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Consumer & Business Affairs Victoria

Education and Communications Branch
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Annual Report 1999-2000



Department of Justice

Victoria

**Report to the Minister for Consumer Affairs
For the Year Ended 30 June 2000**

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Department of Justice

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The Hon Marsha Thomson
Minister for Consumer Affairs
55 Collins Street
Melbourne 3000

Dear Minister

Annual Report 1999-2000

I present to you my report on the activities and operations of Consumer and Business Affairs Victoria for the year ended 30 June 2000.

The document has been prepared in satisfaction of section 102 of the *Fair Trading Act* 1999 for you to lay before each House of Parliament.

Yours sincerely

BERNADETTE STEELE
Director

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Director's Foreword

Change has been the dominant theme in 1999-00. A significant change has been the appointment of our new Minister for Consumer Affairs, Ms Marsha Thomson MP in October 1999. This year has heralded a new era in Victorian consumer affairs, marked by a renewed commitment to consumer protection and facilitating increased access to information and services.

Our change of name from the Office of Fair Trading and Business Affairs to Consumer and Business Affairs Victoria (CBAV) earlier this year reflects the new focus on our core function of consumer protection. The word 'consumer' has long been associated with our functions and makes us readily identifiable, while retaining a reference to the related services we provide to business.

Our direction for the organisation has also been guided by the Government's overarching consumer protection principles, which include addressing the information and experience imbalances in the marketplace between consumers and traders, simplifying and improving dispute resolution processes, aggressively pursuing targeted prosecutions and providing more accessible services.

In this regard, we are examining how we provide information that is readily accessible to all sectors of the Victorian community. We have already taken steps to improve the provision of information throughout metropolitan and regional Victoria, and we are researching means of improving accessibility for those most in need of services and support. The launch of CBAV's new website in April this year has meant that consumers across the state are now able to access a wide range of information on-line.

In response to consumer concerns about the price of LPG and other fuel in regional Victoria, the Government established the Fuel Price Monitoring project. Administered by CBAV, the project has received thousands of calls from country consumers monitoring prices across Victoria.

This year we also established a combined regional consumer and tenancy program which has provided local agencies with three year contracts, and added an additional three agencies to our list of community based service providers.

A series of legislative reforms were initiated this past financial year. Reflecting the growth in information technology and the Government's commitment to the Internet, the passage of the *Business Registration Acts (Amendment) Act 2000* will allow clients to lodge documents and renew business names electronically, once relevant technology capabilities are put in place.

A number of legislative reviews are also under way, including the *Fundraising Appeals Act 1998*, the *Estate Agents Act 1980* and the Consumer Credit Code.

In September 1999, the *Fair Trading Act 1999* and the *Fair Trading (Inspectors' Powers and Other Amendments) Act 1999* commenced, substantially altering CBAV's powers to conduct pro-active compliance checks or inspections across a range of trades and occupations.

During 1999-00, we further developed our enforcement policy, resulting in CBAV taking on more enforcement activities of greater significance to the community. CBAV investigated 3,172 alleged breaches of legislation leading to various compliance activities, including 66 prosecutions.

CBAV was the first consumer protection agency in Australia to successfully prosecute Michael Knight of Chippendale, New South Wales, after the VJC House of Linen scam which involved consumers across Australia who had placed thousands of orders and paid for non-existent or substandard linen products before the scam was discontinued.

The 1999 Victorian Fair Trading Awards were presented in both regional and metropolitan Victoria. For the first time in the history of the awards program, the prestigious title of Victorian Fair Trader of the Year was won by a regional business, Kingston's Coach Tours, who also took out the title Regional Fair Trader of the Year. Feathers Pty Ltd won the Metropolitan Fair Trader of the Year.

A key focus for CBAV is our own delivery of customer service excellence, and this year we were honoured to be a winner and a finalist in two major national award programs recognising achievements in this area. The Government Technology Productivity Awards highlight areas of government that have improved productivity and are providing better service delivery with the aid of technology. CBAV was presented with a Government Technology Productivity Gold Award at an awards ceremony at Parliament House in Canberra for streamlining our business processes through the implementation of an appropriate technology environment.

