Established a half hour earlier starting time for the Head Office Telephone Enquiries Centre, now opening between 8:30 am and 4:30 pm.
- Completed the installation of 008 toll free lines in Head Office and all regional offices.
- Promoted the use of the Telephone Interpreter Service.

TELEPHONE AND COUNTER ENQUIRIES

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

Community Funding Programs

Under the Tenant Support Program and Consumer Support Program, the Ministry provided \$2.1m and \$1.6m, respectively, to facilitate the provision of an extensive network of community based advice services across the State. In total, 63 tenancy and consumer projects were funded. Each of the 18 State Government regions has at least one full-time worker, and in some projects two full-time workers, to provide information and advice to members of the community.

Under the Consumer Support Program, funded agencies have helped in excess of 9,000 clients in 1990-91, and under the Tenant Support Program more than 39,000 clients have been assisted.

Appendix 6 contains a list of all agencies funded under the Consumer Support Program and Tenant Support Program for 1990-91.

Public Information

Information helps people solve problems, exercise rights and access entitlements. The Ministry's information and advice programs are targeted, through a combination of research and evaluation, to meet the information needs of consumers, traders, tenants and landlords.



Customer Complaints

PREVENTION IS BETTER THAN CURE

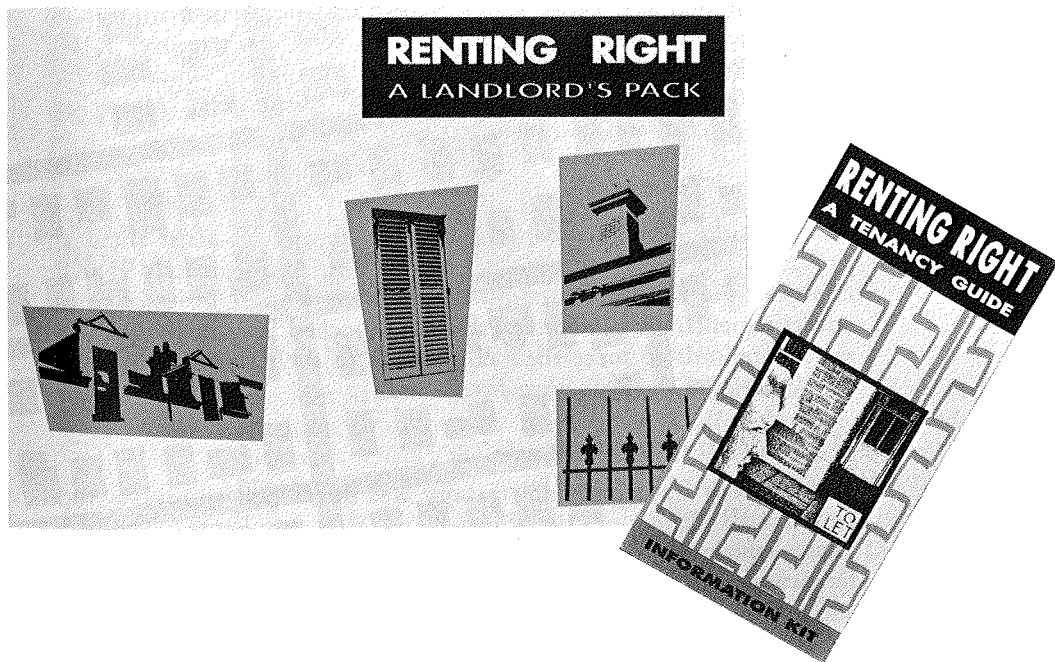
A Ministry of Consumer Affairs initiative supported by the Industry Liaison Group

DEPT OF CONSUMER AFFAIRS

S Small Business Development Centre
TC
VACC VEF NewWorld

The Ministry's Public Information Branch uses a variety of methods including pamphlets, publications and the print and electronic media. During 1990-91 the following public information projects were implemented:

- More than 350,000 printed items were distributed to the public over the past year. Most of this material was posted out directly but an increasing portion of information circulated went out via the Ministry's funded tenant and consumer support groups (see Appendix 6 for a list of available publications).
- Where possible, media coverage was given to prosecutions under the Fair Trading, Residential Tenancies, Travel Agents and Motor Car Traders Acts, cancellation and suspension of licences by the Liquor Licensing Commission, prosecutions for unlicensed motor car trading, product bans, warnings, Credit Licensing Authority decisions, and warnings about poor business practices and Australian and



overseas mail scams. This coverage is intended to deter unfair traders.

- Fairplay magazine was launched as a quarterly publication covering a range of issues dealt with by the Ministry. The magazine is targeted to consumer and tenant support groups, schools, all levels of government, all media and a growing list of business associations and traders. Fairplay magazine experienced a growth in circulation from 2,000 to 10,000 copies per issue.
- Price Action is a quarterly newsletter, which aims to improve consumer awareness of price issues. The newsletter also covered the progress of the supermarket scanning code and unit pricing issues and had a circulation of 11,000 per issue in 1990-91. The Winter 1991 edition provided advice on reducing the incidence of impulse buying in supermarkets, and included a Budget Shopping List pad for consumers' use.

Credit Costs You - Think Twice or Pay the Price

This major TV and radio campaign aimed to provide information and advice to people who were either thinking of taking out a credit contract or who were experiencing credit problems. The main feature of the campaign was a telephone "call in" service where over 1,100 callers received advice and/or referrals to financial counsellors for individual assistance and could request two pamphlets, "Managing Credit Problems" and "An Introduction to Credit".

Residential Tenancies

The Renting Right Kit was launched for tenants to assist them in understanding their rights and responsibilities. Approximately 91,000 copies of the Kit were distributed following a short series of press advertisements. A Landlord's Pack was launched later in the year, to assist landlords to meet their obligations to their tenants. Around 3,700 copies of the Pack were distributed.

Document Improvement Strategy

A document improvement strategy was developed to review and simplify all forms used by Ministry and Tribunal clients. The first phase, which will continue in 1991-92, examines residential tenancy forms and notices. A second phase is planned to review all other forms and notices used by the public for consumer matters.

Credit Education in Schools

The Ministry launched The Credit Pack, a video teaching resource on credit, designed for use with years 9-10 students. In the pack, a lively video and supporting classroom activities cover topics such as personal budgeting, overcommitment, store credit and buying cars on credit. The Credit Pack was developed in South Australia as part of a national project and the Ministry is making copies available to all Victorian post primary schools.

A teaching resource on credit for younger students in years 5-8 was developed by the Ministry in conjunction with the Ministry of Education and the Office of Youth Affairs. Titled Dreams Dollars and Debts, the innovative resource aims to assist students to develop an informed, responsible and critical approach to financial decision making. This resource book will be available for use in late 1991.

Ms Pamela Williams, Assistant Director, Development Division, with students at Darebin Parklands Secondary College for the launch of the Credit Pack, a kit of information about credit aimed at years 9-10 students.



Public Radio for Consumers

The Ministry provided funding for 12 months for 'The Bottom Line' program produced by the Public Radio News Service to cover consumer, tenancy and economic issues. The program, now aired each Monday at 4.00 pm on 3RRR and syndicated to a large number of public radio stations throughout Victoria, attempts to put consumer issues on the media's agenda.

Royal Melbourne Show

The Ministry was one of a number of Government agencies to hold a display at the 1990 Royal Melbourne Show. The Ministry's display aimed to provide information and to educate the target group (16-25 year olds) on tenancy issues and to promote the Renting Right Kit.

Approximately 10,000 pamphlets, 'An Introduction to Renting Right - A Tenancy Guide', 400 Renting Right Kits and 300 Statements of Rights and Duties were distributed.

Product Safety

The Ministry's Standards Branch provided advice and information on product safety matters, which were the subject of media releases.

The information kit "Safety Rules - A Nursery Furniture Guide", which was produced by the Ministry and the Child Accident Prevention Foundation of Australia, has proved to be an outstanding success with a distribution of over 20,000 throughout New Zealand and Australia.

Resourcing Non-English Speaking Communities

The Ministry developed a pilot project in 1990-91 to assist people from non-English speaking backgrounds. Through the pilot project, audio tapes of ethnic radio programs on tenancy and consumer issues are being made available to community resource workers to assist clients. The Ministry hopes that this audio presentation will be more successful than the normal pamphlets and booklets, which are often not well circulated or used by non-English speaking communities.

Language
barriers can be a



Other Forms of Advice and Information Provision

The Ministry also developed the following public information initiatives:

- Organised, with the Victorian Consumer Affairs Committee, a forum on Women and Credit which resulted in recommendations to the Minister for Consumer Affairs and other relevant bodies on a range of issues, including guarantors for credit contracts.
- Assisted the Child Accident Prevention Foundation of Australia National Conference on child product safety, held in Melbourne, in April 1991.
- Co-ordinated community group State-wide events for World Consumer Rights Day, held on 15 March 1991.
- Produced, in conjunction with Radio Australia, a 25 minute audio program on Consumer Affairs in Victoria for World Consumer Rights Day. The program was broadcast nationally and internationally to the Pacific and South East Asian basins. The resultant audio tape will be provided to secondary schools and tertiary institutions as resource material.

CORPORATE OBJECTIVE (4): Dispute Resolution

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

The Ministry has a mix of services available to assist consumers and traders, and tenants and landlords to resolve disputes, each designed to provide an informal and inexpensive means of dispute resolution. Dispute resolution services are provided through the Tribunals, and the conciliation function of the Ministry.

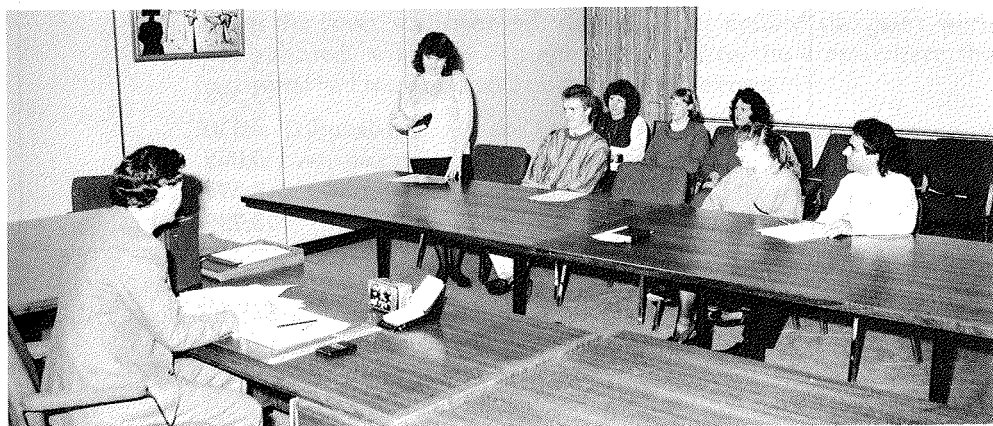
Tribunals

The Small Claims Tribunal, Residential Tenancies Tribunal and the Credit Tribunal provide forums for dispute resolution through arbitration. The Tribunals aim to provide an accessible, quick, cost effective and informal method for resolving disputes between consumers and traders, and tenants and landlords.

The referees presiding over the Tribunals are legally qualified, appointed by the Governor-in-Council and independent of the Ministry. Their decisions are legally binding.

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

The Ministry's Ringwood Office began conducting hearings in August 1990 for the Residential Tenancies and Small Claims Tribunals. Both the Dandenong and Footscray Offices will commence hearings early in 1991-92.



An informal atmosphere is a feature of the Residential Tenancies Tribunal where tenants and landlords can ask for a decision in a dispute they cannot resolve.

During 1990-91, the Ministry has introduced the following initiatives to enhance access to services for clients:

- Scheduled tribunal hearings for late in the afternoon, thereby increasing the available hearing times, and reducing waiting times for hearings.
- Established a computer link with the Australian Securities Commission which has reduced the time taken in conducting company searches, and subsequently the time in processing claims, and listing for hearings in the Small Claims Tribunal.
- Improved the process for the receipt of early notification of withdrawal of applications, to enable the scheduled hearing time to be reallocated to other applicants in the Residential Tenancies Tribunal.
- Established a computer link to Australia Post, which has reduced administrative time and costs in notifying parties of hearings or adjournments at short notice.

Small Claims Tribunal

The Small Claims Tribunal resolves disputes between consumers and traders. The limit for claims is \$5,000 and the application fee for making a claim rose to \$10 as of 2 July 1991.

The number of applications lodged with the Small Claims Tribunal rose by 6.2% to 3,797 in 1990-91.

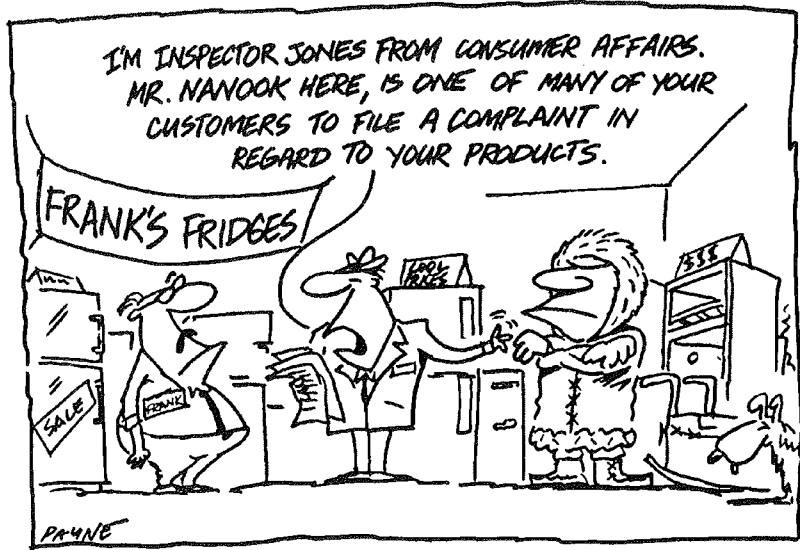
CLAIMS MADE TO THE SMALL CLAIMS TRIBUNAL

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

The following cases are examples of the way the Small Claims Tribunal works to resolve disputes between consumers and traders.

Case 1

The Goods Act 1958 provides that goods purchased must be of merchantable quality and fit for the purpose for which they are



intended. A consumer successfully lodged a \$4,110 damages claim after a car cover he bought damaged his car's paintwork.

The consumer was slowly restoring the car, with work being done in stages as money became available. The car was completely resprayed but, as no more work was to be done for some time, the repairer asked that the car leave the workshop and be stored outside. The repairer suggested the owner buy a good quality car cover to protect it in the meantime.

The consumer inspected the range of available covers at a large retail store, read all the packaging and bought one for \$110 and placed it on the car for about 10 weeks.

When the cover was removed, the consumer noticed the paint work had bubbled, with the damage restricted to the areas where the paintwork had been in direct contact with the cover.

At the Tribunal hearing, the consumer argued that the packaging of the car cover was misleading and did not perform as claimed - protect the car's paint work. Indeed, he claimed it had done the exact opposite.

The consumer pointed out the claims made on the car cover's box, namely:

- all weather cover;
- heat and water resistant;
- protects your interior and paint work; and,
- designed for cars and conditions in Australia.

When he discovered the damage, the consumer wrote to the retailer and contacted the importer. The importer directed his attention to a tag on the inside of the cover which read:

- “ ● never place cover on wet car;
- do not place a wet car cover on vehicle;
- avoid drying a wet car cover in hot sun; and,
- do not leave car cover on vehicle for more than one week.

Any of the above misuses of your car cover could cause permanent damage to the product or vehicle paint surface. We will not accept any responsibility for damages incurred by the misuse of this product.”

The consumer claimed it took him several minutes to find the tag inside the folds of the cover as it was not easily visible or brightly coloured, nor noticeable when the cover was on the car. He said there were no warnings on the box or carry bag that there was a disclaimer about the use of the cover. He also said he would not have bought the cover if he was aware of the warning and argued it should have been placed on the box or in a place he would have been alerted to it in the store.

The consumer sought an order from the Tribunal for \$4,000, the lowest quote for stripping and repainting the car.

The Tribunal found the claim proved and viewed the cover not to be of merchantable quality. It agreed it was not uncommon for a car cover to be placed on a car for more than a week and that the packaging contained no qualifications or warnings about the cover's use. Because of the location of the warning label, the buyer would not be aware of the warning unless the cover was taken out of its box, out of the carry bag and spread out before it was purchased.

The Tribunal said the warning label needed to be clearly noted on the packaging as well as placed in a more prominent position on the cover itself.

The Tribunal was satisfied the damage was caused by the cover and ordered the retailer to pay the cost of the repairs and refund the cost of the cover. The importer, who had control over the manufacture and packaging of the cover, was ordered to pay the retailer \$4,110.

Case 2

A consumer contracted a painting firm to carry out various internal and external repairs and painting services.

After a period of six months the consumer became aware of previous stains re-appearing and paint flaking.

The consumer made a claim seeking rectification works or cost of rectification. The consumer provided evidence from a leading Painters Association which indicated that the painting contractors did not adequately prepare the surfaces prior to painting.

The Tribunal found for the claimant and awarded the maximum monetary amount.

Residential Tenancies Tribunal

The number of applications lodged with the Residential Tenancies Tribunal rose by 1.4% to 29,482 in 1990-91, compared to a rise of 3.4% in the previous year. The majority of applications related to possession cases (77.5%, compared with 82.3% in 1989-90), and were lodged predominantly by landlords (93.2%, compared with 94.5% in 1989-90). The following tables provide details of applications according to sections of the Residential Tenancies Act 1980.

APPLICATIONS TO THE RESIDENTIAL TENANCIES TRIBUNAL

APPLICATION	1988-89		1989-90		1990-91	
	No.	%	No.	%	No.	%
Landlord	26,581	(95)	27,471	(94)	27,469	(93)
Tenant	1,547	(5)	1,610	(6)	2,013	(7)
Total Applications	28,128	(100)	29,081	(100)	29,482	(100)

TENANT APPLICATION BY TYPE

APPLICATION	1988-89		1989-90		1990-91	
	No.	%	No.	%	No.	%
General applications S23	891	(58)	993	(61)	345	(17)
Compensation S105	308	(20)	175	(11)	1,003	(50)
Reduction in fixed term tenancy S113	125	(8)	130	(8)	366	(18)
Repairs - general S100	74	(5)	113	(7)	95	(5)
Repairs - urgent S99	37	(2)	32	(2)	32	(2)
Entry S96	53	(3)	107	(7)	73	(3)
Other	59	(4)	60	(4)	99	(5)
Total Tenant Applications	1,547	(100)	1,610	(100)	2,013	(100)

LANDLORD APPLICATION BY TYPE

APPLICATION		1988-89		1989-90		1990-91	
		No.	%	No.	%	No.	%
Possession	S118	193	(1)	261	(1)	200	(1)
	S119	19,380	(72)	20,334	(74)	19,923	(73)
	S120	160	(1)	137	(<1)	132	(<1)
	S122	3,815	(14)	3,203	(12)	2,553	(9)
	S121			11	(<1)	11	(<1)
	S123			9	(<1)	18	(<1)
Sub Total		<u>23,548</u>	<u>(88)</u>	<u>23,955</u>	<u>(87)</u>	<u>22,837</u>	<u>(83)</u>
Compensation	S105	1,154	(4)	1,440	(5)	1,626	(6)
Abandoned premises	S111	167	(1)	111	(<1)	322	(1)
Reduction in fixed term tenancy	S113	19	(<1)	7	(<1)	33	(<1)
Security deposit	S77	1,289	(5)	1,555	(6)	2,263	(8)
Other		404	(2)	310	(1)	388	(1)
Total Landlord Applications		<u>26,581</u>	<u>(100)</u>	<u>27,378</u>	<u>(100)</u>	<u>27,469</u>	<u>(100)</u>

Case

A landlord made an application to the Residential Tenancies Tribunal under section 127 and section 119 for vacant possession and payment of rental arrears.

The Residential Tenancies Tribunal ruled that the tenant make an extra payment of \$20 together with the fortnightly rental of \$91.60 to reduce the arrears in rental of \$194.30. The Tribunal further ruled that the tenant's failure to make any one payment for a period of 12 months would entitle the landlord to immediate possession.

The Tribunal seeks in appropriate cases to find alternative arrangements (solutions) rather than granting possession which could cause unwarranted hardship.

Fair Rents Board

The Residential Tenancies Tribunal sitting as the Fair Rents Board is required to implement the Landlord and Tenant Act 1958, which covers prescribed premises. This Act protects tenants who have been residing in the same premises since before 1 February 1954, and who are still subject to a tenancy agreement made prior to 1 January 1956.

Only 15 hearings were conducted in 1990-91, compared to 32 hearings in 1989-90. The applications generally related to landlords seeking possession of premises and rental increases. It is expected that the number of hearings will continue to decrease as the number of prescribed premises decreases.

APPLICATIONS TO THE FAIR RENTS BOARD

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

The following case study indicates a typical decision required to be made by the Fair Rents Board.

Case

A landlord requested that the Fair Rents Board determine the status of the daughter of a protected tenant who had died.

The daughter told the Tribunal that from the time her father died, she had an arrangement with her mother that they share the rent and other expenses and that she would take over her father's role as tenant.

Under section 116 of the Landlord and Tenant Act 1958, in a dispute over whether the premises are prescribed, the onus is on the landlord to prove that the Act does not apply.

The landlord said that when he purchased the property he was led to believe that only the mother was the tenant. He said he entered into an agreement only with her and she did not indicate at any stage before signing the agreement that her daughter was also a tenant.

The daughter's solicitor argued that under section 43 of the Act, the daughter was a prescribed tenant in her own right and it did not matter when her mother died. He said it was sufficient that she had been paying rent from 1950 in her own right.

The referee found that, although no formal agreement is required by the Act, the landlord must be made aware of with whom he has a tenancy agreement. The landlord and tenant have to negotiate and agree on the terms of the tenancy. In this case, nothing was negotiated by the respondent or anyone on her behalf, with any of the various landlords since she said she became a "tenant" around 1950. The referee found the daughter was not a protected tenant.

Caravan Parks and Movable Dwellings

The Residential Tenancies Tribunal determines disputes between caravan park owners and residents. The number of applications lodged with the Residential Tenancies Tribunal in relation to the Caravan Parks and Movable Dwellings Act 1988 rose by 20.4% to 112 in 1990-91.

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

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

The following case study is a typical example of where the Tribunal must determine whether a park owner has breached the Caravan Parks and Movable Dwellings Act 1988 and is required to rule on whether a caravan park's rules are unreasonable or not.

Case

An elderly pensioner won a case in the Residential Tenancies Tribunal over the restricted use of a boom gate key in the caravan park where she lived.

All park residents were given a boom gate key, but between 8 am and 6 pm the gate was operated by park management to allow access to visitors. Vehicular access to visitors was not allowed after hours and visitors had to park outside the gates, register with the office and enter the park on foot.

The tenant, who suffered from chronic asthma attacks, did not own a car but her daughter visited regularly to check her condition. She gave the daughter her boom gate key so she could call on her at any time of the day.

The caravan park owner objected, as he felt it breached park rules, would give the resident's visitors an advantage over visitors to other residents, and could interfere with the proper operation and security of the park.

At the referee's request, a number of attempts were made to resolve the dispute by negotiation but no common ground could be reached. The referee finally found that the caravan park owner had breached the Caravan Parks and Movable Dwellings Act 1988 by denying 24 hour access to the resident's site and by interpreting and enforcing the rules relating to parking in an unfair and inconsistent manner.

The Tribunal ordered that the caravan park owner refrain from committing similar breaches of duty and declared the rules unreasonable and invalid.

Rooming Houses

The Rooming Houses Act 1990 came into operation on 1 November 1990, and gives rights and responsibilities to rooming house owners/mortgagees and residents.

Since the proclamation of the Rooming Houses Act on 1 November 1990, 227 applications were made to the Tribunal, around 90% of which were brought by owners of rooming houses. As a result of these applications, 242 cases (more than one hearing per case at times) were listed for hearing by the Tribunal. Around 30% were withdrawn either prior to, or at, the hearing or dismissed. The high level of withdrawals and dismissals of hearings may reflect both settlement between owners and residents of the dispute and the inexperience of both owners and residents in the use of the new Act. At this stage, around 75% of applications (excluding withdrawals) relate to termination and possession orders, while around 20% relate to breach of duty and

compensation or compliance orders (these often being requested along with possession orders as, without a compensation application, rental arrears cannot be recovered). Unlike the Residential Tenancies Act 1980, there have been few cases relating to bonds, indicating that rooming houses generally do not require bonds of residents.

APPLICATIONS TO THE RESIDENTIAL TENANCIES TRIBUNAL
UNDER THE ROOMING HOUSES ACT

YEAR	No.
1990-91	227

Case 1

A resident of a large rooming house created a fire hazard when he allowed piles of newspapers and other rubbish to accumulate in his room, with stacks of paper reaching the ceiling in some parts. The rooming house owner applied to the Tribunal for an order requiring the resident, who was a heavy smoker, to clean up his room.

The Tribunal found the resident had breached his duty under section 18(a) of the Rooming Houses Act 1990 by failing to keep his room clean and creating a fire hazard. It directed the resident to remove the papers and not breach his duty again.

However, the resident failed to comply with the orders. The owner then served a termination notice requiring the resident to vacate for failing to comply with the orders. The Tribunal made an order for possession as the tenant had failed to remove the fire hazard.

Case 2

A resident of a rooming house gave verbal notice to the rooming house owner that she was vacating her room. At the time of giving notice rental was paid up a week in advance. On the resident vacating the premises, the rooming house owner returned part of the security deposit and withheld part for payment of utility charges.