We were also a state finalist in the 1999 Australian Teleservices Association Awards which acknowledge call centre performance and excellence across Victoria. The judges rated as excellent the technology we have installed in our call centre and the staff who handle enquiries.

Change has also been evident in our public enquiries area, where as well as completing a substantial refurbishment program to streamline the delivery of information and services to customers who visit CBAV, provision has been made for customers to access information and services on-line in the near future.

This year, we dealt with an unprecedented demand for services in business name registrations - a 30% increase in the previous year's registrations. Staff in this area deserve special thanks.

We have continued to improve our internal functioning. After a Business Excellence Self-Assessment, we commenced a number of improvement projects. We have also continued to keep our structure and systems under review. We reduced our divisions from four to three, reviewed customer service delivery in the Business Affairs Branch and the functions of the Communications Branch. We expect to continue our internal reviews, focussing particularly on customer service delivery which is a special interest of the Minister.

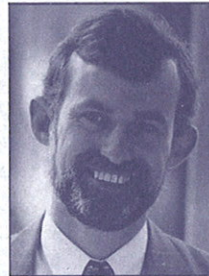
I would like to congratulate all our staff for their commitment to CBAV's objectives and to improving our customer service delivery, as well as our capability as an organisation. I look forward to a year where we will continue to consolidate the improvements in our business processes and increase access to the information and services we provide for all sectors of the Victorian community.



BERNADETTE STEELE
DIRECTOR



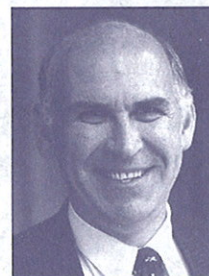
Bernadette Steele
Director (From Feb 2000)



Denis Fitzgerald
Assistant Director
Policy and Information
Management



Sue Maclellan
Assistant Director
Fair Trading Operations



Frank Lovass
Assistant Director
Business Services

Objectives and Structure

Our mission, on behalf of the Victorian Government, is to protect consumers and promote responsible trading in Victoria.

Objectives

Consumer and Business Affairs Victoria (CBAV) provides consumer protection, business licensing and registration services to government, consumers and business. CBAV is a business unit of the Department of Justice.

Our mission, on behalf of the Victorian Government, is to protect consumers and promote responsible trading in Victoria.

Our objectives for 1999-00 were:

- Confident Consumers: consumers are confident that their rights are protected in the marketplace.
- Responsible Traders: traders behave ethically toward consumers and comply with consumer protection laws.
- Protecting Consumers: Consumer protection laws are effectively enforced to the satisfaction of stakeholders.

Co-operation with Other Jurisdictions

The Ministerial Council on Consumer Affairs meets yearly and comprises Ministers from State, Territory, Commonwealth and New Zealand. The Council is advised and assisted with implementation of decisions by committees of senior officials. The officials committees meet several times a year and are in turn supported by advisory committees to which CBAV officers regularly contribute.

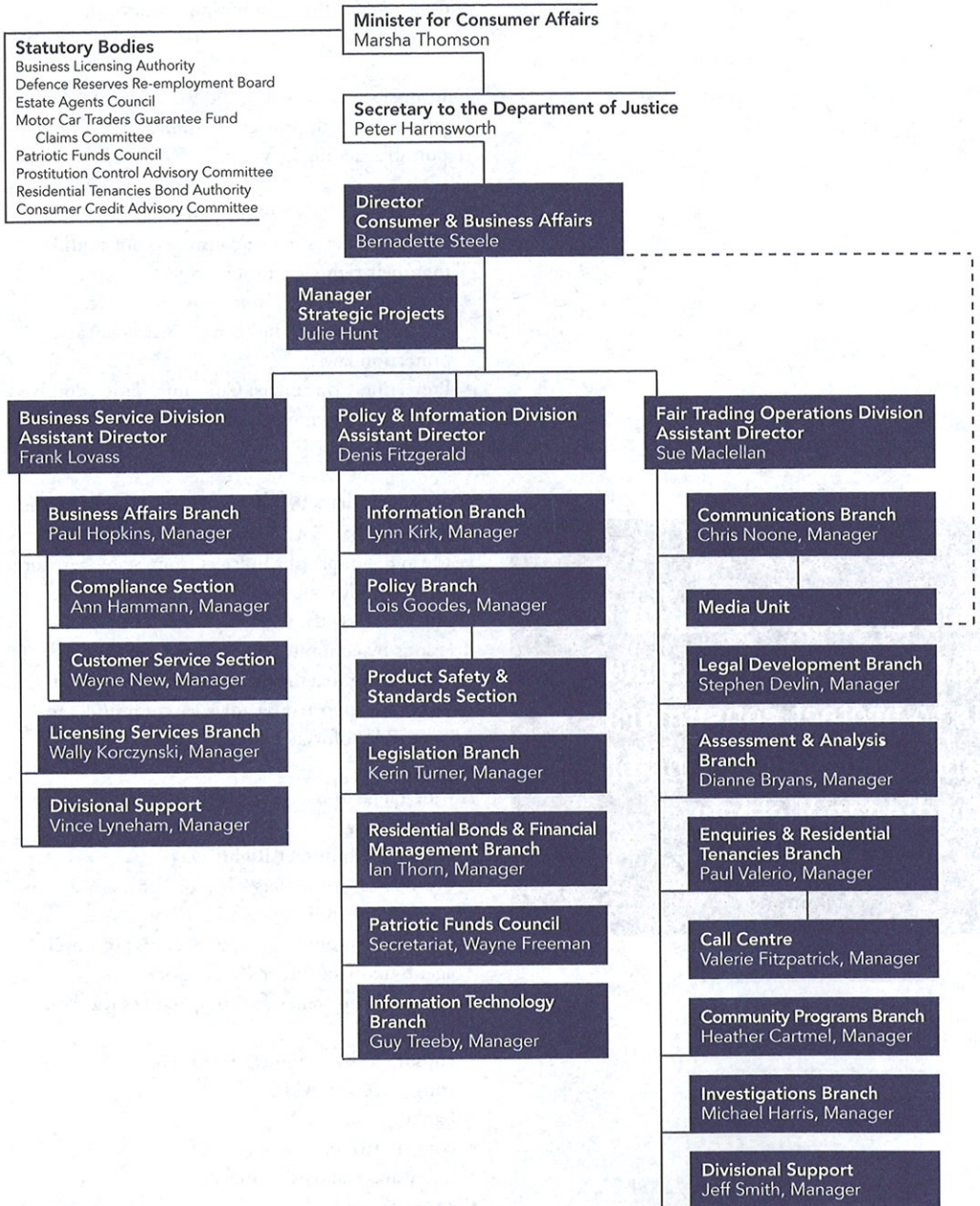
A wide range of issues have been covered during the year, including:

- National Consumer Rights Day
- Women as Consumers - Motor Vehicle Industry
- legislation banning pyramid selling
- National Competition Policy reviews of travel agents and Consumer Credit Code
- national consistency for co-operatives legislation
- fundraising
- consumer issues and electronic commerce
- fringe credit providers
- banking issues
- comparative interest rates
- safety and standards issues
- codes of conduct.

Organisation Structure

CBAV's functions are divided between three Divisions, each headed by an Assistant Director.

Figure 1. Organisation structure of Consumer and Business Affairs Victoria



Consumer Protection Resolving Disputes and Enforcing the Law

CBAV's dispute resolution activities emphasise direct intervention in complaints where public interest concerns are evident or where consumers are likely to incur significant detriment.

CBAV assists consumers and promotes trader compliance with consumer protection laws by providing advice and dispute resolution services so that marketplace disputes can be avoided or resolved.