The resident made application for recovery of the part of the security deposit and compensation for utility charges levied during the course of the tenancy. Utility charges can only be levied where there is separate metering. The Residential Tenancies Tribunal held that the rooming house owner should refund to the resident rent paid in advance, return the part of the security deposit withheld for utility charges and pay compensation for unlawful utility charges levied during the tenancy.

Credit Tribunal

The Credit Tribunal became a separate Tribunal on 29 April 1991, when it separated from the Small Claims Tribunal, and is now located on the 10th floor of 601 Bourke Street, Melbourne.

The number of applications lodged with the Credit Tribunal rose by 21.1% to 437 in 1990-91, compared with a rise of 150.7% in 1989-90.

CLAIMS MADE TO THE CREDIT TRIBUNAL

YEAR	No.
1985-86	36
1986-87	140
1987-88	174
1988-89	144
1989-90	361
1990-91	437

The Credit Tribunal hears matters as provided in the Credit Act 1984. These include:

- Applications by credit providers for reinstatement of credit charges (civil penalties) which have been lost for a variety of reasons, including inadequate disclosure of key information to consumers;
- Hearings in relation to unjust or unconscionable contracts;
- Variations of contracts because of hardship;
- Applications by credit providers who are seeking to repossess secured items;
- Granting of compensation for failing to give a notice before repossessing or failing to sell repossessed goods properly.

Civil Penalties under the Credit Act

During the year, the Director of Consumer Affairs has been involved in a number of proceedings in the Credit Tribunal relating to civil penalties under the Credit Act 1984.

The proceedings involved applications by credit providers under sections 85 and 86 of the Credit Act, seeking orders "reinstating" credit charges which they had lost under the Act on contracts due to certain breaches of the Act's provisions.

The Act provides a dual approach to ensuring compliance. A requirement under the Act is usually made mandatory and non-compliance with the law is able to be enforced by way of prosecution which results in a fine. The average maximum fine for significant offences under the Act is \$2,000. However, with regard to three areas

of key importance under the Act, the Act has provided for additional civil penalties. Those areas of importance are:

- the requirement to obtain a credit providers licence;
- the requirement to only assign a credit contract to a licensed or exempt credit provider; and,
- the requirement to make pre-contractual disclosures with respect to credit contracts and mortgages in the form required by the Act.

The civil penalty for providing credit without a licence is loss of the amount financed and credit charges. The penalty for an incorrect assignment and for failing to provide or incorrectly calculating the required pre-contractual disclosure information is loss of credit charges under the relevant credit contract.

The Director of Consumer Affairs became involved to protect the rights of consumers affected by the proceedings generally. In section 85 and 86 proceedings, only a handful of debtors elect to appear personally or by their own representation. Several proceedings involved a large number of consumers.

Proceedings involving the Director of Consumer Affairs, who made submissions on behalf of debtors generally, which were finalised in the Tribunal during the year include the following.

Case 1

The Australian Guarantee Corporation Ltd (AGC) was ordered to refund about \$3.7 million in credit charges to customers after failing to state the correct annual interest rate on about 900 contracts.

The AGC effective interest rate is calculated on the basis of monthly compounding of interest which is not permitted by the Act. Problems with compounding arose in "seasonal" contracts or those not involving regular monthly payments, which mostly affected people in the rural sector. The compounding effect produced an average discrepancy of 1.5% to 2% between the actual and disclosed rates.

The Tribunal made orders after hearing the submission of the Director of Consumer Affairs to the effect that AGC had delayed dealing with the compounding error in a manner inconsistent with an attitude of corporate compliance. The orders involved refunds of approximately \$3.7 million in credit charges to the affected customers.

Case 2

On 31 August 1990, the Tribunal ordered Appliance and General Finance Company Pty Ltd to refund about \$120,000 in credit charges.

The company had disclosed an incorrect interest rate on about 1,600 loan contracts entered into over a four-year period. In the early period, the credit provider had used forms based on the old Hire Purchase Act which failed to disclose the interest rate. Subsequently the credit

provider's contracts stated the annual percentage rate as either 17.5% or "17.5% flat" when it should have been stated as about 30.8% per annum.

After discovering a breach in June 1987, the Ministry warned the company that the contract was in breach of the Credit Act. A further warning was given in September 1988 but the company continued to use the same contracts until November that year.

The Tribunal determined that the penalty should be in proportion to the amount of time the breach continued after the warning. Therefore, the credit provider was entitled to receive less of its credit charges in each successive period over which it breached the Act. Affected contracts' interest was reinstated to 17.5%, then 15%, 12%, 6% and 0%, depending upon when the contract was entered into after the warning.

Case 3

In April 1991, the Tribunal ordered that Avco Financial Services Ltd pay a penalty after errors were discovered in 110 credit contracts.

The errors included omission of insurance details, instalment details, the loan offer date, commission charge details, the amount financed and the payment time/acceptance date. No systematic error was discovered by the Tribunal, which found that the faults were idiosyncratic to each contract.

A penalty of 10% of the credit charge was imposed for breaches relating to non-disclosure of the commission charge, the amount financed and acceptance date. A 5% penalty was imposed for breaches relating to omission of insurance details and date of the loan offer.

Conciliation

Conciliation staff negotiate with parties to a dispute in an effort to reach common ground, as an alternative to resolving disputes through a Tribunal.

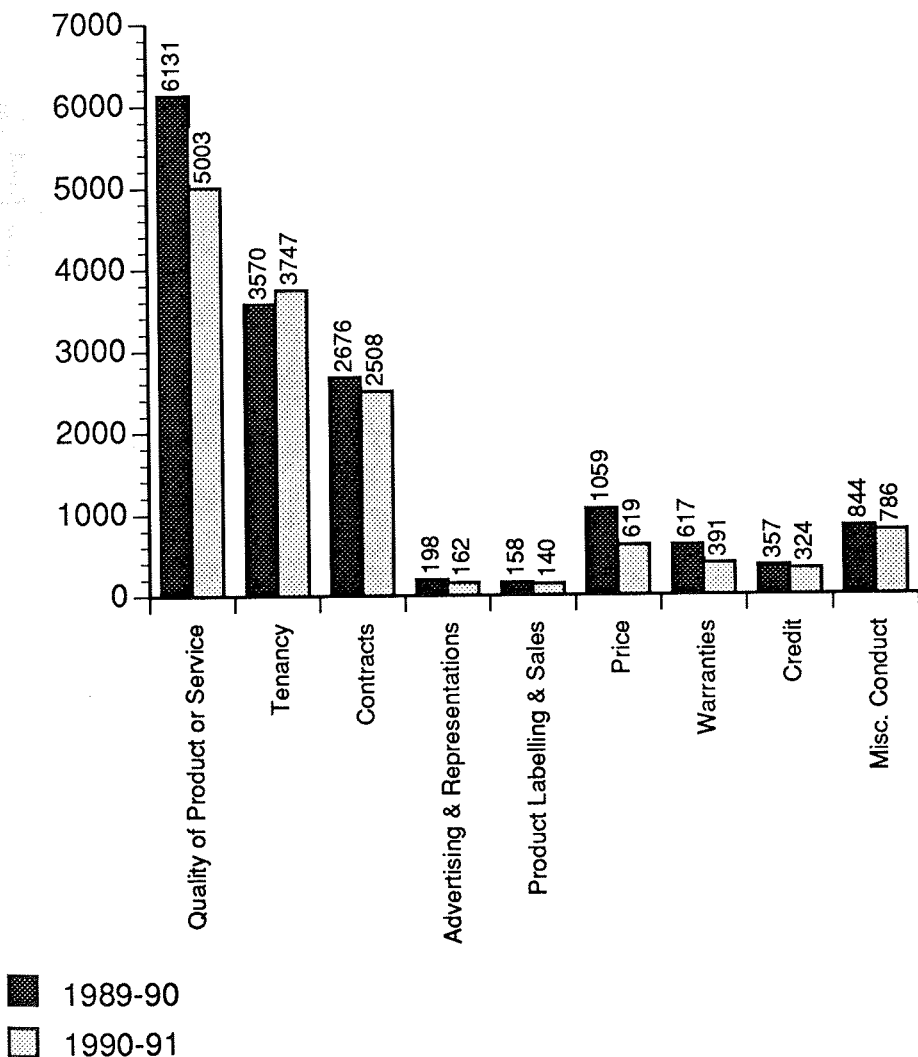
The number of complaints received for conciliation fell by 7.8% to 11,934 in 1990-91, compared to a rise of 17.8% in 1989-90. The decrease reflects a fall in the number of building and construction complaints (down 32.6%), followed by a fall in the number of complaints in household goods (down 15.5%) and motor vehicles (down 11.0%), but this was partly offset by a rise in the number of complaints in real estate and accommodation (up 7.2%).

In 1990-91, real estate and accommodation cases accounted for 31.9% of all complaints (compared with 26.6% in 1989-90), motor vehicles accounted for 16.8% (compared with 17.4% in 1989-90), and household goods accounted for 11.5% (compared with 12.6% in 1989-90).

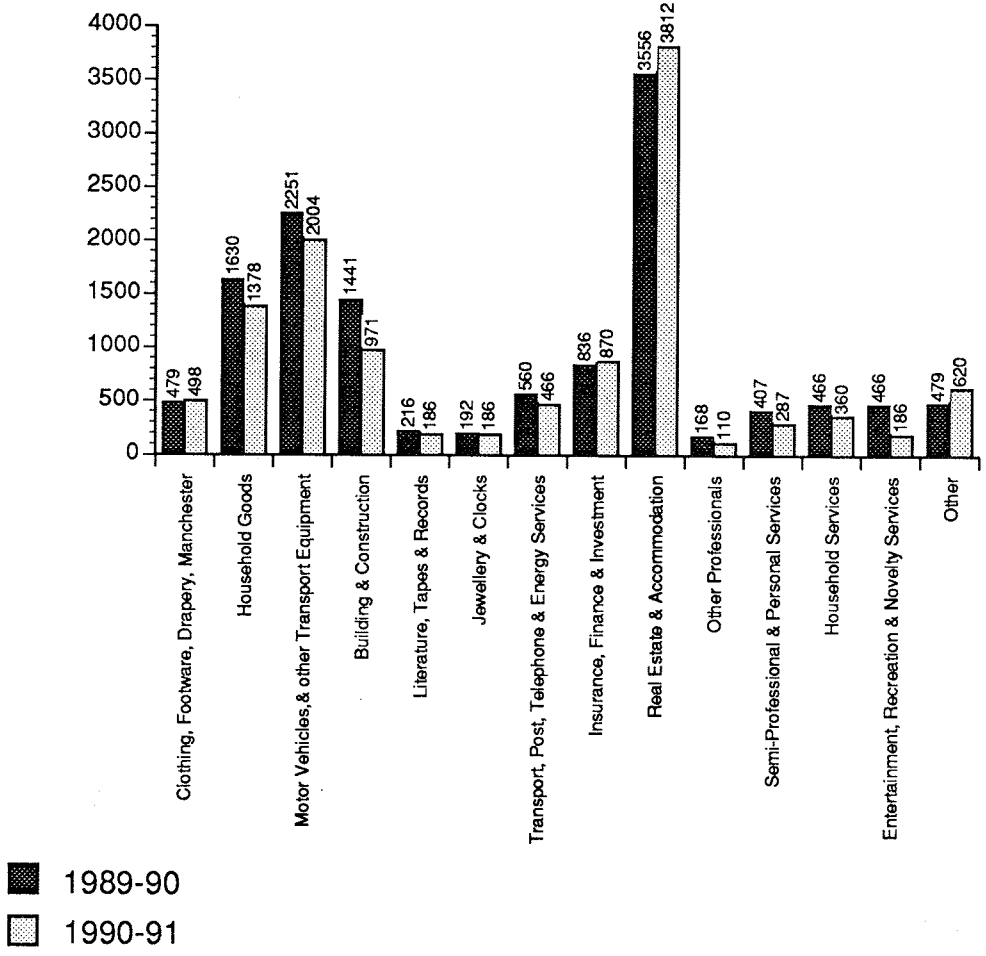
The majority of real estate and accommodation complaints relate to residential tenancies cases which are mainly requests for inspections for abandoned goods, repairs to premises and rental increases (see Appendix 7 for details). The total number of residential tenancies cases rose by 2.5% from 3,448 in 1989-90 to 3,535 in 1990-91.

The following cases illustrate some of the problems for which consumers have sought assistance from the Ministry's conciliation services.

WRITTEN COMPLAINTS RECEIVED BY PRACTICE TYPE



WRITTEN COMPLAINTS RECEIVED BY PRODUCT TYPE





WATCH OUT

TIME SHARE OFFERS

Consumers are warned that entering free competitions may lead to persistent follow-up sales pressure from the time share industry.

The marketing and high-pressure selling techniques employed by the time share industry continue to be of concern to the Ministry.

Consumer complaints show the industry uses "free" competitions in milk bars and take-away food premises to contact potential customers. The competitions offer substantial prizes such as new cars, overseas holidays and cash prizes.

Entrants were contacted and told they had won prizes which could only be collected at a sales presentation. Once at the presentation, high-pressure selling techniques were used, with some consumers signing contracts to buy time share units simply to relieve the pressure. The consumers later regretted signing up and tried to have the contacts rescinded.

The Ministry is now working with the Raffle and Bingo Permits Board and the Australian Securities Commission to attempt to reduce the level of complaints in the time share industry.

Club Resorts Ltd

The Ministry received 37 complaints against Club Resorts Ltd and its club facilities during 1990-91.

In one case, an unscrupulous salesperson pressured an

intellectually disabled couple into signing a loan contract to buy a time share unit.

The couple were contacted by a Club Resorts representative and invited to view club facilities on a no obligation basis. The company operates several resorts, including Club Yarrowonga, Club Yarrowonga 2, Club Mildura, Club Woodleigh and Club Kirribilli.

Once at the venue, they were signed up to buy a share in Club Kirribilli and signed a loan contract with an affiliated company, Club Resorts (Finance) Ltd.

At no time was the couple able to understand what they were doing or signing. One could not read or write and the other was unable to understand the documents being signed. These disabilities would have been obvious to the salesperson at the time.

The solicitor acting for the couple wrote to the company saying: "Due to the obvious nature of the intellectual handicap...I can only assume that your salesperson had no scruples whatsoever."

After the Ministry intervened, the company and its finance arm agreed to release the couple from the purchase and loan contracts.



WATCH OUT

CAR INSURANCE

Warning: Consumers should be aware that it is their own responsibility to make sure that insurance policies are renewed on time.

The Ministry was able to intervene and help a couple whose car insurance claim was rejected because their policy had expired.

The couple had maintained comprehensive car insurance with the same company for 10 years without lodging a claim and were both classified rating one. Two months before changing address, the couple telephoned the insurance company to advise of their new address.

Some months later, the couple were involved in a car accident which caused \$5,500 damage to their car and \$2,000 to another vehicle. On attempting to lodge a claim with their insurance company, the couple were told their policy had expired as it had not been renewed. The couple denied ever receiving the renewal

notice and said the company had not amended its records to show the change of address.

The Ministry negotiated on behalf of the couple on the basis that, with 10 years continuous claim-free cover with the one company, the couple would have been likely to renew the policy if they had received the necessary advice.

As a result of the Ministry's intervention, the company agreed to pay for the damage to the couple's vehicle, leaving them to pay for the damage to the other car only.

However, the couple would not have been in this position had they had made sure their policy was renewed without depending on the renewal notice to arrive in the mail.

Community Funding Programs

Under the Consumer Support Program, agencies are encouraged to assist in the resolution of complaints at their local level; firstly, by ensuring that clients were aware of their rights and entitlements and therefore encouraged to resolve matters themselves and, secondly, by assisting consumers in either handling their enquiries and complaints or acting on their behalf for appropriate settlements. Where issues were unable to be resolved, consumers are referred to the Ministry for appropriate action or assisted in preparing for hearings in the Small Claims Tribunal.

Under the Tenant Support Program, the Ministry encouraged community based agencies to try to resolve tenants' disputes by ensuring that tenants were fully aware of all their rights and entitlements, representing tenants in negotiations with landlords, and assisting tenants who were taking matters to the Residential Tenancies Tribunal to be properly prepared, informed and advised prior to attending the hearing.

Tenant Advice Project

The Review of the Residential Tenancies Functions and Services 1989 recommended that the Ministry conduct a 12 month pilot project with workers appointed to provide advice and support to tenants at Tribunal hearings at city, metropolitan and country locations.

The Ministry implemented this recommendation by establishing the Tenant Advice Project (TAP) in December 1990. TAP comprises a project co-ordinator and two tenant advice workers to provide practical advice to tenants who have been named as respondents, as a means of encouraging their attendance at hearings. TAP is also to collect data on the needs of tenants and assess the appropriateness of advice given. A second stage involving provision of similar advice by community groups has been developed and is planned to be implemented in early 1991-92.

Over 1,000 tenants had been contacted by TAP as at 30 June 1991.

CORPORATE OBJECTIVE (5): Standards Compliance

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

The Ministry's compliance program aims to ensure that standards of conduct established by legislation are maintained. The program has three major elements - enforcement of standards through the Courts, licensing of traders in certain industries, and trade measurement.

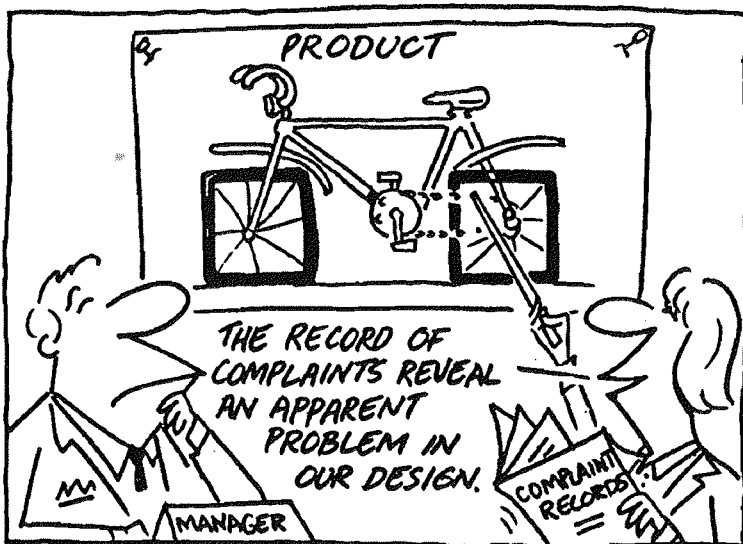
Enforcement

The Ministry has responsibility for 22 Acts and a number of associated Regulations. Most of these Acts and Regulations contain enforcement provisions under which persons can be prosecuted for non-compliance. As there are numerous and broad ranging provisions and penalties, the Ministry cannot prosecute every offence brought to its attention.

As prosecution requires careful and often time consuming investigation, the Ministry's resources are devoted to actions where it is felt that there is a good chance of successful prosecution.

In 1990-91, more than 1,700 matters were referred to the Ministry for investigation, a significant increase over past years. Investigations resulted in 61 separate defendants being prosecuted for 252 offences. Details are provided in Appendix 5.

Compliance with the various Acts is also achieved by administrative action, for example, seeking written undertakings from offending traders to alter their conduct, enlisting industry co-operation to change unacceptable conduct, as well as warnings to individual traders.



Residential Tenancies Act

In 1990-91 the Ministry laid 25 successful prosecutions under the Residential Tenancies Act 1980, one of which has gone to appeal. The prosecutions comprised a total of 51 charges, including charges of illegal eviction, failure to refund security deposits and not providing tenants with a Statement of Rights and Duties as legally required.

Case

Failure to comply with Orders of the Residential Tenancies Tribunal is an offence against the Residential Tenancies Act 1980. A number of prosecutions were instituted against individuals who refused to comply with Orders. In one case, a dispute flared and was finally brought before the Tribunal, culminating in an Order for \$150 compensation against the landlord and an Injunctive Order restraining the landlord or their agent from entering the property. Further Orders were made culminating with an Order of \$712.24. The restraining Order was subsequently breached.

Prosecution proceedings were instituted against landlords G & T Psomotragos for failing to comply with an Order of the Tribunal to refund the security deposit to the tenant. Such conduct was found to be in breach of section 40 and section 148(c) of the Residential Tenancies Act 1980. Fines totalling \$1,200 plus costs of \$350 were imposed by the Magistrate.

The landlord's failure to comply resulted in fines of \$850 plus \$470 in costs.

Shop Trading

The Shop Trading Act 1987 which came into force in April 1987, regulates retail trading hours.

The Act stipulates certain hours as regular trading hours for shops in general. However, it also empowers the Minister to grant exemptions to individual traders or shopping centres upon being satisfied as to the merits of individual applications. Exemptions are normally granted for reasons such as the staging of local festivals or bazaars. An exemption entitles a trader to be open for business outside of normal trading hours.

A total of 107 exemptions were granted by the Minister for the year ended 30 June 1991. One of these was a general exemption granted to all shops within Greater Melbourne to trade on the four Sundays immediately prior to Christmas 1990. Cities and shires in rural Victoria did not receive this exemption automatically, but were entitled to apply for it on an individual basis.

Recently, the Ministry has initiated legal proceedings against several traders who have persisted in illegally trading on Sundays over the past few months. Some 40 charges were laid in the year ending June 1991.

Actions to obtain restraining orders from the County Court have also been instituted.

Motor Car Traders

The investigation of breaches of the Motor Car Traders Act 1986 still continues to be a major activity in the enforcement area. During the year, there was a total of 18 prosecutions in relation to offences under the Act.

Case

Traffic Motors Pty Ltd of Thomastown was prosecuted in the Broadmeadows Magistrates' Court on 3 May 1991 for contraventions of the Motor Car Traders Act 1986 section 52(2) and Fair Trading Act 1985 section 12(h), by including a special condition in contracts which purported to exclude warranties on cars sold. The Motor Car Traders Act provides that if a motor car trader sells vehicles at a cash price of \$6,000 or more, the trader is required to give a warranty of 5,000 kilometres or three months, whichever occurs first. For cars with a cash price between \$3,000 and \$5,999, the warranty is 3,000 kilometres or two months, whichever occurs first.

The company was fined \$2,700 plus \$250 costs and its Director, Mr M Bagnato, was also fined \$1,800 for the same offences.

Unlicensed Motor Car Traders

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

Currently the task force is investigating approximately 50 reports of unlicensed trading. Two unlicensed dealers were successfully prosecuted in May 1991. Further charges are expected to be laid against other dealers.

Case

Mr Frank Bondy of Koornang Road, Carnegie, was convicted in the Prahran Magistrates' Court for trading in motor cars without a Motor Car Trader's Licence. Mr Bondy was fined \$13,210 for selling five motor cars between February and April 1990 and ordered to pay costs. The Ministry called five witnesses, each of whom testified that they had purchased a motor car from Mr Bondy. Each witness purchased motor vehicles with major mechanical and roadworthiness problems.

The Magistrate said that Mr Bondy was "a pest and a parasite and the sort of person that the legislators had in mind when they passed the Motor Car Traders Act through Parliament".

Investigations have disclosed that some 'backyarders' employ other persons to buy and sell vehicles on their behalf, and some are prepared to use a number of different roadworthy testers to avoid suspicion. Consumers should be cautious if dealing with persons on mobile phones who sell vehicles outside private premises, which may not necessarily be their own. Some vehicles sold still had outstanding finance. Consumers should ring the Vehicles Security Register, telephone 348 1222, to ensure the vehicle's title is clear.

Consumers need to be extremely careful when purchasing vehicles from private sellers. The statutory warranties under the Motor Car Traders Act 1986 do not apply to private sales.

The Ministry encourages reports of unlicensed trading and has received much assistance in that area from Vic Roads, VACC and other related organisations.

Another strategy employed to locate and stamp out unlicensed trading is obtaining the assistance of motor auction firms in refusing to supply cars to known unlicensed traders who regularly bid for cars. In addition, the Minister has raised this issue in Parliament to warn consumers of the dangers in purchasing cars from unlicensed traders. Licensed vehicle testers who may be providing roadworthy certificates (often bogus) to unlicensed traders have also been warned that they risk prosecution. The Ministry has also put several small traders 'on notice' and a number of briefs are currently being prepared for prosecution, as well as cases listed for prosecution in the next reporting year.

The Ministry will continue to be vigorous in the pursuit of unlicensed motor car traders.

Washing Machine and Refrigerator Repairs

In 1990, the Ministry investigated several washing machine and refrigerator repair firms, following numerous complaints of fraudulent business practices. Allegations include:

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

Case

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

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

The business owner, Ms Susan Foster, has proved evasive to enquiries and insensitive to consumer complaints. She failed to comply with several Orders made by the Small Claims Tribunal. Ms Susan Foster now prominently advertises in the Yellow Pages under the name Elite Washing Machine Service.

During the year, the Minister named this business in Parliament to warn the public of the risks associated with dealing with Ms Foster.

The Ministry has since laid charges against Ms Foster for various contraventions of the Fair Trading Act 1985. These charges will be heard shortly.

Finance Brokers Act 1969

The Act provides for the licensing of brokers, their conduct and documentation required.

Case

It appears that the finance industry in America is burdened with a practice of brokers representing to clients that they will obtain a loan-provider and collect an assessment fee for that purpose only to engage another company to find a loan provider who in turn requires a fee. So the chain continues until it becomes clear that the finance broker is in the business of collecting fees and not obtaining funds.

Heritage Finance Brokers (HFB) Pty Ltd became a party to this American practice. Every client of HFB Pty Ltd who wished to benefit from the international loan package had to pay an assessment fee of an average \$3,000.