Resolving Disputes

CBAV received 9,737 written complaints during 1999-00, slightly fewer than the previous year. Refer to table 'Written Complaints Received by Product Type' on page 2.

The total complaint numbers for this financial year (9,737) are generally consistent with the previous year (9,866) and continue to reflect CBAV's stronger emphasis on information and education. Consumer enquiries are assessed having regard to the sensitivity and impact on both the individual and marketplace and where appropriate are actively conciliated. However, enquirers with complaints involving issues which may be better handled by external bodies are provided with alternative dispute resolution options. This practice ensures the most efficient use of available resources for dispute resolution services.

Real estate and accommodation related matters, which includes residential tenancy, once again accounted for the majority of complaints (63.3%),

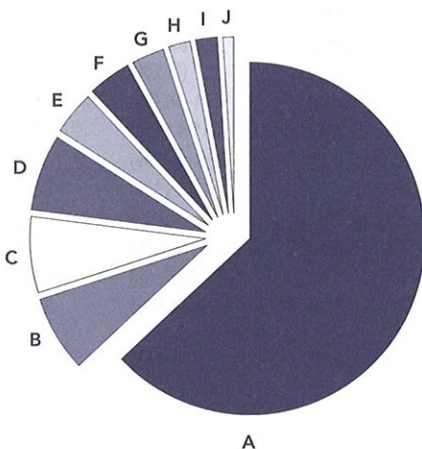


Figure 2. Complaints received by CBAV by product type 1999-00

- A Real Estate & Accommodation 63%
- B Building & Construction 7%
- C Motor Vehicle & Other Transport Goods 7%
- D Household Goods 7%
- E Miscellaneous Services 4%
- F Transport, Post, Telephone & Energy 4%
- G Personal Items, Entertainment & Novelties 3%
- H Insurance, Finance & Investment 2%
- I Clothing, Footwear, Drapery & Manchester 2%
- J Other 1%

an increase of 7.3% from the previous year. This increase is attributed to several factors including public housing rent rises, tenants' improved awareness of their rights, and low vacancy rates in the rental market.

On receiving a complaint, CBAV first assesses it to determine whether:

- the dispute is suitable for resolution by CBAV or referral to another more appropriate agency
- it may involve a breach of legislation or undesirable market practice which requires preliminary investigation to determine whether enforcement action is necessary.

This initial assessment and filtering of complaints enables CBAV to take a range of immediate and pro-active steps to address emerging marketplace problems by, for example: issuing a media release to alert consumers to potential scams and educating traders by liaising with individuals or by conducting seminars.

CBAV's dispute resolution activities emphasise direct intervention in complaints where public interest concerns are evident or where consumers are likely to incur significant detriment. As part of this approach CBAV is endeavouring to better identify and target those consumers who are most vulnerable and in need of dispute resolution support.

From June 2000, consumers throughout Victoria were able to lodge complaints with CBAV electronically and to make enquiries on-line through CBAV's website. The website provides extensive information on a wide range of consumer and renting issues and includes complaint lodgement forms and other CBAV forms.

CBAV is committed to empowering consumers to manage their own disputes. Clients are advised of the range of options they can pursue before referring a matter to CBAV for resolution. For instance, consumers are encouraged to make written contact with a trader in an attempt to resolve their complaint and are able to access sample complaint letters from CBAV's website or copies can be provided by fax or mail.

Table 1. Written Complaints Received by Product Type

Product Type	1997-98	1998-99	1999-00
Building & Construction	1,136 (9.2%)	904 (9.2%)	715 (7.3%)
Clothing, Footwear, Drapery & Manchester	320 (2.6%)	199 (2%)	177 (1.8%)
Commercial Equipment, Appliances & Supplies	24 (0.2%)	12 (0.1%)	25 (0.2%)
Food, Beverages & Tobacco	94 (0.8%)	11 (0.1%)	25 (0.2%)
Household Goods	1,059 (8.6%)	954 (9.7%)	658 (6.8%)
Insurance, Finance & Investment	202 (1.6%)	194 (2%)	189 (1.9%)
Miscellaneous Services	2,012 (15.7%)	330 (3.3%)	393 (4%)
Motor Vehicle & Other Transport Goods	103 (8.4%)	883 (9%)	667 (6.9%)
Other/Unspecified	272 (2.2%)	115 (1.2%)	70 (0.7%)
Personal Items, Entertainment & Novelties	434 (3.5%)	347 (3.5%)	281 (2.9%)
Real Estate & Accommodation	5,452 (44.1%)	5,527 (56%)	6,163 (63.3%)
Transport, Post, Telephone & Energy	388 (3.1%)	390 (3.9%)	374 (3.8%)
TOTAL	12,432	9,866	9,737

Residential tenancy inspection services are available to tenants who are applying to the Victorian Civil and Administrative Tribunal (VCAT) to have a dispute resolved which involves a proposed rent increase or urgent repairs to the rented premises. Following the inspection, CBAV prepares a report which assists VCAT to make a determination.

CBAV also carries out inspections of goods left behind by tenants who have vacated rented premises. According to the Residential Tenancies Act, only certain goods left behind must be stored for subsequent sale at public auction. An inspection can relieve a landlord of the burden of storing goods left behind.

The total number of tenancy inspections conducted grew by 10% in 1999-00.

Table 2. Residential Tenancies Inspections Conducted

Type of Inspection	'97-98	'98-99	'99-00
Goods Left Behind	2,665	2,897	3,080
Repairs	1,649	1,305	1,504
Rent Assessments	308	627	719
TOTAL	4,622	4,829	5,303

Compliance Monitoring

CBAV's powers to conduct compliance checks and inspections were substantially altered by commencement on 1 September 1999 of the *Fair Trading Act 1999* and the *Fair Trading (Inspectors' Powers and Other Amendments) Act 1999*. The *Fair Trading Act 1999* requires that a CBAV inspector must believe, on reasonable grounds, that there is contravention of the Act before entering a trading premises to carry out compliance monitoring activities. Otherwise, CBAV's inspectors may only enter with the consent of the occupier; where consent is withheld, a search warrant must be obtained from the Magistrates' Court.

Similarly, the *Fair Trading (Inspectors' Powers and Other Amendments) Act 1999* has limited the kinds of monitoring activities which CBAV is able to carry out, however, we are still able to conduct pro-active compliance activities in relation to regulated occupations such as motor car traders, estate agents and travel agents.

Estate Agents Inspection Program

CBAV inspected 78 estate agents during 1999-00 to examine trust account records to ensure that clients' funds are being handled in accordance with the stringent requirements laid down by the *Estate Agents Act 1980* and regulations. Where a serious instance of non-compliance is detected during an inspection, the matter is investigated by CBAV or referred to the Victoria Police.

Monitoring the Internet

In February 2000, CBAV took part in a global sweep of the Internet targeting bogus get-rich-quick schemes. The program was led by the US Federal Trade Commission (FTC) and involved consumer protection agencies from 27 countries. CBAV located several relevant sites and logged the information into a database administered by the FTC in Washington DC. Warning e-mails were sent to the targeted sites, putting them on notice that their activities were being monitored and advising of the consequences of engaging in this type of activity.

Pre-Paid Funerals

Prior to introduction of new inspectors' powers on 1 September 2000, CBAV's inspectors carried out pro-active inspections of funeral providers who had accepted money from clients pre-paying the costs of funerals. The inspections aimed to ensure that clients' money had been invested in accordance with the *Funerals (Pre-Paid Money) Act 1993*. As a result of this inspection program, two funeral operators were prosecuted and fined after it was established that they had failed to invest clients' money in the proper manner.

Product Safety Inspections

In November 1999, 24 stores were inspected in central Melbourne, Ballarat, Dandenong and Geelong as part of CBAV's annual pre-Christmas toys inspection program. Eight toys were purchased for safety testing and of these, two were found to be dangerous. A \$2.00 child's umbrella posed a possible puncture wound hazard because the protective caps at the end of the spines became detached easily, also a play set known as Police Intervention posed ingestion and inhalation hazards. Both products were removed from sale.