HFB Pty Ltd represented to their clients that they could obtain low interest loans in \$US from the United States, through a company named Mainstream International Ltd. The loans were not forthcoming and investors lost a great deal of money in assessment and application fees.

HFB Pty Ltd was convicted in the Warrnambool Magistrates Court on 55 charges of unlicensed trading and accepting "up-front" fees from clients. Such behaviour was found to be in breach of the Finance Brokers Act 1969. The company's directors were also convicted on related charges. Fines totalling \$16,500 and legal costs of \$5,000 were imposed. The trader was also ordered to provide restitution to previous clients in the order of \$38,000.

The acceptance of up-front fees has been the subject of many complaints to the Ministry in recent times and it is hoped that this decision will have a significant impact on the industry.

Itinerant Traders

During the summer months of 1990-91, numerous reports of itinerant 'roof painters' and 'pavers' were received from householders (generally elderly) who were approached in the street with the sales pitch: "I have just finished a job down the road and I have some paint left over and I could paint your roof right away."

In some cases, tiled roofs were said to "need paint to prevent them getting waterlogged and crashing down on the householder." This type of suggestion has been proven to be untrue and aimed at instilling fear into the consumer's mind.

The itinerant traders then offer to drive the householder to the bank to get cash. They commence painting the roof without any proper preparation, complete part of the work and when the cash is handed over they disappear. These traders often have interstate plates on their vehicles.

The Ministry, in conjunction with the Police, have issued warnings to consumers in the local and daily press immediately reports come to hand. Charges have been laid in respect of two alleged offenders.

Licensing

The Licensing Authorities

The Ministry provides administrative support to three independent statutory licensing authorities, Motor Car Traders, Travel Agents and Credit Licensing Authorities which were established under the Motor Car Traders Act 1986, Travel Agents Act 1986 and Credit (Administration) Act 1984 respectively.

The Director of Consumer Affairs has a specific responsibility under each Act to investigate an application for a licence and may object to the granting of a licence, or the continued holding of a licence by an existing licensee. The Chief Commissioner of Police may also lodge an objection against an application for a motor car traders licence. Each Authority may also take disciplinary action against existing licensees.

Appeals may be made to the Administrative Appeals Tribunal against decisions of the Motor Car Traders and Travel Agents Licensing Authorities. Appeals against decisions of the Credit Licensing Authority must be made to the Supreme Court.

In addition, the Finance Brokers Act 1969 provides for the appointment by the Minister for Consumer Affairs of a Registrar who is responsible for ensuring that applicants for Finance Brokers Licences comply with the licensing provisions of the legislation. Any person may object to the granting of a licence. However, all objections since the transfer of this legislation to the Ministry from the Attorney-General's Department in 1985 have been undertaken by the Director of Consumer Affairs on behalf of the public. The Registrar, if not

satisfied that the applicant complies with the relevant provisions of the Act, must refer the application to a Magistrates Court for consideration. A Magistrate may refuse a licence application.

Investigation of Licence Applications

A primary objective of a licensing scheme is to ensure that persons who do not meet certain set criteria are denied entry into an industry. The criteria include the applicant's fitness to hold a licence (i.e. the applicant must be a "fit and proper person"), a test of financial viability (in respect to motor car traders and travel agents) and some measure of the applicant's competence.

It follows that, if an applicant meets the relevant criteria and is granted a licence, there is an obligation on the regulating authority to monitor that person's activities during the course of the licence.

The Licensing Investigation Branch of the Ministry conducts investigations into all applications for licences and monitors the activities of licensees. This Branch is quite separate to the licensing authorities.

Reports are prepared and recommendations made to the Director of Consumer Affairs. These recommendations may result in an objection to the issue of a licence. As a consequence of the objection, the licensing authorities or the Registrar may refuse to grant a licence, cancel a licence or grant a licence, subject to conditions or undertakings given by the applicant.

Motor Car Traders

In 1990-91 the Licensing Investigation Branch received 162 new applications for investigation and report.

During the year the Director of Consumer Affairs lodged 13 objections, resulting in the cancellation of a licence or disciplinary action, against:

- Marque of Excellence Pty Ltd, trading as Robert A Parsons Motors: The Director of Consumer Affairs issued an objection pursuant to section 30 of the Motor Car Traders Act. The Licensing Authority cancelled the trader's licence on 14 August 1990. The trader appealed to the Administrative Appeals Tribunal and the order of the Motor Car Traders Licensing Authority was varied to a six months suspension of the trader's licence from 1 December 1990 to 1 June 1991. The Director issued a further objection pursuant to section 30 of the Motor Car Traders Act as a result of the trader continuing to trade while suspended. The Authority cancelled the trader's licence on 21 June 1991.

- Neville Thompson, trading as Neville Thompson Car Sales: The Director of Consumer Affairs issued an objection pursuant to section 30 of the Motor Car Traders Act. The licensee surrendered his licence on 11 September 1990.
- Lopiwool Pty Ltd, trading as Nevada Motors: The Director of Consumer Affairs issued an objection pursuant to section 30 of the Motor Car Traders Act. The licensee was reprimanded and fined \$250.
- Vince La Terra, trading as Bonanza Motors: The Director of Consumer Affairs issued an objection pursuant to section 30 of the Motor Car Traders Act. The Licensing Authority cancelled the trader's licence on 24 December 1990 finding that the licensee was not financially viable, obtained false roadworthy certificates and failed to comply with the Motor Car Traders Act for failure to retain Form 8's.
- Sontri Nominees Pty Ltd, trading as Mike Hanneysee Car Sales: The Director of Consumer Affairs issued an objection pursuant to section 30 of the Motor Car Traders Act. The licensee was reprimanded and fined \$250.
- Bruce Terry: The Director of Consumer Affairs issued an objection pursuant to section 30 of the Motor Car Traders Act. The licensee surrendered his licence on 26 February 1991.
- Traffic Motors Pty Ltd: The Director of Consumer Affairs issued an objection pursuant to section 30 of the Motor Car Traders Act. The Licensing Authority cancelled the traders licence on 28 March 1991, finding that the trader had failed to retain Form 8's as required by the Act, attempted to avoid its warranty obligations, obtained and used false roadworthy certificates, and sold a vehicle without first procuring the cancellation of a security interest.
- Kenjep Pty Ltd: The Director of Consumer Affairs issued an objection pursuant to section 30 of the Motor Car Traders Act. The licensee surrendered its licence on 27 February 1991, admitting that it had failed to notify a change of directors, sold vehicles without first procuring the cancellation of existing interests, was involved in consignment selling and failed to adequately complete entries in its dealings book.
- Gail Marcia Strates, trading as Trade Fair Car Sales: The Director of Consumer Affairs issued an objection pursuant to section 30 of the Motor Car Traders Act. The licensee

surrendered her licence on 12 April 1991.

- Westbury Enterprises: The Director of Consumer Affairs issued an objection pursuant to section 30 of the Motor Car Traders Act. The licensee surrendered its licence on 24 April 1991.
- Montadeen Pty Ltd: The Director of Consumer Affairs issued an objection pursuant to section 30 of the Motor Car Traders Act. The Licensing Authority cancelled the trader's licence on 16 May 1991, finding that the trader had failed to comply with conditions that had been placed on its licence. The trader has lodged an appeal with the Administrative Appeals Tribunal against this decision.
- Hospital Service Station Pty Ltd: The Director of Consumer Affairs issued an objection pursuant to section 30 of the Motor Car Traders Act. The Licensing Authority cancelled the trader's licence on 3 June 1991, finding that it had provided roadworthy certificates without examining vehicles.

The Director of Consumer Affairs has also lodged objections (but hearings have not yet been conducted) against the following motor car traders and applicants for motor car traders licences:

- P and M Vatalis, trading as Wheels Plus;
- Double A P Pty Ltd, trading as Shepparton Auto Trade; and,
- Peter Unsworth, trading as Pete's Car Centre.

Credit Providers

Twenty applications for credit providers' licences were investigated in 1990-91. The Licensing Investigation Branch also investigates complaints relating to the provision of credit. During the year 127 such complaints were received.

Avco Financial Services Ltd (AVCO) was granted a licence on 8 October 1990, upon the basis of several undertakings given to the Authority. Formerly, the granting of a licence to AVCO had been opposed by the Director of Consumer Affairs and Consumer Credit Legal Service.

Objections have been lodged against granting licences (but are awaiting hearings), in the following:

- Crowell International Pty Ltd;
- Crowell Collier Finance Pty Ltd;
- Rena-Ware Distributors Pty Ltd; and,
- Custom Credit Corporation Ltd.

Finance Brokers

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

An objection to the granting of a licence was lodged against:

- Paul Frederick Grimby: The Director of Consumer Affairs objected to the applicant receiving a finance broker's licence. The Registrar referred the matter to the Magistrates Court, which granted a licence on 10 October 1990.

The Director of Consumer Affairs has lodged an objection to granting a licence to Clifton Financial Services Pty Ltd, but a hearing has not yet been conducted.

Travel Agents

There was a total of 126 applicants for travel agents' licences in 1990-91.

Action was taken against the following travel agents:

- Number Two Janminga Pty Ltd, trading as In Vogue Travel Service: The Director of Consumer Affairs issued an objection pursuant to section 20 of the Travel Agents Act. The Licensing Authority found that the licensee had aided and abetted unlicensed trading and suspended the trader's licence for 3 months from 17 April 1991 to 17 June 1991. The licensee has appealed against this decision to the Administrative Appeals Tribunal.
- Traveller's Advantage Pty Ltd: The licensee entered into a Deed of Undertaking with the Director of Consumer Affairs.
- Ideal Field Pty Ltd: The Authority refused to grant the applicant a licence following an objection made by the Director of Consumer Affairs, alleging that the applicant was not likely to carry on the business of a travel agent honestly and fairly.

The Director of Consumer Affairs has also lodged objections to granting licences and/or commenced disciplinary action (but are still awaiting hearings) against:

- Tarson Pty Ltd, trading as Travel Trend Victoria;
- Travel Trend International Pty Ltd; and,
- Versatile Images Pty Ltd, trading as Swing Around Philippines.

Motor Car Traders Guarantee Fund Claims Committee

The Motor Car Traders Guarantee Fund Claims Committee is an independent Statutory Committee established by the Motor Car Traders Act 1986.

Claims made on the Fund generally result from loss incurred by a claimant as a result of a failure by a motor car trader to comply with relevant legislation, a failure to pass on good title to a motor vehicle or failure to effect transfer of registration. Complete details of the grounds for claims on the Fund are contained in section 76(1) and (2) of the Motor Car Traders Act 1986.

Staff of the Ministry provide advice to potential claimants and receive and submit claims made on the Fund to the Committee.

Decisions of the Committee may be appealed against to the Administrative Appeals Tribunal.

Current depressed economic conditions have resulted in a significant increase in the number of licensed motor car traders who ceased trading during the year. This has resulted in a dramatic increase in the number of claims made on the Fund by consumers who have suffered financial loss as a result of dealing with these traders.

The number of claims received during the year totalled 487, while 271 claims were paid out totalling \$702,003.

Trade Measurement

The Weights and Measures Act 1958 is jointly administered by the Trade Measurement Branch of the Ministry and local weights and measures authorities (either a group of municipalities or an individual municipality).

Loads on trucks are tested on weighbridges to ensure they are not overloaded. The weighbridges in turn are tested by the Trade Measurement Branch.



The Trade Measurement Branch is responsible for the overall administration of the Act, while inspectors employed by local weights and measures authorities are empowered under the legislation to test retail instruments, including petrol bowsers and supermarket scales. Inspectors are also required to check packaged goods to ensure that the contents are of correct weight.

The main functions of the Trade Measurement Branch are: testing of trade instruments such as weighbridges, liquefied petroleum gas flowmeters, etc; regulating the repair and service of the trade instruments industry; providing advice to industry on sound trade measurement practices; ensuring trade measurement standards are adhered to; and attending to industry and consumer complaints and queries.

Enforcement Activities

Monitoring and enforcement activities carried out by the Trade Measurement Branch in 1990-91 included:

- Ongoing visits to the Melbourne Wholesale Fruit and Vegetable Market, which have resulted in an improvement in the packaging of produce offered for sale.
- Surveys, in consultation with local authorities, of premises selling earth, sand and ballast.
- Continued monitoring of the sale of bread in the marketplace to ensure consumers receive the correct quantity.
- A survey on the use of wrapping materials for meat, following consumer complaints of excessive use of wrapping materials.
- A survey of standard package sizes, which indicated that de-regulation of sizes has had no significant impact on size availability, other than for breakfast cereals, where a diversification of package sizes has occurred.
- A joint inspection of pre-packaged items at the Royal Melbourne Show, with officers of the Standards Branch.
- Surveys of laundry detergents, breakfast cereals, and muesli bars to determine whether the amount of free space in each of their packages was excessive.
- Examination of a total of almost 6,500 packages in relation to labelling requirements and, in most cases, performing content checks. Of these, 74.6% were found to comply. These examinations include inspections of packages in the retail marketplace, within the Trade Measurement Branch, and interviews with manufacturers, importers and printers of packaging materials.

- Constant monitoring of the activities of repairers and adjusters and the operation of public weighbridges, to ensure a satisfactory level of service. As well as maintaining this level of service, trade instrument users are instructed on the operation of their instruments, thereby increasing the community's confidence in the accuracy of measurement.



To ensure accuracy of scales in retail shops, they are tested regularly by the Trade Measurement Branch.

Technical Services

The Trade Measurement Branch is a verifying authority appointed under the Commonwealth National Measurement Act 1960. By the appointment, certificates issued by the Branch are recognised by the Courts. The Branch's measurement laboratory provides a calibration service on physical standards of measurement of mass, length, volume, area and density for the Branch, local authorities and industry.

The following number of items were tested by the measurement laboratory.

ITEM	NUMBER TESTED	NUMBER ADJUSTED
Standards of mass	2,348	368
Volumetric standards	227	49
Length standards	145	-
Area templets	4	-
Weighing instruments	89	1
Miscellaneous (mass, length, volume)	100	-

As indicated in the 1990 Annual Report, the rejection rate on Liquefied Petroleum Gas (LPG) dispensers was high compared to other types of trade instruments. Through regular testing of dispensers and the monitoring of registered repairers and adjusters, the previously reported rejection rate of 40% has been reduced to 33%. This figure is still considered too high and on-going monitoring of repairs and calibration methods will continue to achieve a lower rejection rate.

INSTRUMENTS TESTED

TYPE OF INSTRUMENT	TESTED	REJECTED	% REJECTED
Fabric measuring instrument	394	26	6.6
Wholesale liquid measuring instruments	465	125	26.9
Class 1 & 2 scales	103	1	0.97
Weighbridges	726	117*	16.10
Farm milk tanks	523	110*	21.00
Leather measuring instruments	9	1	11.10
Hopper scales	10	-	-
LPG dispenser	546	200	36.60

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

STATISTICS - LOCAL ADMINISTRATION

PHONE INQUIRIES - Industry groups	1989-90	1990-91
Advice on legislation	2,035	2,308
Approved brand names	8	13
Deceptive practices in packages	188	135
Approved mark for bread	11	13
From local authorities	511	714
Queries referred to other government agencies	1,061	1,026

STATISTICS - LOCAL ADMINISTRATION

INTERVIEWS - INSPECTIONS COMPLAINTS	1989-90	1990-91
Interviews at TMB	92	81
Inspections of trade premises	201	177
Visits to local authorities	35	40
Changes of names - addresses for approved brand numbers	2	1
Approved marks issued for bread	-	-
Approved marks changes for bread	-	-
Reports-packages-labels submitted	20	17
Complaints referred by TMB to:		
local authorities	138	199
interstate authorities	27	32
Complaints referred to TMB by:		
local authorities	21	21
interstate authorities	18	28
consumers	71	236
Ministerial permits-exemptions	2	1
Packages & labels examined:		
correct	2,045	1,114
incorrect	654	393
Packages examined & tested:		
correct	4,857	3,716
incorrect	2,844	1,254
Packages examined for deceptive packaging:		
correct	204	82
incorrect	222	67

CORPORATE OBJECTIVE (6): Hazardous Products

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

Today's consumer is faced with an enormous variety of products and must not only make decisions based on price and quality, but also needs to consider product safety. In many cases, the possible hazards associated with the use of particular products are quite obvious, but some products have inherent dangers which may not be obvious to the average consumer. The Ministry's Standards Branch is responsible for ensuring that this corporate objective is achieved.

Legal Powers

The Consumer Affairs Act 1972 contains provisions which:

- empower the Minister to ban the supply of dangerous goods; and,
- allow regulations to be made with respect to any prescribed class or description of goods.

Regulations for which the Ministry has responsibility in relation to safety and information standards include:

- airports;
- children's toys;
- children's nightclothes;
- pedal bicycles;
- portable fire extinguishers; and,
- spirit stoves.

Vintage gas masks were banned in Victoria because the filters contained potentially harmful brown asbestos fibres.



Products Investigated

During the year the Ministry's product safety officer investigated the quality and safety of 206 products. The following categories and numbers of products were investigated:

PRODUCT CATEGORY	No.
Animal, bird & insects (products for)	5
Automotive design	2
Automotive parts & accessories	5
Beverages & containers	1
Building & construction	23
Clothing & clothing accessories	2
Drapery & manchester	2
Food products	6
Footwear	-
Health products	1
Home maintenance products	8
Household goods	
consumer durables	12
cool & heat equipment	5
electronic	4
furniture	6
whitegoods	8
Nursery products	20
Personal use products	22
Sporting, recreation & camping	12
Stationery	-
Toys	57
Transport equipment (excluding motor vehicles)	5
Total	206

The following products were banned by the Minister:

PRODUCT	REASONS FOR BANNING	BAN DATE
"Diveman" and any other similar diving equipment.	Inadequate training, instructions and construction faults, allowing water into unit, can cause drowning	11-7-90
Painted wooden chopsticks	The paint contains lead in excess of 2500 mg/kg	1-8-90
Gas mask	The filtration canister contains asbestos	6-3-91
Quickie line release	Difficulty in releasing the ski rope could lead to serious injury or drowning	8-5-91

Sale of Banned Products

The maximum penalty for breach of the banning provisions under the Consumer Affairs Act is \$10,000. The following banned products were found on sale:

- Balloon Blowing Kits. Several boxes of the banned product were found at an importer's premises in Abbotsford. The matter is being investigated with a view to prosecution.
- Darling Debbie Tea Set. A retail chain store found selling the banned product was prosecuted. The result was a \$500 good behaviour bond for 12 months and \$250 in costs.
- Easter Eggs containing novelties. A confectionery business in Brunswick was found selling the banned items. The matter is being investigated with a view to prosecution.

Product Recall Register

The Ministry has registered information on 254 voluntary recalls of various consumer products. The types and number of products recalled are as follows:

PRODUCT RECALLS 1990-91	No.
Medical products	146
Vehicles	48
Toys	9
Electrical appliances	8
Food products	8
Other	35
Total	254

Showbags Inspection

The product safety officer and standards officer inspected the contents of 133 showbags prior to the 1990 Royal Melbourne Show.

The Ministry has been pro-active in the area of child safety. A novelty fan with metal edges, sharp enough to cut paper, and a plastic whistle, with edges that could cut children's mouths, were removed from showbags.

Compliance Monitoring

The Standards Branch has continued to monitor activity in the marketplace for compliance with Parts III and IV of the Consumer Affairs Act 1972. This relates to the marking of merchandise and the safe design and construction of goods. Consequently, a number of surveys have been conducted with regard to fibre content labelling, both independently and in co-operation with the Federal Bureau of Consumer Affairs, focussing on clothing and piece goods in the retail sector.

The relatively high level of compliance in the marketplace and the increasing number of enquiries received by the standards officer, from both manufacturers and retailers, indicate an increasing level of awareness and desire to comply with the fibre content labelling requirements.

The Ministry is represented on a number of Standards Australia committees responsible for standards development. These include:

- portable fire extinguishers;
- children's playground equipment;
- car roof racks and roof bars for passenger vehicles;
- children's flotation toys and swimming aids;
- cargo barriers;
- car jacks and trolley jacks; and,
- domestic solid fuel burning appliances.

CORPORATE OBJECTIVE (7): Prices

To deter excessive prices.

The Ministry uses a variety of means to deter excessive prices in the marketplace, including: consumer awareness activities, support to community price action groups, submissions to public inquiries, conducting research and analysis into price related issues, and providing research support to the Prices Commissioner in meeting his statutory responsibilities under various acts of Parliament, setting certain professional fees and conducting price arbitrations referred to him by Ministers.

Agricultural Prices

The Research and Economics Branch provides research and administrative support to the Egg Prices Review Panel, established under the Egg Industry Act 1989 and chaired by the Prices Commissioner. During the year, a report was prepared which examined the cost of producing eggs in Victoria. It is notable that Victorian wholesale egg prices have since fallen by about 11 cents per dozen as a result of competitive pressures from egg producers in New South Wales.

In September 1990, the Minister for Agriculture requested the Prices Commissioner to act as Arbitrator to determine a contract price for the Victorian tomato processing industry to be paid by processors to growers for processing tomatoes for the 1990-91 growing season. The Arbitration came about when the Tomato Processing Industry Negotiating Committee was unable to reach a decision on a price. The arbitrated price accounted for the current domestic and world supply and demand for processing tomatoes, and the need for growers to remain competitive.

In November 1990, the Prices Commissioner was requested to investigate and report on the degree of market concentration in the Victorian market (fluid) milk industry and to report on how diversity in the milk distribution and retail systems might be maintained. The request arose in response to concerns expressed about the potential for abuse of market power if the industry was to be deregulated. When the control of particular prices is in the hands of one or two operators, it is possible that the benefits of productivity gains will not be passed on to consumers, resulting in excessive prices. The Prices Commissioner was assisted in preparing the report was prepared by the Research and Economics Branch.

Petrol Prices

The Research and Economics Branch also administers the Government's petrol trigger price (nominated maximum retail price) system. While the trigger price is not legally enforceable, the knowledge that formal price controls may be introduced by the

Government if the general price movement is beyond the trigger price, has ensured broad industry compliance.

During the year, the Prices Commissioner conducted an inquiry into Retail Petrol Margins in the Melbourne and Geelong areas. An important recommendation accepted by the Government was that the trigger price should be activated only if the daily average of pump prices exceeds the trigger price. This enables small operators providing additional service to charge above the trigger price, if they believe consumers will be willing to pay extra for that service, while at the same time ensuring that the more price conscious consumer has the opportunity to purchase petrol at or below the trigger price.

Other Prices

Fee Scale for Official Liquidators

During the year, the Commissioner for Corporate Affairs requested the Prices Commissioner to assist the Chief Justice to review the fee scale for official liquidators. To enable the determination of a cost justified scale of fees, a cost model was prepared by the Research and Economics Branch. The Prices Commissioner's recommendations have been adopted by the Chief Justice.

Football Tickets

The availability of AFL finals tickets to football supporters has been a recurring problem and has contributed to the practice of ticket 'scalping' on which the Ministry receives complaints annually, around the time of the Grand Final. The Premier requested that the Minister for Consumer Affairs, together with the Minister for Sport and Recreation, undertake a review of AFL Football Finals Tickets Distribution. The Research and Economics Branch co-ordinated this review, which was conducted in consultation with the AFL and resulted in a number of changes to the distribution system to increase the quantity of tickets available to football supporters.

Sound Recordings

In September 1990, the Ministry was the lead agency in the preparation of a Victorian Government submission to a Prices Surveillance Authority inquiry into prices of sound recordings. The recording industry is dominated by 6 large manufacturers, which benefit from exclusive distribution rights under the Copyright Act 1968. As a result, the companies appear to exercise considerable market power, charging higher wholesale prices than would be possible in an open market. The submission was generally supportive of modifications to the distribution system and an open market for sound recordings with the view to lowering the apparent excessive prices.

Supermarket Prices

The Ministry continued to work with the Retail Traders Association of Victoria to survey prices of the most popular grocery items in supermarkets, on a monthly basis. According to the surveys, grocery prices fell by 1% in 1990-91, compared to an increase of 7.5% in the previous financial year. This was most unusual considering the CPI for 1990-91 was 5.3%. A major reason for this turnaround was the increased competition between the supermarkets as well as the emergence of more discount supermarkets.



Unit Pricing

The Ministry commenced research into unit pricing as a result of the imminent abolition of standard pack sizes. Non-standard pack sizes will make it more difficult for consumers to compare the prices of products. Unit pricing would allow easy comparison across all sizes of a product by giving the price for a set quantity in addition to the item price.

A consumer survey carried out for the Ministry on the issue of pack sizes showed that consumers have little knowledge of the existence of pack size restrictions or of their removal. It also indicated that two-thirds of consumers who compare the price of different pack sizes experience some difficulty in doing this. About 80% of consumers said they would find unit pricing useful on a wide range of supermarket products, although only a small number of consumers seemed to be aware of unit pricing, even in the limited number of supermarkets where it is provided. The survey results indicate the need for a consumer education program in this area. The Research and Economics Branch has also collected information on the provision of unit pricing in the USA, Canada and the EEC, and has organised a

study of the unit pricing system currently operating in a limited number of supermarkets.

Sundry Prices

The Ministry, through the Research and Economics Branch, has also made contributions to submissions to the Met Ticket Taskforce Ticketing review and inquiries conducted by the Industries Commission into agricultural statutory marketing authorities and the motor vehicle industry. Currently the Ministry is lead agency in preparation of a Victorian Government submission to the Prices Surveillance Authority's inquiry into cinema admission prices.

The Ministry undertook a number of projects to improve consumer awareness of price issues. The projects covered:

- the cost of environmentally friendly products;
- a pre-Christmas price survey of children's toys;
- the cost of home service calls;
- a price comparison of sunscreens in conjunction with the Anti-Cancer Council;
- a price comparison between preparing a healthy school lunch

CORPORATE OBJECTIVE (8): Management

To improve management and administrative practices.

The Research and Economics Branch conducts evaluations of the Ministry's management and administrative practices to ensure that the Ministry's resources are being used in an efficient and cost effective manner, and provides analytical and statistical support to the rest of the Ministry to assist in policy formulation and development. In addition, as part of the Ministry's planning strategy, the Ministry develops an Expected Achievements document annually to assist it to achieve its corporate objectives in a timely manner.

This year the Research and Economics Branch has completed the following projects.

(i) **A Review of the Ministry's Conciliation Services**

The review recommended the development and implementation of a client servicing strategy within the current service structure. The strategy aims to minimise case length and the number of contact points, through early problem identification and fast-tracking some written complaints and telephone enquiries.

(ii) **Evaluations of Treasury and Consumer Support Services**

information, such as applications received, previous funding patterns, and local issues. The model will be updated each year.

(v) **Audit of Protected Tenants**

To update the Ministry's register of prescribed premises, the Research and Economics Branch undertook an audit of the Fair Rents files held by the Ministry, to ascertain the number of premises which were still prescribed under Part V of the Landlord and Tenant Act 1958.

A survey of prescribed premises was last carried out in 1983. Analysis of the results of the 1990-91 audit showed that there are 220 prescribed premises, with 64% located in inner Melbourne and the southern suburbs. There are 265 tenants occupying these premises, with 96% (whose ages are known) over 65 years of age. Together with the establishment of a database of records, and a reorganisation of files, the analysis will facilitate the provision of information and advice to protected tenants.

(vi) **Caravan Park Residency Study**

Administration of the Caravan Parks and Movable Dwellings Act 1988 is shared by the Ministry of Consumer Affairs (MCA) and the Ministry of Ethnic, Municipal and Community Affairs. MCA administers Parts 1-5, which include the delineation of residents' rights, duties of residents and caravan parks owners, possession rights and general provisions.

The Ministry has undertaken a survey of caravan park owners and managers in Victoria, to obtain background information which will assist the Ministry in providing services to long term residents of caravan parks and caravan park owners and managers. The results of this survey have been analysed and a report prepared and presented at the Caravan Park Residents Network Conference, held in Geelong on 19-20 April 1991. The results showed that there are 416 caravan parks with long term sites throughout Victoria (located mainly in country Victoria) and approximately 12,000 long term caravan park residents.

The Ministry is using the results of this survey to develop a survey of long term caravan park residents, which is scheduled for completion in late 1991.

(vii) **Analytical and Statistical Support**

The Research and Economics Branch has provided analytical and statistical support to other parts of the Ministry to assist in policy development and to ensure the Ministry's resources are used efficiently. The Branch has assisted in the development of public information campaigns, and provided Government and non-Government bodies and other Divisions within the Ministry with a range of data and statistical analyses, including data for Fairplay and the development of Regional Profiles to assist Regional Managers to improve service delivery.

The Branch has also provided administrative support to the

Tenancy Information and Research Advisory Committee, the Victorian Consumer Affairs Committee and research and analytical support to the Tenancy Advice Project.

Human Resource Management

Devolution means accountability

The personnel function was reorganised, with the majority of personnel transactions and personnel decision making being devolved to operational Divisions. This is intended to increase the direct control of line managers. The implementation of the Corporate Card system and financial delegations for line managers was also completed.

Training & Development

The Staff Development Program for 1990 addressed four major training areas:

- Improving service delivery and specialist technical expertise;
- Enhancing management expertise;
- Fostering staff understanding of the Ministry's role; and,
- Enhancing computer awareness.

The training courses are tailored to Ministry needs and are conducted by both Ministry staff and external trainers. They attracted a high level of participation.

Equal Employment Opportunity

The Equal Employment Opportunity (EEO) Consultative Committee, in conjunction with the Office of Aboriginal Affairs, developed an Aboriginal Employment Strategy for implementation in the Ministry over the three year period 1991-1994. An employment action plan was also developed by the EEO Committee to increase opportunities within the Ministry for people with disabilities.

An Equal Employment Opportunity Action Plan for Women was launched in October 1990. This plan aims ultimately to increase the number of women in traditionally male dominated areas of Ministry employment, such as inspectors and conciliators. This is being addressed through provision of greater training opportunities to enable women to gain the necessary skills to compete on merit in these areas for positions. The Action Plan For Women targets women in keyboard and clerical jobs, by providing opportunities for them to widen their career prospects.

Information Systems

Computer Systems

A project to replace the existing computer for Tribunals applications and to extend the data communications network to the Ministry's regional and off-site locations was commenced in 1990-91.

Tender evaluations for replacement of the existing VAX computer were completed in February 1991, and the Ministry is currently awaiting the delivery of two Data General Aviiion computers to accommodate production and development requirements for the Tribunals and corporate systems.

Major applications development of the Ministry's Local Area Network has involved the redesign of the existing multi-user Complaints and Correspondence systems to incorporate a client server approach which will take advantage of the new communications system.

In addition, the Ministry is in the process of implementing the "Paymaster" payroll system to replace "Paycost", from the first payroll in July.

Library and Reference Services

During 1990-91, investigations have been undertaken into computerised access to ABN cataloguing functions. This will provide more efficient cataloguing and consequently a more comprehensive access to the Ministry's library collection.

Records Management

Further enhancements to the Ministry's records management systems were made in 1990-91, with the incorporation of a bar coding system for Ministry files and assets. Regular file census activity utilising a portable bar code reader is providing more accurate file tracking and location.

**APPENDIX 1A
FINANCIAL STATEMENTS**

**MINISTRY OF CONSUMER AFFAIRS
SUMMARY OF RECEIPTS AND PAYMENTS FOR THE YEAR ENDED 30 JUNE 1991**

	RECEIPTS			NOTES			CONSOLIDATED FUND			TRUST FUND		
	1990-91	1989-90	1990-91	State Accounts \$	C'wealth Accounts \$	Total \$	1989-90	1990-91	1989-90	1990-91	1989-90	1989-90
Corporate Services Program	175,461	183,999		11,602,703	-	11,602,703	13,557,686	11,778,164	13,741,685			
Community and Consumer Services Program	150,837,447	121,926,124		1,874,556	-	1,874,556	1,004,337	152,712,003	122,930,461			
Aboriginal Affairs Program	1,005,233	-	(h)	31,830	1,583,039	1,614,869	-	2,620,102	-			
Net Program Receipts	152,018,141	122,110,123		13,509,089	1,583,039	15,092,128	14,562,023	167,110,269	136,672,146			
Add receipts to be appropriated to Trust Fund												
Aboriginal Advancement Program (i)	1,583,039											
Total Consolidated Fund Receipts	153,601,180	122,110,123										
TOTAL ALL RECEIPTS								167,110,269	136,672,146			

MINISTRY OF CONSUMER AFFAIRS
 SUMMARY OF RECEIPTS AND PAYMENTS FOR THE YEAR ENDED 30 JUNE 1991
 PAYMENTS NOTES APPROPRIATIONS - CONSOLIDATED FUND

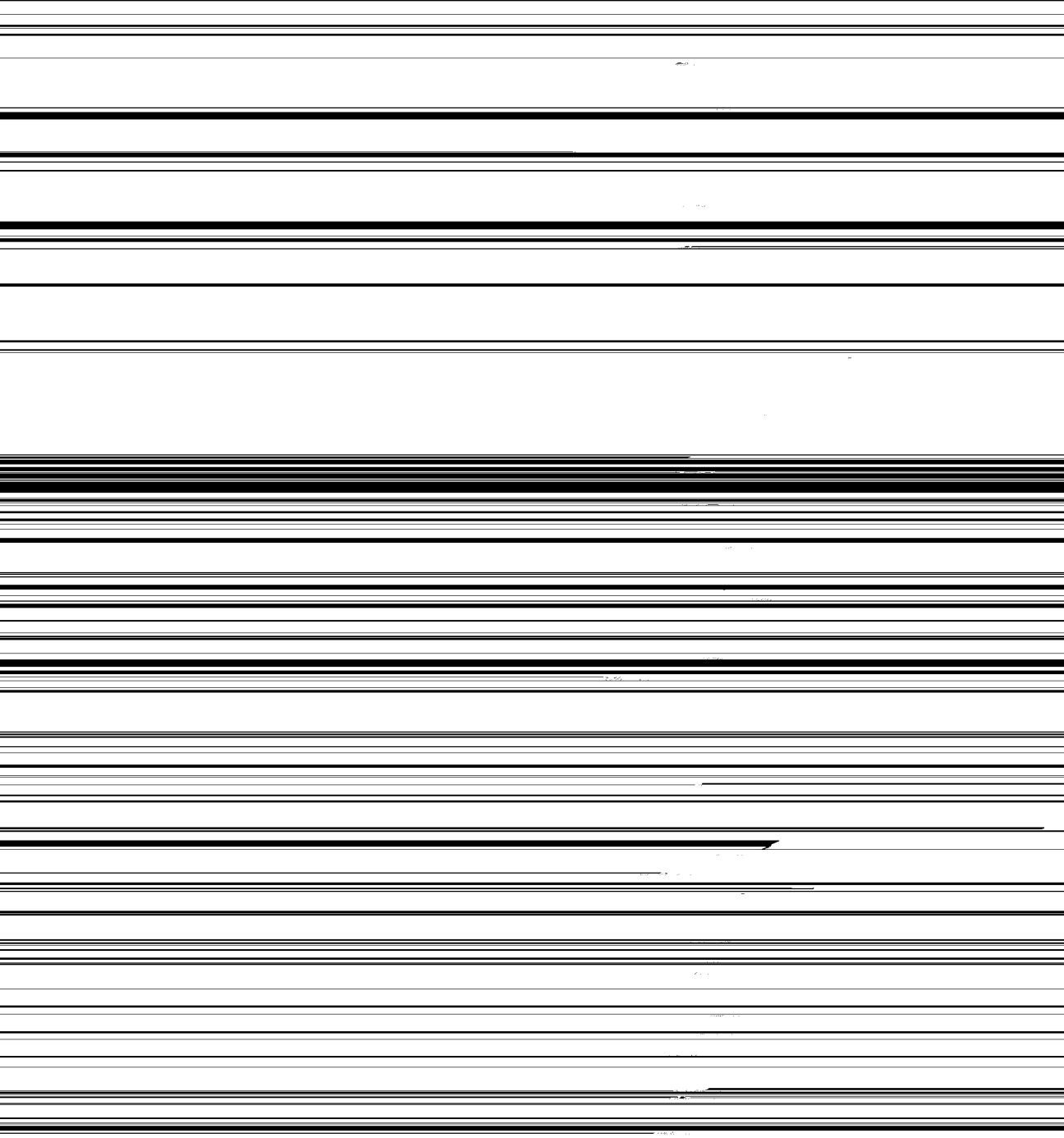
	1990-91		1989-90		TRUST FUND			TOTAL	
	Special \$	Annual \$	Total \$	Total \$	State Accounts \$	Cwealth Accounts \$	Total \$	1990-91 \$	1989-90 \$
Corporate Services Program	-	4,647,922	4,647,922	2,325,930	1,828,080	-	1,828,080	6,476,002	3,855,005
Community and Consumer Services Program	-	13,581,824	13,581,824	13,713,802	8,714,104	-	8,714,104	22,295,928	20,505,409
Aboriginal Affairs Program (h)	-	5,241,070	5,241,070	-	39,000	-	39,000	5,280,070	-
Net Program Payments	-	23,470,816	23,470,816	16,039,732	10,581,184	-	10,581,184	34,052,000	24,360,414
Add transfer from Appropriations to Trust Account									
Aboriginal Advancement Program (i)	-	1,583,039	1,583,039	-					
Residential Tenancies Fund (j)		163,489	163,489	64,860					
Total Consolidated Fund Payments	-	25,217,344	25,217,344	16,104,592					
PUBLIC ACCOUNT ADVANCES									
TOTAL ALL PAYMENTS								34,052,000	24,360,414

APPENDIX 1B FINANCIAL STATEMENTS

MINISTRY OF CONSUMER AFFAIRS
PUBLIC ACCOUNT PROGRAM RECEIPTS FOR THE YEAR ENDED 30 JUNE 1991

Ref	Notes	1990/91	1989/90
		\$	\$
CORPORATE SERVICES PROGRAM CONSOLIDATED FUND			
Fees and Charges			
		629	708
Freedom of Information			
Miscellaneous Receipts			
1.		3,874	-
2.		17,027	7,481
3.		53,460	45,377
		1,466	1,213
		1,029	693
4.		33,480	16,915
5.		51,728	-
6.		12,491	-
7.		-	110,031
8.		277	1,581
		<u>175,461</u>	<u>183,999</u>
TOTAL CONSOLIDATED FUND			
TRUST FUND			
State Trust Accounts			
		261,468	250,599
9.		11,341,235	13,307,087
		<u>11,602,703</u>	<u>13,557,686</u>
		<u>11,778,164</u>	<u>13,741,685</u>
TOTAL GROSS PROGRAM RECEIPTS			

Total Trust Fund	<u>1,874,556</u>	<u>1,004,337</u>
TOTAL GROSS PROGRAM RECEIPTS	<u>152,712,003</u>	<u>122,930,461</u>



APPENDIX 1B

 MINISTRY OF CONSUMER AFFAIRS
 PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED 30 JUNE 1991

Ref	Notes	Budget 1990/91 \$	Actual 1990/91 \$	Actual 1989/90 \$
CORPORATE SERVICES PROGRAM CONSOLIDATED FUND				
ANNUAL APPROPRIATIONS				
Recurrent Expenditure				
	(m)	1,576,350	1,484,118	1,500,118
	(n)	666,940	609,741	576,091
Other Recurrent Services				
NEW ITEMS				
	(o)	29,670	32,595	-
20.				
		2,812,000	2,073,908	-
		<u>5,084,960</u>	<u>4,200,362</u>	<u>2,076,209</u>
Works and Services Expenditure				
Administrative Unit Payments				
21.				
		274,000	235,227	147,066
22.				
		-	27,640	-
		-	-	20,000
	(p)	12,320	12,320	11,200
23.	(q)	195,870	65,248	71,455
NEW ITEMS				
24.		-	107,125	-
		<u>482,190</u>	<u>447,560</u>	<u>249,721</u>
TOTAL GROSS CONSOLIDATED FUND				
		<u>5,567,150</u>	<u>4,647,922</u>	<u>2,325,930</u>

MINISTRY OF CONSUMER AFFAIRS
PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED 30 JUNE 1991

Ref	Notes	1990/91	1989/90
		\$	\$
TRUST FUND			
State Trust Accounts			
		193,732	186,903
25. Motor Car Traders Guarantee Fund		1,634,348	1,342,172
Residential Tenancies Fund		<u>1,828,080</u>	<u>1,529,075</u>
Total Trust Fund		<u>1,828,080</u>	<u>1,529,075</u>
TOTAL GROSS PROGRAM PAYMENTS		<u>6,476,002</u>	<u>3,855,005</u>

APPENDIX 1B

 MINISTRY OF CONSUMER AFFAIRS
 PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED 30 JUNE 1991

Ref	Notes	Budget 1990/91 \$	Actual 1990/91 \$	Actual 1989/90 \$
COMMUNITY AND CONSUMER SERVICES PROGRAM				
CONSOLIDATED FUND ANNUAL APPROPRIATIONS				
Recurrent Expenditure				
		5,098,140	5,026,008	4,984,030
26.	Salaries & Associated Costs (r)			
	Operating Expenses (s)	1,156,500	1,311,174	1,502,248
Other Recurrent Services				
	Office of Prices - Expenses	595,800	619,728	754,098
	Victorian Consumer Affairs Committee-Fees and Expenses	12,000	10,520	8,249
27.	Travel Agents Licensing - Fees and Expenses	299,330	255,243	302,635
	Counselling Services for Aborigines - Grants	50,000	47,308	31,339
28.	Liquor Licensing Commission - Expenses	4,018,430	4,306,269	3,972,232
NEW ITEM				
	Consumer Support Program-Grants	1,559,000	1,559,000	-
NON-RECURRING ITEMS				
	Victorian Consumer Affairs Grant Scheme	-	-	281,432
	Community Credit - Anti Poverty Strategy - Grants	-	-	1,229,090
TOTAL RECURRENT EXPENDITURE		12,789,200	13,135,250	13,065,353
Works and Services Expenditure				
Administrative Unit Payments				
29.	Regional Offices			
	- Outer Eastern and Westernport	15,520	-	44,480
30.	Minor Telephone works and Furniture Replacement	-	6,181	-
31.	Liquor Licensing Commission - Computer Information Systems	157,740	273,370	473,387
	Ministry of Planning and Housing - Payments (t)	74,290	74,245	74,865
32.	Ministry of Finance - Payments (u)	177,250	92,778	55,717
Total Works and Services Expenditure		424,800	446,574	648,449
Sub Total		13,214,000	13,581,824	13,713,802

MINISTRY OF CONSUMER AFFAIRS
PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED 30 JUNE 1991

Ref	Notes	Budget 1990/91 \$	Actual 1990/91 \$	Actual 1989/90 \$
TRANSFER TO TRUST FUND				
Residential Tenancies Trust Fund				
33.	Payment to Residential Tenancies Fund of fees collected pursuant to section 26 of the Residential Tenancies Act 1980 by means of duty stamps	(i) 100,000	163,489	64,860
TOTAL GROSS CONSOLIDATED FUND		13,314,000	13,745,313	13,778,662
TRUST FUND				
State Trust Accounts				
34.	Motor Car Traders Guarantee Fund		1,578,822	867,460
35.	Residential Tenancies Fund		7,126,282	5,924,147
36.	Housebuilders' Liability		9,000	-
Total Trust Fund			8,714,104	6,791,607
TOTAL GROSS PROGRAM PAYMENTS			22,459,417	20,570,269

APPENDIX 1B

 MINISTRY OF CONSUMER AFFAIRS
 PUBLIC ACCOUNT PROGRAM PAYMENTS FOR THE YEAR ENDED 30 JUNE 1991

Ref	Notes	Budget 1990/91 \$	Actual 1990/91 \$	Actual 1989/90 \$
ABORIGINAL AFFAIRS PROGRAM				
CONSOLIDATED FUND				
ANNUAL APPROPRIATIONS				
Recurrent Expenditure				
	(v)	539,130	537,695	-
	(w)	68,500	68,500	-
Other Recurrent Services				
Payments in connection with				
-		1,442,000	1,442,000	-
Total Recurrent Expenditure		2,049,630	2,048,195	-
Works and Services Expenditure				
Administrative Unit Payments				
37.				
-		3,000,000	2,892,875	-
Response to Royal Commission into				
Aboriginal Deaths in Custody				
-		300,000	300,000	-
Total Works & Services Expenditure		3,300,000	3,192,875	-
Sub Total		5,349,630	5,241,070	-
TRANSFER TO TRUST FUND				
Aboriginal Advancement (C'Wealth)				
-		1,620,000	1,583,039	-
38.				
-		230,000	-	-
		1,850,000	1,583,039	
TOTAL GROSS CONSOLIDATED FUND		7,199,630	6,824,109	-
TRUST FUND				
State Trust Accounts				
Kerrup-Jmara Aboriginal Trust			39,000	-
Total Trust Fund			39,000	-
TOTAL GROSS PROGRAM PAYMENTS			6,863,109	-

APPENDIX 1C FINANCIAL STATEMENTS

MINISTRY OF CONSUMER AFFAIRS ADDITIONAL TRUST FUND INFORMATION

	Notes	Cash	Investments	Total
		\$	\$	\$
STATEMENT OF TRUST FUND BALANCES AS AT 30 JUNE 1991				
(a) General Trust Fund Accounts				
Motor Car Traders Guarantee Fund		47,369	1,845,000	1,892,369
Residential Tenancies Fund		1,750,100	28,390,000	30,140,100
Kerrup-Jmara Aboriginal Trust		-	238,021	238,021
Aboriginal Advancement (Commonwealth)		38,481	-	38,481
(b) Suspense and Accounting Type Trust Accounts				
Departmental Suspense Account		145,702	-	145,702

APPENDIX 1C

MINISTRY OF CONSUMER AFFAIRS
 ADDITIONAL TRUST FUND INFORMATION

	NOTES	1990/91	1989/90
		\$	\$
(c) STATEMENT OF TRUST ACCOUNTS WITH PAYMENTS IN EXCESS OF \$ 200,000 FOR THE YEAR ENDED 30 JUNE 1991			
1. MOTOR CAR TRADERS GUARANTEE FUND			
Receipts			
Licence Fees		1,562,975	823,132
Fines		11,396	7,425
Interest on Investments		261,468	250,599
Section 80 Recoveries		123,480	-
Total Receipts		<u>1,953,319</u>	<u>1,081,156</u>
Payments			
Salaries, Allowances & Associated Costs		743,011	274,252
Accommodation Rental		179,000	179,000
General Expenses (x)		850,543	601,111
Total Payments		<u>1,772,554</u>	<u>1,054,363</u>
Cash Surplus/(Deficit) for the Year		186,765	26,793
Balance brought forward		<u>1,705,605</u>	<u>1,678,812</u>
Balance carried forward		<u>1,892,370</u>	<u>1,705,605</u>

MINISTRY OF CONSUMER AFFAIRS
 ADDITIONAL TRUST FUND INFORMATION

	NOTES	1990/91	1989/90
		\$	\$
(c) STATEMENT OF TRUST ACCOUNTS WITH PAYMENTS IN EXCESS OF \$ 200,000 FOR THE YEAR ENDED 30 JUNE 1991			
2. RESIDENTIAL TENANCIES FUND			
Receipts			
Interest on Bond Monies		8,000,380	9,861,566
Fees		176,705	180,205
Vote Transfer		163,489	64,860
Interest on Investments		3,340,855	3,445,521
Total Receipts		<u>11,681,429</u>	<u>13,552,152</u>
Payments			
Salaries, Allowances & Associated Costs		4,725,216	3,745,066
Accommodation Rental		544,000	544,000
General Expenses (y)		3,491,414	2,977,252
Total Payments		<u>8,760,630</u>	<u>7,266,318</u>
Cash Surplus/(Deficit) for the Year		2,920,799	6,285,834
Balance brought forward		27,219,300	20,933,466
Balance carried forward		<u>30,140,099</u>	<u>27,219,300</u>

APPENDIX 1C

MINISTRY OF CONSUMER AFFAIRS
 ADDITIONAL TRUST FUND INFORMATION

	NOTES	1990/91	1989/90
		\$	\$
(d) TRUST ACCOUNTS FOR WHICH THE ADMINISTRATIVE UNIT HAS OVERALL POLICY RESPONSIBILITY FOR THE YEAR ENDED 30 JUNE 1991.			
1. KERRUP-JMARA ABORIGINAL ELDERS TRUST			
Receipts			
Interest from Investments		31,830	-
Payments			
Expenditure		39,000	-
Cash Surplus/(Deficit) for the year		(7,170)	-
Balance brought forward		245,191	-
Balance carried forward		238,021	-
2. ABORIGINAL ADVANCEMENT PROGRAM RECEIPTS (COMMONWEALTH)			
(i)			
Receipts			
From Appropriation	(z)	1,583,039	-
Payments			
Ministry of Education		1,796,115	-
Cash surplus/Deficit) for the Year		(213,076)	-
Balance brought forward		251,557	-
Balance carried forward		38,481	-

APPENDIX 1D

FINANCIAL STATEMENTS

MINISTRY OF CONSUMER AFFAIRS
 SUPPLEMENTARY INFORMATION AND STATEMENT OF BALANCES FOR THE YEAR
 ENDED 30 JUNE 1991

Payments from Appropriations of other Departments

As at 30 June 1991, the Ministry had made no payments from appropriations of other Departments.

Resources Received and Provided Free of Charge

As at 30 June 1991, the Ministry had received no significant staff resources of other organisations.

STATEMENT OF BALANCES

Cash and Investment Balances.

As at 30 June 1991, the Ministry had the following cash and Investment Balances held in accounts outside the Public Account which are administered, held or transacted by the Ministry.

	Notes	Cash	Investments	Total	Interest Earned for the Year
		\$	\$	\$	\$
Advance Accounts	(aa)	308	-	308	4,495
Liquor Licensing Commission - Dishonoured Cheque Account		(57,373)	-	(57,373)	-
Drawings Account		0	-	0	4,642
Revenue Accounts		24,473	-	24,473	30,572
Suspense Accounts		2,408	-	2,408	1,425
Trust Accounts	(ab)	130,148	-	130,148	12,599

DEBTORS

(a) As at 30 June 1991, the following amounts were outstanding.

Debtors of the Ministry	\$
Accounts Receivable for Weights & Measures	67,361
Miscellaneous Accounts	7,709
Recovery of Salary Overpayments	4,689
Tax and Miscellaneous Revenue due to the Liquor Licensing Commission	3,738,472
TOTAL	<u>3,818,231</u>

APPENDIX 1D

MINISTRY OF CONSUMER AFFAIRS
 SUPPLEMENTARY INFORMATION AND STATEMENT OF BALANCES FOR THE YEAR
 ENDED 30 JUNE 1991

	Notes	\$	\$
(b) The number of bad debts written off during the financial year to 30 June 1991			
Ministry of Consumer Affairs	46		
Liquor Licensing Commission	14		
TOTAL	<u>60</u>		
(c) The aggregate of bad debts written off during the financial year to 30 June 1991			
Ministry of Consumer Affairs		4,010	
Liquor Licensing Commission		8,062	
TOTAL		<u>12,072</u>	
(d) The allowance for doubtful debts as at 30 June 1991	(ac)		190,912
General Stores on Hand			
As at 30 June 1991, the Ministry had the following stores on hand.			
Ministry of Consumer Affairs		12,100	
Liquor Licensing Commission		<u>62,680</u>	74,780
Creditors			
As at 30 June 1991, the Ministry had the following amounts outstanding.			
General Expenses	(ad)		247,282
Employee Entitlements	(ae)		
As at 30 June 1991, the Ministry had outstanding employee benefits incl.			
Annual Leave			
Ministry of Consumer Affairs		693,375	
Liquor Licensing Commission		152,004	
TOTAL			<u>845,379</u>
Long Service Leave			
Ministry of Consumer Affairs		1,991,945	
Liquor Licensing Commission		654,610	
TOTAL			<u>2,646,555</u>

MINISTRY OF CONSUMER AFFAIRS
 SUPPLEMENTARY INFORMATION AND STATEMENT OF BALANCES FOR THE YEAR
 ENDED 30 JUNE 1991

Capital Commitments

As at 30 June 1991, the Ministry had \$61,038 in Capital Commitments.

Leasing Commitments

As at 30 June 1991, the Ministry had entered into lease commitments which are summarised as follows:

	Operating Lease \$	Finance Lease \$
Not later than 1 year		
Ministry of Consumer Affairs	2,051,163	197,000
Liquor Licensing Commission	433,131	-
Later than 1 years but less than 2 years		
Ministry of Consumer Affairs	1,952,312	160,000
Liquor Licensing Commission	426,965	-
Later than 2 years but less than 5 years		
Ministry of Consumer Affairs	2,499,906	44,000
Liquor Licensing Commission	1,264,656	-
Later than 5 years		
Ministry of Consumer Affairs	-	-
Liquor Licensing Commission	2,948,587	-
	11,576,720	401,000
	\$	

Balance Outstanding on Loans

As at 30 June 1991, the outstanding loan balances on loans made by the Ministry.

Loans under the Residential Tenancies Act	332,831
---	---------

Prepaid Licence Fees

As at 30 June 1991, the Liquor Licensing Commission had received prepaid licence fees to the value of

42,270,996

Ex-Gratia Payments

(a) The number of Ex-Gratia Payments during the financial year to 30 June 1991 totaled: 5

(b) The aggregate value of Ex-Gratia payments during the financial year to 30 June 1991 totaled:

252

APPENDIX 1E

FINANCIAL STATEMENTS

MINISTRY OF CONSUMER AFFAIRS

NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE YEAR ENDED
30 JUNE 1991

- (a) The financial statements of the administrative unit have been prepared on the basis that the transactions of the Public Account are reported on a cash basis with the exception of payments for salaries and wages which are reported on an accrual basis.
- (b) The financial details provided in Appendix 1D to the financial statements relate to transactions outside the Public Account.
- (c) The financial statements specify only identifiable direct costs and do not reflect the total cost of the administrative unit's operations. The statements do not include amounts paid on behalf of the administrative unit by other administrative units such as the payments by the Department of the Treasury for superannuation and by the Ministry of Finance for rent, cleaning and telephone services.
- (d) Appropriations to the administrative unit which have been expended on its behalf by the Ministry of Planning and Housing have been included in the financial statements to provide a comprehensive statement of the resources allocated to the Administrative Unit.
- (e) A reference in the financial statements to a "Budget" figure means:
 - (i) in the case of recurrent expenditure and works and services expenditure, the estimates in the Annual Appropriation Act for that year and
 - (ii) in the case of special appropriations, the estimates specified in the Victorian Budget document entitled "Program Budget Outlays" published in respect of that financial year.
- (f) A reference in the financial statements to an "actual" figure means the payments actually made by the administrative unit in respect of the item to which it refers.
- (g) The receipts and payments set out in the financial statements include receipts and payments which come within the overall responsibility of the Administrative Unit whether or not they have been collected or paid by the Administrative Unit.
- (h) Aboriginal Affairs Program was transferred to this Ministry during the financial year from the then Department of Planning and Urban Growth.
- (i) An amount of \$1,583,039 of Commonwealth funding was appropriated and transferred to the Aboriginal Advancement Trust Account during the financial year.
- (j) Transfer to Trust Fund of Application Fees collected by way of duty stamps for Residential Tenancies Tribunal hearings.
- (k) The Liquor Licensing Commission produces its own accrual financial statements required under the Annual Reporting Act 1983, as a contributed income sector body.
- (l) Application fees are paid in cash and by duty stamps. Fees shown represent only cash received by the Ministry.

MINISTRY OF CONSUMER AFFAIRS
 NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE YEAR ENDED
 30 JUNE 1991

	ACTUAL 1990/91	ACTUAL 1989/90
	\$	\$
(m) Actual 1990/91 Expenditure of \$1,484,118 consisted of:		
Salaries and allowances	1,247,296	1,117,681
Overtime and penalty rates	1,579	16,761
Payments in lieu of long service leave	-	117,407
Payroll tax	80,428	71,380
State Employees Retirement Benefit Fund - Contribution	1,624	-
Workcare levy	153,191	176,889
TOTAL	1,484,118	1,500,118
(n) Actual 1990-91 Expenditure of \$609,741 consisted of:		
Travelling and subsistence	18,223	17,559
Office requisites and equipment, printing and stationery	184,589	127,638
Books and publications	32,218	31,149
Postal and telephone expenses	94,402	64,219
Motor vehicles - purchase and running costs	24,255	29,549
Fuel, light, power and water	14,955	12,679
Incidentals	60,821	60,426
Electronic data processing	180,278	232,872
TOTAL	609,741	576,091
(o) The introduction of Corporate support costs in relation to the Travel Agents licensing function.		
(p) Actual 1990-91 Expenditure of \$12,320 consisted of:		
Design, Supervision and Administration	1,320	1,200
Minor Works	11,000	10,000
TOTAL	12,320	11,200
(q) Actual 1990-91 Expenditure of \$65,248 consisted of:		
Accommodation and refurbishment	59,514	35,946
Furniture Replacement	5,734	35,509
TOTAL	65,248	71,455

APPENDIX 1E

MINISTRY OF CONSUMER AFFAIRS

NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE YEAR ENDED
30 JUNE 1991

	ACTUAL 1990/91	ACTUAL 1989/90
	\$	\$
(r) Actual 1990/91 Expenditure of \$5,026,008 consisted of:		
Salaries and allowances	4,701,278	4,671,210
Overtime and penalty rates	13,135	24,447
Payroll tax	311,595	288,373
TOTAL	5,026,008	4,984,030
(s) Actual 1990-91 Expenditure of \$1,311,174 consisted of:		
Travelling and subsistence	121,868	135,610
Office requisites and equipment, printing and stationery	536,014	381,389
Books and publications	12,202	17,904
Postal and telephone expenses	74,686	54,932
Motor vehicles - purchase and running costs	198,639	227,270
Fuel, light, power and water	54,850	80,304
Incidentals	278,733	513,907
Electronic data processing	2,351	47,873
Consultants and special projects	7,660	-
Stores, equipment and materials	24,171	43,059
TOTAL	1,311,174	1,502,248
(t) Actual 1990-91 Expenditure of \$74,245 consisted of:		
Design, Supervision and Administration	7,955	7,847
Minor Works	15,900	14,994
Weights and Measures - repairs	50,390	50,398
Travel Agents - furniture	-	1,626
TOTAL	74,245	74,865
(u) Actual 1990-91 Expenditure of \$92,778 consisted of:		
Minor Works	650	6,691
Credit Licensing Authority relocation costs	-	49,026
Credit Tribunal - establish hearing rooms	92,128	-
TOTAL	92,778	55,717

MINISTRY OF CONSUMER AFFAIRS

NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE YEAR ENDED
30 JUNE 1991

	ACTUAL 1990/91	ACTUAL 1989/90
	\$	\$
(v) Actual 1990/91 Expenditure of \$537,695 consisted of:		
Salaries and allowances	502,341	-
Payroll tax	35,354	-
TOTAL	537,695	-
(w) Actual 1990-91 Expenditure of \$68,500 consisted of:		
Travelling and subsistence	12,656	-
Office requisites and equipment, printing and stationery	22,493	-
Books and publications	893	-
Postal and telephone expenses	2,963	-
Motor vehicles - purchase and running costs	16,506	-
Incidentals	12,989	-
TOTAL	68,500	-
(x) Actual 1990-91 Expenditure of \$850,543 consisted of:		
Claims against the Guarantee Fund	702,003	503,147
Other General Expenses	148,540	97,964
TOTAL	850,543	601,111
(y) Actual 1990-91 Expenditure of \$3,491,414 consisted of:		
Residential Tenancies Grant Scheme	1,872,926	1,701,799
Payments to Tenants and Landlords	98,473	112,484
Other General Expenses	1,520,015	1,162,969
TOTAL	3,491,414	2,977,252
(z) Transfer from Appropriation to Trust Fund \$1,583,039		

APPENDIX 1E

MINISTRY OF CONSUMER AFFAIRS

NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS FOR THE YEAR ENDED
30 JUNE 1991

(aa) Advance Accounts	
Ministry of Consumer Affairs Advance Account	1,805
Liquor Licensing Commission Advance Account	(1,497)
	<hr/>
TOTAL	308
	<hr/>
(ab) Trust Accounts	
Small Claims Tribunal Trust Account	1,738
Liquor Licensing Commission Trust Account	128,410
	<hr/>
	130,148
	<hr/>
(ac) The provision of doubtful debts has been calculated at 5% of debtors outstanding as at 30 June, 1991	
(ad) Creditors	
Ministry of Consumer Affairs	123,066
Liquor Licensing Commission	124,216
	<hr/>
	247,282
	<hr/>
(ae) The provision of annual leave and annual leave loading was extracted from the Ministry's personnel records and calculated on the average salary for each classification while the provision for Long Service Leave was calculated for each employee with over 5 years service and based on their classification as at 30 June, 1991.	

APPENDIX 1F

FINANCIAL STATEMENTS

MINISTRY OF CONSUMER AFFAIRS EXPLANATORY STATEMENTS

1. Car deductions were shown in program 243 in 1989-90. The increase reflects SES officers added to the SES car scheme in 1990-91.
2. The majority of the increase of \$9,546 represents the recovery of salary overpayments of previous financial years.
3. Interest on bank accounts were reported in both program 242 and program 243 in 1989-90. All interest is now reported in program 242 (see statement 16).
4. The increase reflects a higher level of costs awarded to the Ministry by the Courts.
5. This figure was included as part of amounts paid in by other departments in 1989-90, and represents the contribution made to the Office of Prices by the Egg Board.
6. A Board of Survey was conducted during 1990-91 resulting in \$12,491 being raised by the sale of government property.
7. The contribution to the Prices Office by the Egg Board is reported separately (see statement 5). No other amounts were paid in by other agencies in 1990-91.
8. In 1989-90, this item represented a combination of surplus cash and Small Claims Tribunal application fees. It now represents surplus cash only (see statement 12).
9. The decrease in receipts is due to lower interest rates which have decreased bond interest by \$1,861,186 and investment interest by \$104,666. Receipts from stamp duties increased by \$98,629.
10. The increase in Liquor Licensing Commission Receipts is due to an increase in rates from 9% to 11% and an increase in the value of liquor sales, and improved collection and enforcement measures.
11. The increase in revenue is a direct result of the increase in inspection activity by the Trade Measurement Branch.
12. This figure represents Small Claims Tribunal and Credit Tribunal application fees that was incorrectly credited to program 242 in 1989-90 (see statements 8 and 14).
13. This figure represents a transfer from the Treasury Trust Account to Consolidated Revenue of balances held in the Treasury Trust Account for more than seven years in respect of the Liquor Licensing Commission.
14. In 1989-90, this item represented a combination of surplus cash and Credit Tribunal Application Fees. It now represents cash surplus to the operation of public telephones (see statement 12).
15. This item is now shown in program 242 (see statement 1).
16. Interest on all bank accounts is reported in program 242 (see statement 3).
17. The increase in receipts for the Motor Car Traders Guarantee Fund is due to the implementation of fee increases.
18. This amount represents funds appropriated from the Commonwealth contribution to the Aboriginal Advancement Program in 1990-91.
19. This Trust Fund was transferred during 1990-91 from the former Department of Planning and Urban Growth. Receipts represent interest on investments.

MINISTRY OF CONSUMER AFFAIRS
EXPLANATORY STATEMENTS

20. The Ministry did not spend its total appropriation accommodation budget as an expenditure of \$723,000 was paid from the Residential Tenancies Fund and the Motor Car Traders Guarantee Fund to allow those funds to meet their share of rent and outgoings during 1990-91. In 1989-90 the then Department of Property and Services had overall responsibility for the Ministry's accommodation expenditure.
21. Expenditure for EDP Facilities and Services did not meet the total budget due to lower interest rates which reduced the level of interest repayment required from the original estimate.
22. The Ministry of Finance provided access to funds held by it, for furniture and telephone works during 1990/91.
23. Original works costs were rejected by the Ministry of Finance. Approval was granted on reduced cost specifications late in 1990/91. Some expenditure will occur in 1991/92.
24. This project was implemented during 1990-91. Funds of \$107,125 were made available from program 247, after the State budget was delivered (see statement 37).
25. Expenditure increased as a result of revised cost allocations to the Trust Fund in respect to salaries and associated costs, as well as expenditure incurred as a result of the implementation of the RT Review.
26. Additional funding was approved by the Ministry of Finance for unbudgetted legal expenditure.
27. Expenditure on Travel Agents Licensing did not proceed at the expected rate. As a result, a review of costings against this item is being conducted for 1991/92.
28. Additional funding for the Liquor Licensing Commission was approved for payment of legal costs, long service leave payments and "Dry Area" polls.
29. No expenditure was made in 1990-91 on capital improvements to the Regional Offices at Ringwood or Dandenong, from this item.
30. The Ministry of Finance provided access to funds held by it, for furniture and telephone works during 1990/91.
31. The additional funds of \$115,630 to complete this project were made available by reducing expenditure in program 242 salaries.
32. The underexpenditure relates to the establishment of the Credit Tribunal hearing room which could not be commenced until a suitable site was located. Works commenced late in the financial year and some expenditure will occur in 1991/92.
33. This line transfers from appropriations to the Residential Tenancies Fund amounts collected by way of stamp duties, in compliance with the Residential Tenancies Act. The original estimate in 1990-91 of \$100,000 proved insufficient and a further allocation was made available by the Ministry of Finance. The appropriation in program 243 was transferred to the Trust Fund receipts in program 242 in the Ministry's ledgers. The statements reflect correct treatment of the transfer.

MINISTRY OF CONSUMER AFFAIRS
EXPLANATORY STATEMENTS

34. Additional costs were incurred as a result of an increase in claims against the Fund. In addition, salary costs attributable to motor car trader administration, which was funded by an appropriation subsidy in 1989/90, was charged direct to the Fund in 1990/91.
35. Expenditure increased due to revised salary chargings and an increase in the Tenant Support Program.
36. Repayments to Housebuilders of cash guarantees held by the Ministry.
37. An amount of \$107,125 was transferred to program 242 during 1990/91, towards the Vax Computer replacement project (see statement 24).
38. A Commonwealth contribution towards the National Employment Strategy for Aborigines was made available in 1990-91. As the scheme did not continue in 1990-91 no expenditure was made.

APPENDIX 1G
FINANCIAL STATEMENTS
MINISTRY OF CONSUMER AFFAIRS

CERTIFICATION

Statement by the Principle 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 1991, and of the Supplementary Information and Statement of Balances at the end of the financial year.



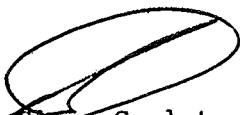
Mara Dennis
Acting Finance Manager
Ministry of Consumer Affairs

Date: 4 / 10 / 91

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 1991, and of the Supplementary Information and Statement of Balances at the end of the financial year.



~~Glenn Carleton~~
Acting Director
Ministry of Consumer Affairs

Date: 4/10/1991

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 the Ministry and appendices and notes to the financial statements have been audited as required by the Annual Reporting Act 1983 and in accordance with the Australian Auditing Standards.

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

In my opinion, the financial statements comply, in all material respects, with the Annual Reporting Act 1983 and present fairly the financial transactions of the Ministry of Consumer Affairs for the year ended 30 June 1991 in accordance with that Act.



C.A. BARAGWANATH
Auditor-General

MELBOURNE
9/10/1991

APPENDIX 2

PROGRAM STRUCTURE 1990-91

MINISTRY OF CONSUMER AFFAIRS

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

NOTE

The Ministry's program structure was revised to identify separately the cost of executive management within each sub-program.

The Prices sub-program was integrated within the Development Division under the component of Research and Economics. This consolidated the research and review functions performed by both areas.

Aboriginal Affairs ceased to be the responsibility of the Minister for Consumer Affairs on 1 July 1991.

MINISTRY OF CONSUMER AFFAIRS

CONSUMER AFFAIRS PROGRAM OUTLAYS

(\$'000)

Estimate for 1991-92 Black figures, Actual for 1990-91 Italic figures

PROGRAM NO. PROGRAM NAME	242 Corporate Services	243 Consumer and Tenancy Services	TOTAL
Recurrent Appropriations	3,531 <i>4,200</i>	12,066 <i>13,299</i>	15,598 <i>17,499</i>
Works and Services Appropriations	314 <i>448</i>	227 <i>446</i>	541 <i>894</i>
Special Appropriations	3,846 <i>4,648</i>	12,294 <i>13,745</i>	16,139 <i>18,393</i>
	-	-	-
TOTAL APPROPRIATIONS	3,846 <i>4,648</i>	12,294 <i>13,745</i>	16,139 <i>18,393</i>
Less			
Payroll Tax (included in Appropriation 1150)	78 <i>80</i>	315 <i>312</i>	393 <i>392</i>
Other Appropriations classified as Revenue, Financing and Intra-Unit Transactions	165 <i>183</i>	170 <i>163</i>	335 <i>347</i>
Receipts classified as Outlays	90 <i>69</i>	532 <i>507</i>	622 <i>576</i>
Plus			
Trust Fund Transaction classified as Outlays	3,287 <i>1,828</i>	10,426 <i>8,705</i>	13,713 <i>10,533</i>
TOTAL OUTLAYS	6,800 <i>6,143</i>	21,702 <i>21,468</i>	28,502 <i>27,612</i>
% Change 1991-92 on 1990-91	10.7	1.1	3.2

Note: Totals may not add due to rounding

MINISTRY OF CONSUMER AFFAIRS

SUB-PROGRAM NAME: EXECUTIVE AND MINISTERIAL MANAGEMENT

Objectives

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

Establish appropriate mechanisms to provide support and advice to the Minister.

Description

The Executive Management Sub-program comprises three components:

Director's office, Ministerial Support and Internal Audit. Its functions are to set goals, objectives and priorities for the Ministry's operations; ensure resources are applied to meet goals and provide optimum advice and support for the Minister.

SUB-PROGRAM NAME: CORPORATE SERVICES

Objective

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

Description and Achievements in 1990-91

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

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

Achievements in 1990-91 included a review of the Ministry's management information strategy and the subsequent letting of a contract for the provision of enhanced operational computer systems; principally in the Residential Tenancies, Small Claims and Credit Tribunals.

A revised Assets Management system incorporating the use of bar codes was introduced.

A new payroll system to replace the government's "Paycost" system was implemented.

Reviews of fees and charges under the Credit Acts, and of motor vehicle fleet operations were conducted during 1990-91.

MINISTRY OF CONSUMER AFFAIRS

Key activities planned for Corporate Services in 1991-92 include:

Integration of a new payroll system with FMS and Perspay; implementation of improved computer services to selected operational areas of the Ministry and development and introduction of a decentralised file management system.

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

To advise and give effect to the legislative program of the Ministry. To develop and maintain fair trading standards and remove unfair business conduct and unsafe and misrepresented products by regulating the marketplace and ensuring compliance with the relevant legislation.

To ensure compliance with the relevant residential tenancies legislation.

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

Description and Achievements in 1990-91

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

Government intervention is needed to ensure compliance in the business and the residential tenancies sectors in order that exploitation of consumers and tenants is minimised. Regulatory activities include the licensing of credit providers, finance brokers, travel agents and motor car traders.

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

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

MINISTRY OF CONSUMER AFFAIRS

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

During 1990-91 the Division conducted reviews and published discussion documents relating to: new house construction contracts; options for dispute resolution in the house building industry; the house contracts guarantee scheme; trade measurement administration; and the proposed establishment of a Rental Bond Board. A review of pre-payment in the funeral industry was also conducted.

In 1990-91 the Government introduced the Credit (Further Amendment) Act 1991, which provides for retrospective validation of three minor errors by credit providers, changes the operation of civil penalty provisions for the future and changes the scope and jurisdiction of the Credit Tribunal, and (except section 5) came into operation on 26 June 1991; the Rental Bond Board Bill 1991, on which debate has been resumed in the current 1991 Spring Session of Parliament after the second reading in April 1991; and the House Contracts Guarantee (Miscellaneous Amendment) Bill 1991, which was introduced and defeated in the Legislative Council in May 1991.

Eleven sets of regulations were made and six regulatory impact statements prepared during 1990-91.

61 prosecutions, for a total of 252 offences under ten different pieces of legislation were successfully completed. Defendants were placed on good behaviour bonds in 14 cases. In the remainder, penalties totalling nearly \$95,000 were imposed, in addition to costs.

The Director mounted 23 licensing objections. Of the 16 decided during the year only one was completely unsuccessful, while a further two resulted in a reprimand and fine but no suspension of licence.

Nearly 5,000 routine matters relating to renewal or revocation of licences were processed, and 487 claims on the Motor Car Traders Guarantee Fund were received during 1990-91. The nature of claims received related to matters concerning warranties, roadworthy certificates, transfer fees, defective title securities from the Vehicle Securities Register and failure of parties to pay costs awarded in the Small Claims Tribunal. 271 payments were made in 1990-91 totalling \$702,003. The success rate of claims lodged averaged 55.6% and amounted to approximately \$2,590 per payment.

The Credit Tribunal ordered substantial refunds or forfeitures by credit providers in three major cases in which legal officers appeared for the Director of Consumer Affairs on behalf of consumers. A total of 2,610 contracts was involved. In another case, in which 300 debtors were

MINISTRY OF CONSUMER AFFAIRS

represented by the Director of Consumer Affairs a satisfactory settlement was reached.

A further case involving 13,000 contracts is still proceeding.

The quality and safety of 206 products was investigated and four products were banned by the Minister.

Key activities planned for Legislation and Regulation in 1991-92 include:

- Preparation of amendments to the Shop Trading Act 1987;
- Continuing review of the Credit Act 1984 under the auspices of the Standing Committee of Consumer Affairs Ministers (SCOCAM). Submissions on a consultation draft for a new uniform bill are to be received by 30 November. Victoria will take a lead role in reviewing submissions;
- Preparation of miscellaneous amendments to the Travel Agents Act 1986 in line with SCOCAM agreements;
- Development of a Trade Measurement (Administration) Bill to complement the agreed uniform trade measurement legislation which will replace the Weights and Measures Act 1958;
- Circulation of a discussion paper on prepaid funerals and, if necessary, development of legislation;
- Preparation of legislation to establish a Building Disputes Tribunal;
- Liaison with the Television and Electronic Services Association in the development of a Code of Practice for the industry;
- Review of the Credit (Administration) (Credit Tribunal) Regulations.

SUB-PROGRAM NAME: DEVELOPMENT

Objectives

Develop an informed and efficient marketplace through public information, funding programs and community development; and provide policy analysis, advice and program review services to client services and legislation and regulation functions.

MINISTRY OF CONSUMER AFFAIRS

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

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

Description and Achievements in 1990-91

The development of consumer and tenant awareness of rights and obligations in the marketplace and the encouragement of responsible attitudes by traders and landlords are major pre-requisites for the establishment of a fair marketplace. In this sub-program, consumer, trader and community organisations work with the Ministry to provide education and information services. Community organisations also provide advice and advocacy. The special needs of disadvantaged consumers and tenants and of priority groups who require special assistance are also addressed. A wide variety of materials and techniques are used, such as formal consultations, media campaigns, training exercises and printed materials. In 1990-91, the Ministry continued its major public education campaign warning consumers against credit overcommitment. New publications in the area of residential tenancies, including rooming houses and caravan parks, were developed and received wide distribution.

Community organisations are funded to provide information and advice to consumers and tenants, thus contributing to the service provided by the Ministry, and ensuring the responsiveness of the Ministry. In 1990-91, the Consumer and Tenant Support Programs provided funding for some 60 community groups to provide advice services in all regions of the State and a number of specialist consumer projects were funded in the areas of house building, credit, to assist Waltons debtors, and specialist tenancy projects to address the needs of tenants with special needs, including caravan park residents, rooming house tenants and Turkish and Cambodian tenants. A pilot project, called the Tenant Advice Project, was also commenced to encourage tenants to appear at the Residential Tenancies Tribunal when they receive a notice of hearing.

This sub-program also researches marketplace issues and reviews program and policy strategies. It also seeks to develop and maintain channels for consultations with the community about the policies, services and operations of the Ministry of Consumer Affairs. In 1990-91, several evaluations of Ministry public education campaigns were undertaken to improve the effectiveness of future campaigns. Reviews of conciliation services, low-cost loan and buying advice services, and Ministry funding to some community groups were also conducted.

MINISTRY OF CONSUMER AFFAIRS

The sub-program also co-ordinates government programs on prices restraint and provides research and administrative support to the Prices Commissioner, who has various statutory responsibilities concerning the pricing of agricultural products. A range of strategies are used to promote competition in the marketplace, including price monitoring and investigations, consumer education programs, support to community Price Action Groups and submissions to public inquiries. The Egg Prices Review Panel established under the Egg Industry Act 1989, is administered under this sub-program. The Government's trigger price arrangement for petrol is also administered.

Major achievements in 1990-91 include a review of retail petrol margins, research support to the WorkCare Appeals Costs Panel in its review of Union fees for case preparation work, co-ordination of a government review of the AFL finals tickets distribution system and a study of market concentration and the Victorian market milk industry.

Key activities planned for Development in 1991-92 include:

Development of credit packages for use in schools.

A major public tenancy awareness campaign informing of renting rights and responsibilities, focussed primarily on young tenants.

Commencement of a program of review and redesign of the Ministry's public use forms to improve the accessibility of the Ministry's Tribunals.

Continuing implementation of the Consumer Support Program.

Continuing implementation of recommendations of the Residential Tenancies Review, partly through the expansion of the Tenant Support Program.

Completion of the pilot Tenant Advice Project and implementation of recommendations resulting from the project to encourage tenant attendance at the Residential Tenancies Tribunal.

Continuing program of review of Ministry services, including Residential Tenancies Inspection Services, Travel Agents' licensing, and Tribunals' operation.

Completion of research studies of caravan park residents and rooming house tenants.

Examination of the feasibility of introducing provisions for unit pricing in supermarkets in Victoria.

MINISTRY OF CONSUMER AFFAIRS

SUB-PROGRAM NAME: CLIENT SERVICES**Objective**

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

Description and Achievements in 1990-91

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

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

In 1990-91 the Ministry handled 273,033 telephone and counter enquiries which represents an increase of 16.6% over 1989-90 enquiries.

During the year, the Ministry implemented a number of initiatives to provide greater access to its advice and information services. These include, establishing an earlier starting time for the head office Telephone Enquiries Centre, completing the installation of a 008 toll free line in the Ministry's offices, and promoting the use of the Telephone Interpreter Service.

The sub-program also provides a mix of services to assist consumers, traders and tenants and landlords to resolve disputes through the Small Claims, Credit and Residential Tenancies Tribunals and the Conciliation function of the Ministry. Each dispute resolution service is designed to provide an informal, and inexpensive means of dispute resolution.

In 1990-91, the Ministry implemented a number of initiatives to improve access to the dispute resolution services including scheduling late afternoon hearings, to reduce waiting times and establishing a computer link with the Australian Securities Commission which has reduced the time taken to list hearings in the Small Claims Tribunal.

Conciliation is an alternative dispute resolution service to the Tribunals. In 1990-91 the number of written complaints fell by 7.8% to 11,934, compared to a rise of 17.8% in 1989-90. Real estate and accommodation complaints accounted for 31.9% of all written complaints which mainly relate to requests for inspections for abandoned goods by landlords.

Key activities planned for Client Services in 1991-92 include:

- Introduction of a messaging system through a Voice Response Unit in the Customer Information Branch;
- The opening of Tribunal Hearing rooms at the Dandenong and Footscray Regional Offices;
- Implementation of recommendations of the Conciliation services and Residential Tenancy Inspection services studies.

SUB-PROGRAM NAME: LIQUOR LICENSING

Objective

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

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

Efficiently collect fees payable by applicants and current licensees.

Description and Achievements in 1990-91

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

Achievements in 1990-91 include:

- The collection of assessed liquor licence fees at a level in accord with budget expectations in a time of difficult trade and business conditions within the liquor and hospitality industry.
- The successful trialing of an Investigations Unit to detect and collect licence fees that may otherwise have been avoided.
- Further expansion and diversification of licensed premises in Victoria evidenced by an 8% increase in licensed premises to a total licence portfolio of 7,000 licensed premises.
- Establishment of effective liaison forums with all sectors of the liquor and hospitality industry.

MINISTRY OF CONSUMER AFFAIRS

Key activities planned for Liquor Licensing in 1991-92 include:

- Establishment and on-going provision of the Responsible Serving of Alcohol program for licensees.
- Further development of liaison forums with local government and the community.
- Development of a liquor and hospitality industry database providing a wide range of information on licensed premises in Victoria.
- Implementation of an up-graded computer system for licence administration and management.

EXPLANATION OF VARIANCES - 1990-91 CURRENT OUTLAYS

PROGRAM NO. SUB PROGRAM TITLE	Budget \$'000	Actual \$'000	Variance \$'000	Variance %	Explanation
Program 242					
Executive Management	535	622	87	16.45	(1)
Corporate Services	7,502	5,406	(2,096)	(27.94)	(2)
	8,037	6,029	(2,009)	(24.98)	
Program 243					
Legislation & Regulation	4,500	5,061	561	12.47	(3)
Development	6,996	6,008	(988)	(14.12)	(4)
Client Services	7,371	6,628	(743)	(10.08)	(5)
Liquor Licensing	4,018	4,306	288	7.17	(6)
	22,885	22,003	(882)	(3.85)	
TOTAL MINISTRY	30,922	28,032	(2,890)	(9.35)	

PROGRAM 247

Aboriginal Affairs ceased to be the responsibility of the Minister for Consumer Affairs on 1 July 1991. See program 114 - Department of Aboriginal Affairs for details of expenses.

MINISTRY OF CONSUMER AFFAIRS

EXPLANATION

(1) \$52,800 was paid for a Shop Trading Survey and funds for Motor Vehicle expenses were transferred to this sub-program during 1990-91.

(2) The Accommodation budget for 1990-91 included provision of \$723,000 for rent and outgoings chargeable to the Ministry's Trust Funds. This saving in Appropriations was used to offset requests for a Treasurer's Advance to cover the Shop Trading Survey, legal expenses, payments in lieu of Long Service Leave and the transfer of stamp duty collected to the Residential Tenancies Fund.

The Motor Vehicle budget and selected personnel functions were divested to other sub-programs during 1990-91. Delays in obtaining approval for the replacement of the Ministry's VAX minicomputer limited expenditure during 1990-91 in the EDP budget.

The Ministry's Staff Development Program was approved in early 1991, consequently full expenditure was not realised. The stores budget was also overspent due to savings in printing costs.

(3) Legal expenses not included in the Ministry's budget totalled \$153,569 in 1990-91. Funds for motor vehicle expenses were also transferred to this sub-program during the financial year.

Claims against the Fund under the Motor Car Traders Guarantee Fund exceeded budget by \$502,003. In addition legal expenses of around \$70,000 were also not included in the 1990-91 budget.

Minimal expenditure for the implementation of recommendations of the Residential Tenancies Review were incurred in 1990-91.

(4) Although some of the recommendations of the Residential Tenancies Review was implemented during 1990-91, minimal expenditure was incurred against the funds provided. The reprinting of the Motor Car Traders Kit was not completed during 1990-91, consequently payment was not made.

(5) Payments to the Residential Tenancies Fund of stamp duty collected under Section 26 of the Residential Tenancies Act 1980 exceeded budget. The implementation of the Residential Tenancies Review recommendations and the Rooming Houses Act resulted in lower expenditure than expected.

(6) The Liquor Licensing Commission incurred unforeseen expenses during 1990-91. These included \$23,500 for a "Dry Area" poll, \$114,700 for payment in lieu of Long Service Leave and legal expenses in excess of \$149,000.

MINISTRY OF CONSUMER AFFAIRS

EXPLANATION OF VARIANCES - 1990-91 CAPITAL OUTLAYS

PROGRAM NO. SUB PROGRAM TITLE	Budget \$'000	Actual \$'000	Variance \$'000	Variance %	Explanation
Program 242					
Executive Management	-	-	-	-	
Corporate Services	482	448	(34)	(7.05)	(1)
	482	448	(34)	(7.05)	
Program 243					
Legislation & Regulation	102	81	(21)	(20.59)	(2)
Development	-	-	-	-	
Client Services	165	92	(73)	(44.24)	(3)
Liquor Licensing	158	273	115	72.78	(4)
	425	446	21	4.98	
TOTAL MINISTRY	907	894	(13)	(1.43)	

PROGRAM 247

Aboriginal Affairs ceased to be the responsibility of the Minister for Consumer Affairs on 1 July 1991. See program 114 - Department of Aboriginal Affairs for details of expenses.

EXPLANATION

- (1) A transfer of \$107,125 from the Aboriginal Affairs capital program was approved for the replacement of the Ministry's VAX minicomputer which had exceeded its capacity to service the Tribunals.
The 500 Bourke Street refurbishment specification was not initially approved by the Ministry of Finance. A modified specification was approved in late 1990/91. Consequently the refurbishment was not completed prior to year end.
Savings of \$36,000 were also made under interest payments for the Ministry's minicomputer lease. This was as a result of reduced interest rates during 1990-91.
- (2) The Credit Licensing Authority were required to relocate during 1989-90. The carry-forward allocation of \$20,950 was not required in 1990-91.
- (3) Due to delays in identifying new premises for the Dandenong Regional Office, no expenditure was incurred in 1990-91.

MINISTRY OF CONSUMER AFFAIRS

Establishment costs for Credit Tribunal Hearing Rooms were approved as a new Initiative in 1990-91. Delays in securing a location and the preparation of work specifications prevented completion of the project in 1990-91.

- (4) The Liquor Licensing Commission's Computer Information System exceeded the original cost estimate by \$115,630. These funds were approved subject to equivalent savings being achieved in the recurrent budget of the Ministry.

EXPLANATION OF VARIANCES - 1990-91 CURRENT OUTLAYS

PROGRAM NO. SUB PROGRAM TITLE	1991-92 Actual \$'000	1991-92 Budget \$'000	Variance \$'000	Variance %	Explanation
Program 242					
Executive Management	623	545	(78)	(12.5)	(1)
Corporate Services	5,406	6,273	867	16.04	(2)
	6,029	6,818	789	13.05	
Program 243					
Legislation & Regulation	5,061	4,709	(352)	(6.96)	(3)
Development	6,008	7,146	1,138	18.94	(4)
Client Services	6,628	6,734	(106)	(1.60)	(5)
Liquor Licensing	4,306	3,903	(403)	(9.36)	(6)
	22,003	22,492	489	2.22	
TOTAL MINISTRY	28,032	29,310	1,278	4.56	

#PROGRAM 247

Aboriginal Affairs ceased to be the responsibility of the Minister for Consumer Affairs on 1 July 1991. See Program 114 Department of Aboriginal Affairs for details of expenses.

EXPLANATION

- (1) The variance in this Sub-program relates to the adjustment in budget resulting from the transfer of Aboriginal Affairs.
- (2) The Corporate Services budget for 1991-92 is \$1.23m or 16.4% less than in 1990-91. The apparent increase shown above is therefore misleading. The under expenditure in 1990-91 is detailed in note 2 on page xxxix. Appendix 2

MINISTRY OF CONSUMER AFFAIRS

Budget reductions in 1991-92 included the abolition of eight positions and reductions to various operating budgets.

- (3) The decrease of 6.96% shown for the Legislation & Regulation Sub-Program in the table represents the net effect of over expenditure in 1990-91 explained in note 3 on page xxxix, budget reductions and the provision of additional funds in 1991-92 for an Enforcement and Information Initiative approved in the budget. Budget reductions include the reduced of operating expenses and the abolition of six positions.
- (4) The Development budget increased by 2.1% over the 1990-91 level. Under expenditure in 1990-91 is explained in note 4, page xxxix. An increase in budget has been provided under this Sub-Program to cover the reprinting costs of the Motor Car Traders Kit and information and awareness activities approved as part of the Enforcement and Information Initiative. Additional funds were also provided under the Residential Tenancies Fund for a Tenancy Awareness Campaign.
- (5) The Client Services budget decreased by 9.5% compared to 1990-91. Budget cuts as well as factors explained in note 5, page xxxix resulted in the variance shown above.
- (6) The variance shown in the table for the Liquor Licensing Commission includes budget cuts involving the abolition of 13 positions. Other factors are explained in note 6, page xxxix.

EXPLANATION OF VARIANCES - 1991-92 CAPITAL OUTLAYS

PROGRAM NO. SUB PROGRAM TITLE	1990-91 Actual \$'000	1991-92 Budget \$'000	Variance \$'000	Variance %	Explanation
Program 242					
Executive Management	-	-	-	-	
Corporate Services	448	314	(134)	(29.91)	(1)
	448	314	(134)	(29.91)	
Program 243					
Legislation & Regulation	81	170	89	109.88	(2)
Development	-	-	-	-	
Client Services	92	57	(35)	(38.04)	(3)
Liquor Licensing	273	-	(273)	(100.00)	(4)
	446	227	(219)	(49.10)	
TOTAL MINISTRY	894	541	(353)	(39.49)	

MINISTRY OF CONSUMER AFFAIRS

#PROGRAM 247

The responsibility for Aboriginal Affairs was transferred on 1 July 1991. See Program 114 for details of expenses.

EXPLANATION

- (1) The decrease in budget under this Sub-Program is represented by the completion of the works component of the VAX computer replacement project in 1990-91. Lease repayments have also decreased due to lower interest rates; and an allocation for refurbishment works at 500 Bourke St has been provided to complete the project.
- (2) Weights and Measures Building repairs were completed in 1990-91 along with the Credit Licensing Authority relocation. A provision for the purchase of a new Weighbridge Testing Unit was approved for inclusion in the 1991-92 Capital Works Program.
- (3) The establishment of Credit Tribunal Hearing Rooms was not completed in 1990-91. The reduced allocation covers the final cost of the project.
- (4) Works and Services commitments for the Liquor Licensing Commission's Computer Information System were completed in 1990-91.

**MINISTRY OF CONSUMER AFFAIRS
SUB PROGRAM OUTLAYS
TRUST FUNDS**

		MOTOR CAR TRADERS GUARANTEE FUND SUB PROGRAM OUTLAYS				RESIDENTIAL TENANCIES FUND SUB PROGRAM OUTLAYS			
	Estimated Appropriation Subsidy \$000	1990-91 Actuals \$000	1991-92 Estimate \$000	% Variance \$	Notes *	1990-91 Actuals \$000	1991-92 Estimate \$000	% Variance \$	Notes **
PROGRAM NO. 242 CORPORATE SERVICES SUB-PROGRAM									
Executive Management									
Salaries	0	0	2.8	-	(1)	73.9	88.9	20.3	(1)
Operating	0.8	0	0.3	-	(1)	1.8	9.0	400.0	(1)
TOTAL	0.8	0	3.1	-		75.7	97.9	29.3	
Corporate Services									
Salaries	0	9.5	90.4	851.6	(2)	634.6	618.0	(2.6)	(1)
Operating	13.4	184.2	304.5	65.3	(1)	839.7	2173.1	158.8	(2)
RT Review						84.3	0	(100)	(3)
TOTAL	13.4	193.7	394.9	103.9		1558.6	2791.1	79.1	
Total Program 242	14.2	193.7	398.0	105.5		1634.3	2889.0	76.8	

**MINISTRY OF CONSUMER AFFAIRS
SUB PROGRAM OUTLAYS
TRUST FUNDS**

	MOTOR CAR TRADERS GUARANTEE FUND SUB PROGRAM OUTLAYS				RESIDENTIAL TENANCIES FUND SUB PROGRAM OUTLAYS				
	Estimated Appropriation Subsidy \$000	1990-91 Actuals \$000	1991-92 Estimate \$000	% Variance \$	Notes *	1990-91 Actuals \$000	1991-92 Estimate \$000	% Variance \$	Notes **
PROGRAM NO. 243 COMMUNITY AND CONSUMER SERVICES SUB-PROGRAM									
Legislation and Regulation									
Salaries Operating RT Review	(42.4) 70.2	690.8 830.7	761.8 679.9	10.3 (18.2)	(1) (3)	261.0 34.0 0	308.9 29.5	18.4 (13.2)	(1) (1)
TOTAL	27.8	1521.5	1441.7	(5.3)		295.0	338.4	14.7	
Development									
Salaries Operating Grants RT Review	(7.4)	0 5.5	0 86.4	- 1470.9	(4)	505.6 366.6 1876.1 75.5	730.7 1266.8 2348.2 0	44.5 245.6 25.2 (100)	(1) (4) (5) (3)
TOTAL	(7.4)	5.5	86.4	1470.9		2823.8	4345.7	53.9	

**MINISTRY OF CONSUMER AFFAIRS
SUB PROGRAM OUTLAYS
TRUST FUNDS**

	MOTOR CAR TRADERS GUARANTEE FUND SUB PROGRAM OUTLAYS				RESIDENTIAL TENANCIES FUND SUB PROGRAM OUTLAYS				
	Estimated Appropriation Subsidy \$000	1990-91 Actuals \$000	1991-92 Estimate \$000	% Variance \$	Notes *	1990-91 Actuals \$000	1991-92 Estimate \$000	% Variance \$	Notes **
Client Services									
Salaries	6.7	42.7	314.0	635.4	(1)	3177.8	3075.7	(3.2)	(1)
Operating	105.3	9.2	90.3	881.5	(1)	820.8	733.2	(10.7)	(1)
RT Review						8.6	0	(100)	(3)
TOTAL	112.0	51.9	404.3	679.0		4007.2	3808.9	(4.9)	
Total Program 243	132.4	1578.9	1932.4	22.4		7126.0	8493.0	19.2	
TOTAL MINISTRY	146.6	1772.6	2330.4	31.5		8760.3	11382.0	29.9	

MOTOR CAR TRADERS GUARANTEE FUND

COMMENT:

The original budget for 1990-91 was based on workload attributable to the fund. As the fund could not afford that level of expenditure a revised budget was used. Appropriation funds were not charged directly for any Motor Car Traders Costs in 1990-91. The above figures represent the amounts Appropriations could have subsidised the fund.

NOTES *

(1) The fees under the Motor Car Traders Act were revised to permit full cost recovery. The budget provided under this item represents the estimated share of costs attributable to the Fund.

- (2) In addition to note 1, this item includes a provision for WorkCare, which was previously paid from Appropriations.
- (3) Claims against the Fund in 1990-91 totalled \$702,003 and legal expenses which were not in the budget base amounted to \$70,450.
- (4) The reprint of the Motor Car Traders Kit was not completed in 1990-91 consequently the cost of two reprints will be required in 1991-92.

RESIDENTIAL TENANCIES FUND

NOTES **

- (1) A review of the proportional chargings for salaries and operating expenses was undertaken during the budget process for 1991-92. The main changes under this item represents the redistribution of chargings and flow on effects of budget reductions in Appropriations.
- (2) The actual increase in budget from 1990-91 to 1991-92 is only 1.58%. Under expenditure as detailed in Part 1 of the Sub-Program Information Paper represents the main variance shown in the table. A redistribution of chargings as explained in Note 1 was also implemented.
- (3) The implementation costs for recommendations of the Residential Tenancies Review are not applicable in 1991-92.
- (4) In addition to redistribution of chargings, funds have been provided for a Tenancy Awareness Program in 1991-92.
- (5) The increase in grants represents the continuation of the recommendations of the Residential Tenancies Review which were implemented in 1990-91.

MINISTRY OF CONSUMER AFFAIRS

PERCENTAGE OF BRANCH SALARIES CHARGED TO TRUST FUNDS

SUB PROGRAM Branch	MOTOR CAR TRADERS GUARANTEE FUND		RESIDENTIAL TENANCIES FUND	
	1990-91 Actual %	1991-92 Estimate %	1990-91 Actual %	1991-92 Estimate %
EXECUTIVE MANAGEMENT				
Director's Office	0.0	0.0	29.4	19.1
Ministerial Support	0.0	0.0	0.0	0.0
Internal Audit	0.0	5.9	0.0	38.3
CORPORATE SERVICES				
Corporate Services Executive	0.0	5.6	33.8	35.8
Personnel and Staff Development	0.0	8.2	37.8	33.9
Information Systems	0.0	2.7	39.0	45.4
Finance and Administration	0.0	6.7	30.8	31.7
LEGISLATION AND REGULATION				
Legislation and Regulation				
Executive	12.7	15.5	17.2	19.5
Legal Services	0.0	2.3	19.5	0.0
Licensing Investigation	46.6	42.9	0.0	0.0
Standards	0.0	0.0	0.0	0.0
Licensing	0.0	25.0	0.0	0.0
Trade Measurement	0.0	0.0	0.0	0.0
Industry Regulation	22.9	25.5	20.9	21.4
DEVELOPMENT				
Development Executive	0.0	0.0	40.0	40.0
Public Information	0.0	0.0	50.0	67.8
Liaison and Development	0.0	0.0	50.0	63.5
Research and Economics	0.0	0.0	50.0	27.4
CLIENT SERVICES				
Client Services Executive	0.0	10.9	57.4	43.8
Customer Information	0.0	13.4	35.1	35.0
Conciliation	9.0	21.5	5.0	3.5
Adjudication	0.0	0.0	87.0	81.2
Outer Eastern Office	0.0	12.5	37.5	35.0
Westernport Office	0.4	13.4	37.1	33.0
Footscray Office	0.7	15.8	37.0	23.3
RT Inspectors	0.0	0.0	100.0	100.0

MINISTRY OF CONSUMER AFFAIRS

EXPECTED REVENUES 1991-92 - TRUST FUNDS**MOTOR CAR TRADERS GUARANTEE FUND**

	\$
Licence Fees	1,998,000
Section 80 Recoveries	100,000
Interest on Investments	225,000
Other	7,500
TOTAL ESTIMATE	<u>2,330,500</u>

RESIDENTIAL TENANCIES FUND

Interest on Bonds	7,700,000
Fees	585,000
Interest on Investments	3,050,000
Other	100,000
TOTAL ESTIMATE	<u>11,435,000</u>

APPENDIX 3

LEGISLATION ASSIGNED TO THE MINISTRY

MINISTRY OF CONSUMER AFFAIRS

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

Caravan Parks and Movable Dwellings Act 1988

Parts 1-5 (inclusive) are administered by the Ministry. Part 6 is administered by the Ministry of Ethnic, Municipal and Community Affairs. The Act sets out the tenancy rights and responsibilities of long-term residents of caravan parks, caravan park owners and owners of caravans used by long-term residents.

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

Chattel Securities Act 1987

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

The rules of priority of competing interest in goods are also established. Part 3 of the Act, which provides for a registration system of security interests in motor vehicles, is administered by the Road Traffic Authority.

Consumer Affairs Act 1972

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

It allows the Minister to prohibit the sale and distribution of dangerous consumer goods, either on an interim basis (28 days) or permanently. The Minister can ban the sale and distribution of dangerous goods, either by giving recognition to a decision by a competent safety authority of another State or the Commonwealth to ban those goods or upon the recommendation of the Director of Consumer Affairs.

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

MINISTRY OF CONSUMER AFFAIRS

Credit Act 1984

Regulates consumer credit and applies to non-corporate borrowers where the amount financed is no more than \$20,000 or the credit contract relates to a commercial vehicle or farm machinery. Provides for regulation of the credit industry through a licensing system for credit providers.

Seeks to ensure that the rules applicable to all forms of credit are essentially the same. The Act requires the disclosure of the actual dollar cost of credit and the annual percentage rate of interest and provides protection for consumers in the enforcement of credit contracts by credit providers. The Act also establishes a mechanism by which debtors suffering genuine hardship can obtain relief from the immediate enforcement of a credit contract by the credit provider.

Credit (Administration) Act 1984

Provides the framework for administering the Credit Act. It establishes 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 Credit Tribunal to hear disputes between consumers and credit providers.

Credit Reporting Act 1978

Provides protection for consumers against incorrect information used in assessing credit worthiness. It encompasses agreement reached between the Attorney General and approved Credit Reporting Agents to bestow certain rights on credit users who want to verify the information kept on their file by the credit agent. The Director of Consumer Affairs also assumes responsibility under the agreement for the investigation of any file allegedly containing wrong information.

Disposal of Uncollected Goods Act 1961

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

Fair Trading Act 1985

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

 MINISTRY OF CONSUMER AFFAIRS

As well as prohibiting false and misleading advertising, the Act prohibits misleading oral statements and deceptive conduct and false representations in relation to employment. It provides for substantial penalties, the maximum penalty for a person in contravention is \$10,000 and \$50,000 for a corporation.

The Act provides that the County Court may, on application by the Minister, the Director or any other person, grant an injunction restraining a person from engaging in false or misleading conduct. It also empowers the Minister or Director to apply to the County Court for an order requiring a person to undertake corrective advertising. The Act came into operation, except for section 46, on 1 April 1986. Section 46 came into operation on 13 April 1989.

Finance Brokers Act 1969

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

Fuel Prices Regulation Act 1981

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

House Contracts Guarantee Act 1987

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

- a guarantee of up to \$40,000 on all new dwelling houses;
- for the streamlining of the procedures for

MINISTRY OF CONSUMER AFFAIRS

provisions relating to the sale, disposal and consumption of liquor. The Act came into operation on 3 May 1988.

Market Court Act 1978

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

- the Director can bring an action against a trader before the Court. The Court can, by order, restrain a trader from engaging in unfair conduct; and,
- the Director can enter into a Deed of Assurance with a trader.

Ministry of Consumer Affairs Act 1973

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

Motor Car Traders Act 1986

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

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

MINISTRY OF CONSUMER AFFAIRS

and enforcement functions. The Minister for Planning and Housing is responsible for the policy aspects of the Act and administers some of the provisions.

Rooming Houses Act 1990

Defines the rights and duties of owners and residents of rooming houses and provides for fair and quick resolution of disputes between them, through the Director of Consumer Affairs or the Residential Tenancies Tribunal. It came into operation on 1 November 1990.

Shop Trading Act 1987

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

Small Claims Tribunals Act 1973

Requires a Referee of the Tribunals to attempt the negotiation and settlement of a claim, and, if unsuccessful, to adjudicate. It covers claims made by consumers as defined by the Act. The Tribunals may hear claims in relation to the supply of goods, the provision of services and contracts of insurance (excluding life assurance).

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

Travel Agents Act 1986

Provides for the licensing of travel agents in Victoria. It is part of a consumer protection scheme which involves enactment of substantially similar licensing legislation in each participating State or Territory. The scheme also involves the creation of one compensation fund to cover consumers against failure of travel agents in Victoria, New South Wales, South Australia and Western Australia, Tasmania, Queensland and the ACT.

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

MINISTRY OF CONSUMER AFFAIRS

Weights and Measures Act 1958, excluding section 53B

Requires the maintenance of standards of mass and measure (and their accuracy) in the context of corresponding Commonwealth and International standards. Regulates, through the Ministry and Local Government authorities, the use and testing of weighing and measuring instruments for trade. The Act requires the verification of instruments to specified standards on commissioning and the reverification of them at prescribed periods of time to maintain their accuracy. Also sets out the manner in which goods, whether weighed or measured in the presence of the purchaser, assembled to the order of a person or prepacked in advance for sale, may be sold.

APPENDIX 4

MCA REGULATIONS

MINISTRY OF CONSUMER AFFAIRS

REGULATIONS MADE DURING THE LAST FINANCIAL YEAR 1990-91

Motor Car Traders (Fees Amendment) Regulations 1990
Rooming Houses Regulations 1990
Residential Tenancies (Fee Revocation) Regulations 1990
Consumer Affairs Committee (Amendment) Regulations 1990
House Contracts Guarantee (Amendment) Regulations 1990
Liquor Control (Licence & Permit Fees) Regulations 1990
Travel Agents (Fees Amendment) Regulations 1991
Weights & Measures (Fees Amendment) Regulations 1991
Credit (Administration)(Licensing)(Fees Amendment) Regulations 1991
Credit (Administration)(Credit Tribunal) Regulations 1991
Finance Brokers (Licensing & General)(Fees Amendment) Regulations 1991

APPENDIX 5A PROSECUTIONS

MINISTRY OF CONSUMER AFFAIRS
PROSECUTIONS BY MCA

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO. OF OFFENCES	FINES	COSTS
2 Jul 90	Noel Heenan Panel Works Pty Ltd (Noel Heenan Panel Works)	MCTA MCTA MCTA	7 35 52		A company trading in motor cars whilst not licensed to do so and which failed to keep records of its dealings.	9	900.00	600.00
9 Jul 91	Carthw E T	MCTA	52		A director of Rahoc Pty Ltd knowingly involved in the offences committed by the company.	10	1,000.00	500.00
9 Jul 90	Rahoc Pty Ltd (Carthw Car Sales)	MCTA	52		A motor car trader which failed to display details of used motor cars being offered for sale was placed on a 12 month good behaviour bond.	10		
11 Jul 90	Sontri Nominees Pty Ltd (Mike Hanneysee Car Sales)	MCTA	52		A motor car trader which failed to provide the required details on forms attached to used motor cars on display for sale.	10	2,000.00	550.00
27 Jul 90	Artz E G	MCTA FTA	38 12		A director of Ean Kay Nominees Pty Ltd knowingly involved in the offences committed by the company.	3	5,000.00	
27 Jul 90	Ean Kay Nominees Pty Ltd (Gardenvale Motors)	MCTA MCTA MCTA FTA	35 38 52 12		A motor car trader which tampered with the odometer reading of a motor car leading to false representations on its history and previous use and which made a false entry in its records.	6	18,600.00	4,169.00
30 Jul 90	Avery Australia Ltd	W&M	165A 165B		A registered person who failed to issue a repair certificate.	4	400.00	430.00

MINISTRY OF CONSUMER AFFAIRS
PROSECUTIONS BY MCA

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO. OF OFFENCES	FINES	COSTS
8 Aug 90	Colin Watson Pty Ltd (Colin Watson Holden)	MCTA FTA	52 12		A motor car trader which failed to attach the required form to used motor cars displayed for sale and which made a false representation as to the exclusion of a right or remedy.	7	2,750.00	430.00
30 Aug 90	Mark Pitman Motors Pty Ltd (Mark Pitman Motors)	MCTA MCTA	48 35		A motor car trader which failed to procure the cancellation of a security interest in a motor car before selling it.	1	500.00	175.00
30 Aug 90	Pitman M	MCTA MCTA	48 35		A director of Mark Pitman Motors Pty Ltd knowingly involved in the offence committed by the company.	1	300.00	175.00
3 Sept 90	Civic Entertainments Pty Ltd (Shepparton Hi-Fi)	STA	22		The proprietor of a retail shop selling audio equipment which was open for trading at a time it was required to be closed.	1	200.00	245.00
17 Sep 90	Australian Safeway Stores Pty Ltd (Safeway)	FTA	12(f)		A retailer which made false or misleading statements as to the price of goods was placed on a 12 month \$1,000 good behaviour bond and ordered to pay \$1,000 into the court fund.	5		900.00
17 Sep 90	Balfour R K	FTA FTA CAA	42 12 15		A person of an itinerant nature who refused to answer questions put to him by an inspector in connection with his activities in house repairs.	1	200.00	

MINISTRY OF CONSUMER AFFAIRS
PROSECUTIONS BY MCA

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO. OF OFFENCES	FINES	COSTS
17 Sep 90	Cassaro Pty Ltd	RTA RTA RTA	67(1) 73(1) 87(1)		A landlord which failed to pay a security deposit into an approved trust account and which failed to issue tenancy agreement documents.	3	175.00	140.00
17 Sep 90	Gervasi G	RTA RTA RTA	67(1) 73(1) 87(1)		A person knowingly involved in the offences committed by Cassaro Pty Ltd.	3	175.00	140.00
17 Sep 90	Gervasi M	RTA RTA RTA	67(1) 73(1) 87(1)		A person knowingly involved in the offences committed by Cassaro Pty Ltd.	3	175.00	140.00
21 Sep 90	Peter Wade Pty Ltd (Peter Wade Motors)	MCTA	52		A motor car trader which failed to attach the prescribed forms to used motor cars displayed for sale.	4	400.00	265.00
21 Sep 90	Wade P	MCTA	52		A director of Peter Wade Pty Ltd knowingly involved in the offences committed by the company.	4	400.00	265.00
15 Oct 90	Hughes N G	FTA	12(a)		A used car salesman who falsely represented the distance travelled by a motor car.	1	1,500.00	
15 Oct 90	Patterson Cheney Pty Ltd (Patterson Cheney Toyota)	FTA	12(a)		A company which made the false representation of the distance travelled by a motor car.	1	3,500.00	350.00

MINISTRY OF CONSUMER AFFAIRS
 PROSECUTIONS BY MCA

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO. OF OFFENCES	FINES	COSTS
24 Oct 90	Cure P K (Compass Home Improvements)	FTA HCGA HCGA MKTCT	12 5 20 32		A person who entered into a building contract without indemnity against faulty workmanship, falsely represented affiliation with an industry association and breached a deed of assurance.	5	1,900.00	1,100.00
7 Nov 90	Cure P K (Compass Home Improvements)	HCGA HCGA FTA CAA	5 20 12 15		A person who entered into building contracts without indemnity against faulty workmanship was ordered to pay \$6,730 restitution.	8	7,000.00	500.00
22 Nov 90	Matthews L G (Len Matthews Car Sales)	MCTA MCTA	35 52		A motor car trader which had incomplete records of its used motor car acquisitions and which failed to attach a notice to used motor cars displayed for sale.	11	3,600.00	800.00
26 Nov 90	D'Alissi F	RTA	122		A director of a real estate agency which relet rented premises unlawfully.	1	250.00	125.00
26 Nov 90	Papamihail P	RTA	122		A landlord who relet rented residential premises within six months of serving a notice to vacate on the misleading grounds that the premises were to be occupied by a member of his immediate family.	1	250.00	125.00
27 Nov 90	Vanni H P	RTA	40		An appeal by a landlord against a conviction for failing to comply with an order of the residential tenancies tribunal was dismissed.	1		1,500.00

MINISTRY OF CONSUMER AFFAIRS
PROSECUTIONS BY MCA

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO. OF OFFENCES	FINES	COSTS
5 Dec 90	D S Taylor Motors Pty Ltd	MCTA MCTA	35 52		A motor car trader which had incomplete records of its used motor acquisitions and which failed to attach a notice to used motor cars displayed for sale was placed on a 12 month \$500 good behaviour bond and ordered to pay \$300 into the court fund.	6		75.00
5 Dec 90	Taylor D S	MCTA MCTA	35 52		A director of D S Taylors Motors Pty Ltd knowingly involved in the offences by the company was placed on a 12 month \$500 good behaviour bond.	6		75.00
6 Dec 90	Israel D	RTA RTA	67 77		A landlord who failed to place a security deposit into an approved trust account and failed to repay the security deposit on termination of the tenancy agreement was placed on a 12 month \$500 good behaviour bond.	2		400.00
18 Dec 90	Burton I (Gary's House Re-Blocking)	HCGA	5		A builder who carried out work without the required guarantee was placed on a 12 month \$1,000 good behaviour bond.	1		

MINISTRY OF CONSUMER AFFAIRS
PROSECUTIONS BY MCA

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO. OF OFFENCES	FINES	COSTS
18 Dec 90	Hoskin G (Gary's House Re-Blocking)	HCGA FTA	5 12		A builder who advertised himself registered as such and who carried out work without the required guarantee was placed on a 12 month \$2,000 good behaviour bond and ordered to \$500 into the court fund.	2		300.00
25 Jan 91	Corpaci S	RTA	122		A landlord who relet residential premises within six months of a notice to vacate served on the misleasing grounds that he was to occupy the premises.	1	250.00	150.00
25 Jan 91	E.J Doherty (Thomastown) Pty Ltd	RTA	122		A real estate company, acting on behalf of a landlord, unlawfully relet residential premises.	1	250.00	150.00
5 Feb 91	Graham Chalmer Pty Ltd	RTA RTA RTA RTA	73 76 87 86		A real estate company which failed to provide a tenant with documents relating to a tenancy agreement was placed on a six month \$300 good behaviour bond.	3		300.00
5 Feb 91	McCracken A	RTA RTA RTA RTA	73 76 87 86		A director of Graham Chalmer Pty Ltd knowingly involved in the offences committed by the company was placed on a six month \$300 good behaviour bond.	3		

MINISTRY OF CONSUMER AFFAIRS
PROSECUTIONS BY MCA

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO. OF OFFENCES	FINES	COSTS
6 Feb 91	Barra P (YNCA Dorado Travel Services)	TAA	6		A company conducting business as an unlicensed travel agent was placed on a 12 month \$3,000 good behaviour bond.	3		600.00
14 Feb 91	Wittekind F	RTA	77		A landlord who failed to return security deposits to tenants on termination of tenancy agreements.	2	300.00	250.00
14 Feb 91	Wittekind S	RTA	77		A landlord who failed to return security deposits to tenants on termination of tenancy agreements.	2	300.00	250.00
25 Feb 91	Ramage D	RTA	146(a)		A landlord who attempted to unlawfully evict a tenant from residential premises was placed on a 12 month \$500 good behaviour bond.	1		250.00
28 Feb 91	Lofitos P	W & M	64		A person who assaulted and used offensive language to a weights and measures inspector was placed on a 12 month \$1,000 good behaviour bond and ordered to pay \$200 into the court fund.	2		400.00
8 Mar 91	Naumovski M	RTA	67		A landlord who failed to provide documentation, issue receipts and pay security deposits into a trust account.	3	200.00	250.00
		RTA	73					
		RTA	87					
		RTA	76					

MINISTRY OF CONSUMER AFFAIRS
PROSECUTIONS BY MCA

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO. OF OFFENCES	FINES	COSTS
12 Mar 91	Psomotragos G	RTA	40		A landlord who failed to comply with an order of the residential tenancies tribunal.	2	600.00	175.00
12 Mar 91	Psomotragos T	RTA	148		A landlord who made false representations as to a tenants rights under the Residential Tenancies Act.	2	600.00	175.00
22 Mar 91	Angelakos A	RTA RTA	77 40		A landlord who failed to return a security deposit to a tenant on the termination of a tenancy agreement and who failed to comply with an order of the residential tenancies tribunal.	2	500.00	235.00
22 Mar 91	Angelakos H	RTA RTA	77 40		A landlord who failed to return a security deposit to a tenant on the termination of a tenancy agreement and who failed to comply with an order of the Residential Tenancies Tribunal.	1	350.00	235.00
22 Mar 91	Maniatis S	RTA	122		A landlord who unlawfully relet residential premises within six months of serving a notice to vacate on previous tenants.	1	250.00	267.50
9 Apr 91	Calleja J	RTA RTA	40 146		A landlord who compelled a tenant to vacate rented premises other than in accordance with the Act and who failed to comply with an order of the Residential Tenancies Tribunal.	2	300.00	250.00

MINISTRY OF CONSUMER AFFAIRS
PROSECUTIONS BY MCA

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO. OF OFFENCES	FINES	COSTS
15 Apr 91	McEwan R A (R A McEwan Bathroom Renovations)	HCGA	5		A bathroom renovator who entered into a contract without a domestic building works guarantee cover was placed on a 12 month \$100 good behaviour bond and ordered to pay \$150 into the court fund.	2		250.00
29 Apr 91	Heritage Finance Pty Ltd	FBA FBA	18 5		A company which unlawfully traded as a finance broker and received establishment fees to which it was not entitled was ordered to make reparation in the sum of \$38,000.	16	4,700.00	1,250.00
29 Apr 91	Madden P	FBA	18		A director of Heritage Finance Pty Ltd knowingly involved in the offences committed by the company.	8	2,400.00	1,250.00
29 Apr 91	Prowse R	FBA FBA	18 5		A director of Heritage Finance Pty Ltd knowingly involved in the offences committed by the company.	16	4,700.00	1,250.00
29 Apr 91	Rule G	FBA FBA	18 5		A director of Heritage Finance Pty Ltd knowingly involved in the offences committed by the company.	16	4,700.00	1,250.00
3 May 91	Bagnato M	FTA MCTA	12(h) 56		A director of Traffic Motors Pty Ltd knowingly involved in the offences committed by the company.	5	1,800.00	
3 May 91	Traffic Motors Pty Ltd (Traffic Motors)	FTA MCTA	12(h) 56		A company which applied conditions to a contract which limited or modified its obligations as a motor car trader.	5	2,700.00	250.00

MINISTRY OF CONSUMER AFFAIRS
PROSECUTIONS BY MCA

DATE OF HEARING	DEFENDANT	ACT	SECT	REG	BREACH SUMMARY	NO. OF OFFENCES	FINES	COSTS
10 May 91	Garick Nominees Pty Ltd (Healesville Toyota)	FTA	12		A company dealing in motor cars which made false representations as to the age of a motor car.	2	2,400.00	250.00
13 May 91	Molloy S	MCTA	7		A person trading in motor cars without a licence	1	100.00	150.00
14 May 91	Franklins Ltd (Franklins No Frills)	CAA	57		A company which supplied an article banned by order of the Minister for Consumer Affairs was placed on a 12 month \$500 good behaviour bond.	1		250.00
17 May 91	Jackson D	RTA	67		A landlord who failed to supply documents, pay a security deposit into a trust account and who attempted to unlawfully evict a tenant from residential premises.	5	425.00	200.00
20 May 91	Bondy F	MCTA	7		A person trading in motor cars without a licence.	1	13,210.00	970.50
5 Jun 91	Markovski J	RTA	73		A landlord who failed to comply with documentary, receipt and security deposit requirements was, on appeal to the County Court, placed on a 12 month \$300 good behaviour bond.	10		300.00
19 Jun 91	4th Generation Systems Pty Ltd	FTA	12(d)		A company which made false representations as to the advertisement of a computer system in which the accessories illustrated were not included in the offer to sell at the price stated.	2	2,000.00	700.00

APPENDIX 5B INDUSTRY REGULATIONS BRANCH PROSECUTIONS

MINISTRY OF CONSUMER AFFAIRS
PROSECUTIONS BY LOCAL AUTHORITIES UNDER THE WEIGHTS AND MEASURES ACT

COURT & DATE OF HEARING	DEFENDANT	SECT ACT/REG	OFFENCE	FINE	BOND	COSTS	AUTHORITY
Geelong 2 Jul 90	Officer J	67(1) 67(2) 82D(1) 82F(1) 82F(3) 82H(2)	Unstamped instrument, unjust instrument, article not marked, short weight.	500.00		454.00	Bellarine Shire
Geelong 3 Jul 90	Costoso J	234, 235 16	Failed to pay account.	60.00		45.00	Geelong District
Geelong 3 Jul 90	Alfio Amenta	234, 235 16	Failed to pay account.	60.00		39.00	Geelong District
Geelong 3 Jul -90	Tenderfresh Meats P/L	172	Failed to sell meat by weight.	300.00	300.00	88.99	Geelong District
Prahran 28 Aug 90	Precision Measures Ltd	68(2) 160(1)	Repairer unregistered, failed to obliterate verification mark.		400.00	2,310.00	Geelong District
Prahran 1 Oct 90	George Weston Foods Ltd	77(1)(A) 77(1)(B) 82(H)(1)	Incorrect statement, short weight of bread crumbs.	400.00		1,500.00	City of Prahran
Bairnsdale 24 Oct 90	Van Dam W	77(1)(B) 81(3)	Short measure of fire wood, no delivery ticket.		200.00	232.00	East Gippsland
Geelong 26 Oct-90	Pedzinski E	234, 235 16	Failed to pay account.	30.00		56.70	Geelong District
Geelong 21-Nov-90	Flintstone Garden Supply Centre Pty Ltd	234, 235 16	Failed to pay account.	100.00		52.00	Geelong District

MINISTRY OF CONSUMER AFFAIRS PROSECUTIONS BY LOCAL AUTHORITIES UNDER THE WEIGHTS AND MEASURES ACT							
COURT & DATE OF HEARING	DEFENDANT	SECT ACT/REG	OFFENCE	FINE	BOND	COSTS	AUTHORITY
Geelong 21-Nov-90	Occibove E	234, 235 16	Failed to pay account.	100.00		52.00	Geelong District
Box Hill 22-Jan-91	Nottas A	64	Hindered inspector, refused to state name, used abusive language.	400.00		175.00	East Central
Geelong 25-Mar-91	Vernicosa Pty Ltd	79(4) 79A(1)	Failed to meet marking requirements. Short weight bread.	4,000.00		158.40	Geelong District
Geelong 27-May-91	Jovanovski L	234, 235 16	Failed to pay account.	20.00		49.50	Geelong District
Geelong 27-May-91	Stefanovski S	234, 235 16	Failed to pay account.	20.00		49.50	Geelong District
Geelong 27-May-91	Kayser's Chocolates	234, 235 16	Failed to pay account.	75.00		60.50	Geelong District
Geelong 27-May-91	Hilet C	234, 235 16	Failed to pay account.	75.00		54.50	Geelong District
Geelong 27-May-91	SHAF Pty Ltd	234, 235 16	Failed to pay account.	75.00		65.50	Geelong District

APPENDIX 6A

COMMUNITY FUNDING PROGRAMS

MINISTRY OF CONSUMER AFFAIRS

CONSUMER SUPPORT PROGRAM FROM 1 JULY 1990 TO 30 JUNE 1991

ORGANISATION	PURPOSE OF GRANT
CSP 90/9 Bairnsdale & District Community Health Centre PO Box 696, Bairnsdale 3875 \$29,068	To provide a full range of information/advice, complaint resolution, advocacy and education services to consumers in the East Gippsland Region.
CSP 90/1 Ballarat Children's Homes & Family Services 115 Lydiard Street North Ballarat 3350 \$53,065	To provide a full range of information/advice, complaint resolution, advocacy and education services to consumers in the Central Highlands Region.
CSP 90/25 Box Hill Community Health Service 65 Carrington Road Box Hill 3128 \$50,523	To provide a full range of consumer information/advice, complaint resolution, advocacy and education services to consumers throughout the Inner East Region.
CSP 90/23 Broadmeadows Community Health Services PO Box 197 Glenroy 3046 \$49,519	To provide a full range of consumer information/advice, complaint resolution, advocacy and education services to consumers throughout the North West Region.
CSP 90/15 Bendigo Urban Emergency Accommodation & Resource Centre PO Box 212 Bendigo 3350 (ceased 31/12/90) \$11,657	To provide a full range of consumer information/advice, complaint resolution, advocacy and education services to consumers throughout the Loddon Campaspe Region.
CSP 90/16 Bendigo Urban Emergency Accommodation & Resource Centre AS ABOVE \$16,958	To provide a low income buying service for low income consumers in relation to food, clothing, furniture and household goods in the Loddon-Campaspe Region.

APPENDIX 6A

 MINISTRY OF CONSUMER AFFAIRS
 CONSUMER SUPPORT PROGRAM FROM 1 JULY 1990 TO 30 JUNE 1991

CSP 90/61 Consumer Credit Legal Service 4/636 Bourke Street Melbourne 3000 \$198,775	To gather information and undertake licensing objections, research and policy development; undertake casework in the Credit Tribunal; train workers to take cases to the Tribunal and to be advocates in their spheres; educate consumers and conduct media campaigns.
CSP 90/7 Consumer & Tenancy Advice Service 110 Hume Street Wodonga 3690 \$46,052	To provide a full range of information/advice, complaint resolution, advocacy and education services to consumers in the Upper Murray Region.
CSP 90/62 Consumer Advocacy and Financial Counselling Association of Victoria 4/247 Flinders Lane Melbourne 3000 \$56,965	To co-ordinate campaigns on key consumer issues.
CSP 90/29 Consumer Resource & Advocacy Centre (Outer East) Suite 11/5-7 Chandler Road Boronia 3155 \$63,091	To provide a full range of consumer information/advice, complaint resolution, advocacy and education services in the Outer Eastern Sub-Region.
CSP 90/20 Deer Park Community Information Centre Shop 95A Deer Park Shopping centre Neale Road Deer Park 3023 \$39,051	To provide a full range of consumer information/advice, complaint resolution, advocacy and education services in the Western Sub-Region.
CSP 90/17 Eaglehawk and Long Gully Community Health Centre Seymour Street Eaglehawk 3556 \$52,266	To provide a full range of consumer information/advice, complaint resolution, advocacy and education services in the Loddon Campaspe Region.

MINISTRY OF CONSUMER AFFAIRS

CONSUMER SUPPORT PROGRAM FROM 1 JULY 1990 TO 30 JUNE 1991

<p>CSP 90/26 Family Action: Dandenong Valley PO Box 35 Dandenong 3175 \$45,608</p>	<p>To provide a full range of consumer information/advice, complaint resolution, advocacy and education services in the Westernport Region.</p>
<p>CSP 90/2 Financial Counsellors and Consumer Information Service 40 Myers Street Geelong 3220 \$80,498</p>	<p>To provide a full range of consumer information/advice, complaint resolution, advocacy and education services in the Barwon Region.</p>
<p>CSP 90/50 Fitzroy & Carlton Community Credit Co-op PO Box 198 Fitzroy 3065 \$48,509</p>	<p>To continue the provision of budgeting assistance to members and access to low-cost loans; target NESB and Koorie groups; encourage establishment of other low cost banking services; and undertake a social audit of the organisation.</p>
<p>CSP 90/3 Glenelg Family Care 113 Koroit Street Warrnambool 3280 \$47,472</p>	<p>To provide a full range of consumer information/advice, complaint resolution, advocacy and education services in the Glenelg Region.</p>
<p>CSP 90/55 Good Shepherd Youth & Family Services 74 Johnston Street Collingwood 3066 \$54,431</p>	<p>To provide a consumer advocacy and support service addressing regional issues; maintain a no cost loans service; research loans programs; and develop strategies for program expansion.</p>
<p>CSP 90/56 Good Shepherd Youth & Family Services AS ABOVE \$78,910</p>	<p>To operate a buying advisory service for low income people which gives access to basic household products at a reasonable price, and assists low income people in making informed choices when purchasing household products.</p>
<p>CSP 90/18 Goulburn Valley Community Care Centre 162 Maude Street Shepparton 3630 \$27,104</p>	<p>To conduct a half-time program to provide a full range of information/advice, complaint resolution, advocacy and education to consumers in the northern part of the Goulburn Region.</p>

APPENDIX 6A

MINISTRY OF CONSUMER AFFAIRS

CONSUMER SUPPORT PROGRAM FROM 1 JULY 1990 TO 30 JUNE 1991

<p>CSP 90/52 Hanover Welfare Service 100 Queensberry Street Carlton 3053 \$24,576 (to 31/12/90)</p>	<p>To continue to provide a financial advisory service to homeless people and educate them as to their rights and responsibilities as consumers.</p>
<p>CSP 90/4 Latrobe Valley CAB PO Box 1025 Morwell 3840 \$50,665</p>	<p>To provide a full range of information/advice, complaint resolution, advocacy and education services to consumers in the Central Gippsland Region.</p>
<p>CSP 90/11 Mallee Tenancy Advice Service 1/152 Pine Ave Mildura 3500 \$54,465 AND 300 Campbell Street Swan Hill 3589</p>	<p>To provide a full range of consumer information/advice, complaint resolution, advocacy and education services in the Mallee Region.</p>
<p>CSP 90/51 Macauley Community Credit Co-operative 507 Macauley Road Kensington 3031 \$28,862</p>	<p>To continue the existing low cost loans service to low income people.</p>
<p>CSP 90/59 National Centre for Consumer Law c/o Faculty of Applied Science Victorian University of Technology 124 Latrobe Street Melbourne 3000 \$30,000</p>	<p>To undertake a six month research project on dispute resolution in residential building contracts to identify problems and issues experienced by consumers prior to and during the course of building or renovating a home.</p>
<p>CSP 90/10 Sale & District Community Support Services PO Box 506 Sale 3850 \$27,867</p>	<p>To provide a full range of information/advice, complaint resolution, advocacy and education services to consumers in the East Gippsland Region.</p>

MINISTRY OF CONSUMER AFFAIRS

CONSUMER SUPPORT PROGRAM FROM 1 JULY 1990 TO 30 JUNE 1991

<p>CSP 90/22 Shopfront Family Resource Centre 258 Nell Street Watsonia 3087 \$71,382</p>	<p>To provide a full range of consumer information/advice, complaint resolution, advocacy and education services in the North-East Sub-Region.</p>
<p>CSP 90/57 South Port Community Health Services PO Box 103 South Melbourne 3205 \$31,201</p>	<p>To provide a range of consumer information/advice, advocacy and education services in the South and Port Melbourne areas, with a particular emphasis on credit issues.</p>
<p>CSP 90/0 Southern Consumer and Financial Advocacy Service Shop 8, No. 3 Tuck Street Moorabbin 3189 \$39,000</p>	<p>To provide a full range of consumer information/advice, complaint resolution, advocacy and education services in the Southern Sub-Region.</p>
<p>CSP 90/54 Springvale Community Aid & Advice Bureau PO Box 312 Springvale 3171 \$25,502</p>	<p>To provide information, mediation and advocacy to people from non - English speaking backgrounds in particular; develop a range of consumer education programs; and train staff in Consumer Affairs matters.</p>
<p>CSP 90/60 Victorian Association of Citizens Advice Bureaux 10th Floor 176 Wellington Parade East Melbourne 3002 \$48,413</p>	<p>To conduct training sessions and disseminate information to CABs; expand the distribution of the VACAB Consumer Affairs Kit; investigate means of promoting feedback from CABs and represent CABs views and concerns on consumer matters.</p>
<p>CSP 90/64 Waltons Action Group c/o Good Shepherd Youth & Family Services 74 Johnston Street Collingwood 3066 \$26,000</p>	<p>To achieve settlement of alleged debts for former customers of Waltons; provide advocacy and resources; undertake campaigns on behalf of alleged Waltons' debtors; and address issues of debt collection practices in general.</p>

APPENDIX 6A

MINISTRY OF CONSUMER AFFAIRS
 CONSUMER SUPPORT PROGRAM FROM 1 JULY 1990 TO 30 JUNE 1991

<p>CSP 90/19 Western Credit Advocacy Group 38 Synott Street Werribee 3030 \$45,538</p>	<p>To provide a full range of consumer information/advice, complaint resolution, advocacy and education services in the Western Sub-Region.</p>
<p>CSP 90/58 West Heidelberg Community Health Centre 20 Morobe Street West Heidelberg 3081 \$26,190</p>	<p>To operate a low-cost loans service targeted towards low income people in the West Heidelberg area.</p>
<p>CSP 90/14 Wimmera Community Care PO Box 442 Horsham 3400 \$43,314</p>	<p>To provide a full range of consumer information/advice, complaint resolution, advocacy and education services in the Wimmera Region.</p>

ABORIGINAL COUNSELLING PROGRAM
 Funding from 1 July 1990 to 30 June 1991

<p>Victorian Aboriginal Legal Service PO Box 218 Fitzroy 3065 \$40,000</p>	<p>To identify poverty related issues facing aboriginals; identify means to address these issues; undertake counselling, advocacy and education activities targeted towards aboriginals with financial or tenancy related problems; raise awareness of aboriginal issues and improve access of aboriginals to appropriate services.</p>
<p>CSP 90/53 Victorian Aboriginal Legal Service PO Box 218 Fitzroy 3065 \$54,132</p>	<p>To provide a broad range of consumer information/advice, education programs and services specifically to Victorian aboriginals; undertake legislative/policy reform on issues facing Aboriginals as consumers.</p>

APPENDIX 6B

COMMUNITY FUNDING PROGRAMS

MINISTRY OF CONSUMER AFFAIRS

TENANT SUPPORT PROGRAM FROM 1 JULY 1990 TO 30 JUNE 1991

ORGANISATION	PURPOSE OF GRANT
<p>TSP 90/10 Bairnsdale & District CH&R Centre PO Box 696 Bairnsdale 3875 \$51,862</p>	<p>Information, advice, referral and support to tenants. Resource existing organisations. Community education to raise awareness and minimise disputes. Target disadvantaged tenants: low income; koories; women with children; migrants & disabled.</p>
<p>TSP 90/89 Barwon Regional Housing Council 1 Little Rynie Street Geelong 3220 (Commenced 1/2/91) \$44,673</p>	<p>Provision of advice, information and support for tenants in Barwon Region. Community education to enhance awareness and target particular disadvantaged tenants.</p>
<p>TSP 90/0 Bayside TIS Inc P O Box 731 Frankston 3199 \$133,951</p>	<p>Provide information, advice and support service to the region and raise community knowledge of relevant legislation. Extension of service and community education to of Cranbourne/Berwick/Pakenham.</p>
<p>TSP 90/13 Bendigo Urban Emg Acc Res Ctr P O Box 212 Bendigo 3550 \$54,514</p>	<p>Advise and support tenants throughout region. Attend RTT hearings. Provide advice, information and education for long term caravan park residents. Develop a regional outreach program to regional towns and visit caravan parks.</p>
<p>TSP 90/15 Broadmeadows TIS 7 Gordon Court Glenroy 3046 \$69,961</p>	<p>Expand existing advice, information and support service for tenants. Expand community education activities through networking, local media and quarterly newsletter. Workshops on park residents' rights and impending regulations.</p>
<p>TSP 90/54 Caravan Park Residents Net 4th Floor 247-251 Flinders Lane Melbourne 3000 \$131,567</p>	<p>To disseminate and distribute information relevant to park residents, work toward establishing regional groups and a statewide network, raise public awareness of caravan park issues. Develop appropriate forums to disseminate information. Organise a Statewide Caravan Park Conference.</p>

APPENDIX 6B

MINISTRY OF CONSUMER AFFAIRS
TENANT SUPPORT PROGRAM FROM 1 JULY 1990 TO 30 JUNE 1991

<p>TSP 90/18 Cambodian Association of Victoria 55 Buckingham Avenue Springvale 3171 \$29,089</p>	<p>Provide an advice, information and referral service on tenancy issues to the Cambodian community, increase awareness of tenancy matters within that community, provide support for Cambodians in tenancy disputes and represent their interests at RTT. Develop links with the mainstream tenancy field through regular meetings, identify and record the tenancy service and information needs of the Cambodian community and propose strategies to best meet those needs.</p>
<p>TSP 90/8 Consumer and Tenancy Advice Service P O Box 1141 Wodonga 3690 \$57,025</p>	<p>Provide tenancy advice, information, referral and support to the Upper Murray Region. Carry out community education for tenants and landlords through media, workshops, seminars and publications, conduct regional survey.</p>
<p>TSP 90/23 Deer Park Community Info Ctr Shop 95A Neale Road Shopping Centre Deer Park 3023 \$38,505</p>	<p>Provide information, advice and referral at local and regional level. Target Social Justice Strategy groups. Undertake tenancy education and research. Employ two part-time ethnic workers (Spanish and Vietnamese) to promote service.</p>
<p>TSP 90/9 Eaglehawk & Long Gully CHC Seymour Street Eaglehawk 3556 (ceased 31/12/90) \$12,495</p>	<p>Provide information and advice to tenants and landlords, support and advocacy for tenants. Undertake community education, research and publicise tenancy issues.</p>
<p>TSP 90/2 Geelong Tenants Advice Srv Inc 44A Myers Street Geelong 3220 (ceased 11/1/91) \$66,155</p>	<p>Provide advice, information and support for tenants in Barwon Region. Community education to enhance awareness and target particular groups of tenants.</p>
<p>TSP 90/4 Gippsland Tenants Services Inc P O Box 40 Morwell 3840 \$122,375</p>	<p>Maintain existing information, advice, support, advocacy and community education functions. Extend functions into South Gippsland area (Leongatha).</p>

MINISTRY OF CONSUMER AFFAIRS

TENANT SUPPORT PROGRAM FROM 1 JULY 1990 TO 30 JUNE 1991

<p>TSP 90/52 Good Shepherd 74 Johnston Street Collingwood 3066 \$27,010</p>	<p>Provide information, advice and advocacy for local low income tenants (Collingwood, Richmond and Fitzroy). Research and address needs of especially vulnerable groups in private tenancy, especially needs of migrant tenants in the area for 1990-91.</p>
<p>TSP 90/6 Goulburn Regional Housing Council 15 Nixon Street Shepparton 3630 Shop 7, Cecily Court, Nunn Street, Benalla 3672 \$56,195</p>	<p>Continue existing tenancy service in region. Undertake community education, information and advice to groups, advocacy for tenants at RTT hearing, and expand service to include caravan parks.</p>
<p>TSP 90/51 Housing for the Aged Action P O Box 688 Frankston 3199 \$16,389</p>	<p>Provide a community education telephone advisory and advocacy and support service on tenancy issues for the aged in the Westernport region.</p>
<p>TSP 90/55 Inner Eastern Housing Srv 12 Rutland Road Box Hill 3128 \$49,199</p>	<p>Provide tenancy information and advice from two locations within the region, support for tenants before and at RTT hearings, community education through talks, media and publication of newsletter.</p>
<p>TSP 90/11 Mallee Tenancy Advice Srv 1/152 Pine Ave Mildura 3500 300 Campbell Street Swan Hill 3589 \$127,762</p>	<p>Provide tenancy information and advice services to Mallee Region. Undertake community education and awareness programs, service to target disadvantaged tenants. Visit caravan parks, rooming houses and resident groups across the region.</p>
<p>TSP 90/5 Outer East TIS 312 Mt Dandenong Road Croydon 3136 \$88,710</p>	<p>Provide advice, information and support to tenants. Reach outlying areas of region. Reach non-English speaking people through multi cultural centres. Caravan Parks outreach. Assist tenants to represent themselves at RTT.</p>

APPENDIX 6B

 MINISTRY OF CONSUMER AFFAIRS
 TENANT SUPPORT PROGRAM FROM 1 JULY 1990 TO 30 JUNE 1991

TSP 90/7 OVECA P O Box 539 Wangaratta 3677 \$48,648	Maintain Wangaratta Tenancy Advice Service. Community education, personal & phone advice representation at RTT. Inquiry & education service to caravan park residents/owners. Outreach work, and co-ordination with other groups in region.
TSP 90/16 Rooming House Tenants Assoc 1/12-14 Argyle Street Fitzroy 3065 \$37,587 \$36,403	Provide advice and advocacy for tenants - information for landlords. Mediate between landlord/tenant in individual disputes. Broadly represent the interest of rooming house residents in policy and legislation forums. Co-ordinate a door knock of rooming houses in Melbourne to circulate information to rooming house residents.
TSP 90/50 Springvale CAAB P O Box 312 Springvale 3171 \$46,123	Provide information, advice and advocacy to tenants at a regional and local level with a particular focus on those of a non-English speaking background and others recently arrived in Australia. Produce multi-lingual material. Publicise issues. Act as resource for other workers.
TSP 90/17 Tenancy Information Network (Ballarat) Suite 3, 2nd Floor 11 Lydiard Street Sth Ballarat 3350 \$57,022	Advocacy/Workshops for tenants on tribunal and general housing issues. Production of regional newsletter, information dissemination. Research to assist caravan park residents. Direct service delivery and advocacy services including assistance for RTT.
TSP 90/3 South West TIN Inc 113 Koroit Street Warrnambool 3280 PO Box 701 Portland 3305 \$90,953	Expand service (information advice and support) in Warrnambool and Portland- maintain existing services in Camperdown and Hamilton. Undertake community education on tenancy issues. Disseminate information on Caravan Park & Rooming House legislation.

MINISTRY OF CONSUMER AFFAIRS

TENANT SUPPORT PROGRAM FROM 1 JULY 1990 TO 30 JUNE 1991

<p>TSP 90/1 Tenancy Advisory Srv Sth 372 South Road Moorabbin 3189 \$104,426</p>	<p>Provide tenancy advice, information and referral for the Southern Region and support to individual tenants. Expand community awareness and knowledge of tenancy through expanded community education function. Undertake research on problems/issues.</p>
<p>TSP 90/53 Tenants Union of Victoria 80 Johnston Street Fitzroy 3065 \$452,944</p>	<p>Maintain existing programs including advice, information, referral and advocacy from four metropolitan offices, statewide resourcing, monitoring, research and policy work. Expand resources at three metropolitan branches. Undertake a public awareness campaign in relation to legislation and proposed introduction of a Rental Bond Board.</p>
<p>TSP 90/12 Turkish Cypriot Cultural & Welfare Association Shop 7 650 Sydney Road Brunswick 3056 \$37,802</p>	<p>Provide a statewide tenancy information and advice service to Victorians of Turkish origin, represent tenants in tenancy disputes, liaise closely with mainstream Turkish welfare agencies and appropriate tenants advice organisations. Undertake community education on the rights and duties of tenants and landlords using ethnic media.</p>
<p>TSP 90/14 Victorian Association of Citizens Advice Bureaux 10th Floor 176 Wellington Parade East Melbourne 3002 \$7,606</p>	<p>Ensure CABs have current information on tenancy issues, promote co-operation and referrals between CABs and tenant advice services and the Ministry, and train CAB volunteers on tenancy issues.</p>
<p>TSP 90/21 Wimmera Community Care P O Box 442 Horsham 3400 \$53,174</p>	<p>Information, advice and referral for tenants in region. Improve access by visits and forums in regional towns. Continue community education - target young people, women, aged and people with disabilities. Assistance to tenants at RTT. Expand service.</p>

APPENDIX 7

RESIDENTIAL TENANCIES - Applications Received

MINISTRY OF CONSUMER AFFAIRS

APPLICATIONS RECEIVED 1990-91

TYPE OF APPLICATION	No.
Inspection-Abandoned Goods	1,916
Inspection-Repairs to Premises	974
Inspection-Rental Increases	194
Referrals from Residential Tenancies Tribunal:	
• Notice of Hearing	47
• Inspections	41
Other (termination, bonds, etc)	363

APPENDIX 8

REGIONAL TRIBUNAL SITTING DAYS

MINISTRY OF CONSUMER AFFAIRS

NUMBER OF SITTING DAYS NOT CONDUCTED AT HEAD OFFICE IN 1990-91

Residential Tenancies Tribunal and Small Claims Tribunal

Bacchus Marsh	1
Bairnsdale	16
Ballarat	51
Benalla	12
Bendigo	32
Cobram	11
Colac	10
Dandenong	40
Echuca	13
Frankston	30
Geelong	98
Hamilton	13
Heytesbury (Cobden)	2
Horsham	14
Knox	1
Korumburra	14
Mansfield	10
Maryborough	10
Mildura	16
Moe	47
Mordialloc	175
Myrtleford	6
Portland	15
Ringwood	182
Robinvale	1
Sale	15
Seymour	13
Shepparton	30
Springvale	122
Swan Hill	11
Wangaratta	18
Warrnambool	17
Werribee	25
Wodonga	16

APPENDIX 9

PUBLIC INFORMATION PRODUCTS

MINISTRY OF CONSUMER AFFAIRS

PUBLIC INFORMATION PRODUCTS AVAILABLE FROM THE PUBLIC INFORMATION BRANCH

Check It Out

Shoppers - Check it Out
Traders - Check it Out
Door-to-Door - Check it Out
Lay-by - Check it out
Customer Relations - Check it Out

Credit Costs You

Credit Costs You - a Guide to Safer Credit Use for Women

Credit Costs You - Women's Poster

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

General

Big Deal - A Car Buyer's Guide
Settle It - Small Claims Tribunal Pamphlet
Small Claims Tribunal - Guide
Customer Complaints Form
What They Didn't Tell You About Buying a Bush Block
Safety Rules - Nursery Furniture Kit
Safety Rules - Poster

Residential Tenancies

Residential Tenancies Kit - Renting Right - A Tenancy Guide
Residential Tenancies Poster
Landlords' Kit
Tenancy Application Form
Tenants and Landlords - Statement of Rights and Duties
Rooming House - Statement of Rights and Responsibilities
Rooming House Forms
Rooming House Application
Notice to the Registrar
Notice to Retain Bond/Notice of Objection
Urgent Repairs Notice
Notice of Intention to Sell
Breach of Duty Notice
Termination Notice
Caravan Parks - Statement of Rights and Responsibilities
Caravan Parks - Poster

Information Sheets

Mail Order
Refunds and Credit Notes
Bag Searches
Fair Trading Act

APPENDIX 10

ASSETS MANAGEMENT SYSTEM

MINISTRY OF CONSUMER AFFAIRS

ASSETS MANAGEMENT SYSTEM REPORT FOR THE YEAR ENDING 30 JUNE 1991

Operating Assets

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

Motor Vehicles

The Ministry's fleet of motor vehicles comprise a pool of passenger vehicles, SES vehicles and a number of fork lift trucks and specialised inspection vehicles used by the Trade Measurement Branch.

Plant and Machinery

These include scientific equipment for testing weighing and measuring instruments used in trading transactions, and power tools and welding equipment used for making modifications to Trade Measurement Branch vehicles and equipment.

Furniture and Fittings

- General office furniture and fittings
- Conference room furniture and fittings
- Special furniture for Hearing rooms

Office Equipment

Photocopiers, microfiche readers, calculators, typewriters, photographic equipment, dictaphones, stereo equipment, shredding machines, automatic staplers and hole punchers, audio-visual equipment, refrigerators and other staff amenities and a cash register.

Computer and Communications Equipment

Minicomputer systems and associated visual display terminals, personal computers, various computer software applications, modems, sheet feeders and printers, facsimile machines, alphanumeric pagers and telephone answering machines.

Leased Assets

The Ministry's office accommodation is leased by the Ministry of Finance but is under the day-to-day control of the Ministry.

Community Assets

A number of antique measuring devices housed at the Trade Measurement Branch are of historic significance.

APPENDIX 11

PERSONS EMPLOYED BY MCA

MINISTRY OF CONSUMER AFFAIRS

PERSONS EMPLOYED IN THE MINISTRY OF CONSUMER AFFAIRS 1989-90 - 1990-91

	MALES	FEMALES	TOTAL
Persons employed as at 14 June 1991			
Full time	160	163	323
Part time	30	22	52
Total	190	185	375
Average number of Personnel for 1989-90	149	147	296
Average number of Personnel for 1990-91	185	184	369

- The above figures include 15 full-time statutory appointees and 32 part-time statutory appointees.
- The above figures also include the Office of Aboriginal Affairs which became part of the Ministry of Consumer Affairs as a machinery of Government change on 1 October 1990. The office employs 16 full-time persons.
- The above figures do not include employees of the Liquor Licensing Commission which are included in the Liquor Licensing Commissions own Annual Report.

APPENDIX 12

DECLARATION OF PECUNIARY INTEREST

MINISTRY OF CONSUMER AFFAIRS

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

Esther Alter	Anne O'Shea
Roderick Armitage	Frank Plata
Russell Bancroft	Bruce Revill
Heather Barker	Suzanne Russell
Raymond Bartlett	Mary Slade
Marilyn Beebe	Brian Slattery
Andris Blums	Daniel Slattery
Billee Jean Boyd	Janice Slattery
Judy Bretherton	Robert Taylor
Desmond Brooks	Jack Wajcman
Glenn Carleton	Pamela Williams
Peter Carrigan	Robyn Williams
Ray Charter	
Jim Clements	
John Collins	
Damien Cremean	
Ron De Forest	
Patricia Faulkner	
John Fulton	
Terry Garwood	
Neville Gay	
Helen Glass	
Jeane Gorman	
Graham W Greenberger	
Gary Gromb	
Kate Hamond	
Duncan Harris	
Graeme Harris	
John Harrower	
Mary Ann Hayes	
William Holloway	
Tim Holt	
David Jones	
Jacqueline Kefford	
Angela Kominos	
Bettie Kornhauser	
John Lesser	
Andrew Levens	
Michael Levine	
Harry Matheas	
Ron McLennan	
Peter McMullin	
Elaine McNamara	
Peter Molony	
Philip Moran	
Catrina Mulderry	
Rosemary Musolino	
Denis Nelthorpe	

APPENDIX 13

FREEDOM OF INFORMATION

MINISTRY OF CONSUMER AFFAIRS

REQUESTS MADE UNDER THE FREEDOM OF INFORMATION ACT

Requests

During the 1990-91 financial year, the Ministry received 134 requests made under the Freedom of Information Act. These requests had the following results:

RESULTS	No.
Access granted in full	58
Access granted in part only	36
Access denied	12
Access apart from the Act	1
Request transferred in full to an other agency	7
Request transferred in part to an other agency	1
Request withdrawn	3

At the time of reporting, 16 requests for the year under review are still in progress and decisions on these requests have yet to be made.

MINISTRY OF CONSUMER AFFAIRS
 REQUESTS MADE UNDER THE FREEDOM OF INFORMATION ACT

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

REASONS	No.
The information requested pertains to the judicial functions of a court (s.6)	3
Access to the document is available through another enactment for a fee (s.14(1)(a))	9
Access to the document is available through administrative arrangement (s.14(1)(b))	8
The document does not exist (s.27(1)(e))	9
The document is a copy, or contains an extract, of the Official Cabinet record (s.28(1)(c))	1
Disclosure of the document would divulge evaluative material prepared during the governmental deliberative processes of officers and Ministers and would be contrary to the public interest (s.30(1))	18
Disclosure of the document would prejudice the investigation of a breach of law, enforcement of law or proper law administration (s.31(1)(a))	3
Disclosure of the document would prejudice the fair trial or impartial adjudication of a case (s.31(1)(b))	3
Disclosure of the document would disclose or identify a confidential source of information (s.31(1)(c))	2
Disclosure would disclose methods or procedures for preventing, detecting and investigating matters arising out of breaches or evasions of the law, the disclosure of which would or would be reasonably likely to prejudice the effectiveness of those methods or procedures (s.31(1)(d))	4
The document is subject to legal professional privilege (s.32(1))	2
Disclosure of the document would involve the unreasonable disclosure of the personal affairs of a third party (s.33(1))	18
Disclosure of the document would disclose information acquired by an agency from a business, commercial or financial undertaking (s.34(1)(a))	4
Disclosure of the document would expose the undertaking to commercial disadvantage (s.34(1)(b))	1
The document would be exempt under another provision, if it was a document of an agency (s.35(1)(a))	2
Disclosure would divulge material communicated in confidence by a person or government, which would be reasonably likely to impair the ability of an agency to obtain such information in the future (s.35(1)(b))	9

MINISTRY OF CONSUMER AFFAIRS
 REQUESTS MADE UNDER THE FREEDOM OF INFORMATION ACT

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

DAYS	No.
0 - 15	17
16 - 30	6
31 - 45	11

On two occasions during the period, Members of Parliament presented large numbers of requests (two groups of 30) simultaneously. The voluminous nature of these requests led to 84 requests being answered outside the 45 day period.

During the period under review, 4 applicants sought an internal review of a decision in accordance with s.51 of the Act.

In 2 cases the reviewing officer overturned the original decision, granting full access to the documents.

In 2 cases the internal review is ongoing as at the end of the reporting period.

The Ministry levied charges of \$4,241.20 and collected charges of \$543.40.

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

CASE	No.
Agency decision	2
Request by Member of Parliament	79
Request deemed to be in public interest	1
Financial hardship	1
Request deemed to be routine	3
Applicant did not collect documents	7
Applicant withdrew request	2

The estimated cost of processing requests and internal reviews received in the period under review was \$10,638.80 (calculated in accordance with the Freedom of Information legislation).

FOI Internal Procedures

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

PRESCRIBED AUTHORITY	PRINCIPAL OFFICER	AUTHORISED OFFICER
Ministry of Consumer Affairs	Director	FOI Officer
Travel Agents Licensing Authority	Director	Registrar
Motor Car Traders Licensing Authority	Chairman	Registrar
Credit Licensing Authority	Chairman	Registrar
Liquor Licensing Commission	Chief Executive Officer	FOI Officer

The handling of all FOI requests is co-ordinated by the Ministry's Freedom of Information Officer. Procedures instituted in the Ministry's Records Management Unit ensure that FOI requests are extracted from the bulk of correspondence, registered and passed to the authorised officer for acknowledgment.

FOI Staff Training and Development

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

FOI Part II Statement

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

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

The Part II statement is currently undergoing a process of review and updating in accordance with the requirements of section 7(1)(b) of the Act.

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

Copies of the Part II Statement for the Liquor Licensing Commission are available for purchase from the Commission's Freedom of Information Officer, who is located at 232 Victoria Parade, East Melbourne.

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