A further pre-Christmas toy blitz was conducted in December at 31 stores. Ten toys were purchased for safety testing with five failing to meet the toy standard. The items removed from sale were the Confetti Party Popper Gun, Secret Police Gun, Eight Sound Gun, Baby Rattle and Grow Aliens. A follow-up inspection was carried out in Geelong in January 2000 to check on stores which were previously warned for selling dangerous toys. These stores were found to be compliant.

During March 2000, 14 samples of unleaded petrol were taken from service stations in metropolitan Melbourne and submitted to an approved laboratory for testing for the presence of unacceptable levels of toluene. The samples were found to be compliant. Sixteen samples of diesel were also collected from regional service stations and tested for adulterated substances and were found to be compliant.

Pre-Paid Funerals Case

On 23 July 1999, T Bathurst & Co Pty Ltd pleaded guilty to 29 offences under the **Funeral (Pre-Paid Money) Act 1993**.

The charges related to failure to invest monies paid by consumers for pre-paid funeral packages.

The company was convicted and fined \$25,000.

Case Study

Fair Trading Case

After receiving several complaints relating to a promotion to sell heavily discounted sheet sets, CBAV launched an investigation into the activities of Michael Knight of Chippendale, NSW.

Mr Knight was charged on five counts relating to breaches of the **Fair Trading Act 1999**. The charges included making false representations regarding the quality and price of the sheet sets and a further charge of bait advertising in relation to the inability to provide product.

On 16 February 2000, Mr Knight was convicted and fined a total of \$25,000.

Motor Car Trading Case

On 21 December 1999, Mr Michael Ahmed of East Burwood was convicted on two charges of breaching section 7(1) of the **Motor Car Traders Act 1986**.

The charges related to offering 72 cars for sale without being in possession of a motor car traders licence.

Mr Ahmed was initially convicted and fined \$32,000. On appeal to the County Court on 14 February 2000, the fine was reduced to \$21,600.

Investigations and Prosecutions

During 1999-00, CBAV further developed and refined its Enforcement Policy. The Enforcement Policy assists CBAV to determine which complaints from the thousands received each year are to be the subject of investigation and possible prosecution. The Enforcement Policy helps ensure that CBAV's limited resources are committed to cases most likely to benefit the community as a whole.

In deciding which matters will be investigated, CBAV considers a range of factors, including:

- the seriousness of the alleged offence
- the culpability and history of the alleged offender
- any special circumstances surrounding the complaint (eg are particularly vulnerable consumers involved)
- the sufficiency and quality of the available evidence
- the availability of a more appropriate enforcement mechanism.

Once a matter has been determined as appropriate for investigation, progress is monitored to ensure it is appropriate for prosecution. Factors taken into account in this regard are:

- the sufficiency and quality of the evidence
- whether there is a reasonable prospect of conviction
- whether the public interest requires prosecution (eg is the conduct prevalent or is the victim particularly vulnerable).

Application of the Enforcement Policy has caused CBAV to take on more enforcement activities of greater significance to the community.

CBAV was the first consumer protection agency in Australia to successfully prosecute Michael Knight of Chippendale, New South Wales, after the VJC House of Linen scam. Consumers across Australia had placed thousands of orders and paid for non-existent or substandard linen products before the scam was discontinued.

Unlicensed motor car traders take business away from legitimate traders. They also disadvantage the motor car buying public by denying access to the statutory guarantees available to customers purchasing from licensed traders. The quality of vehicles sold by unlicensed traders is often substandard, and can pose a danger to consumers. CBAV conducts an enforcement program targeting unlicensed motor car traders.

Domestic building is another area in which consumers stand to lose substantially at the hands of unscrupulous or unregistered traders. Domestic building projects totalling over \$5,000 are strictly regulated by the *Domestic Building Contracts Act* 1995. Any departures from the provisions of that Act by a builder are potentially detrimental to a consumer, with the potential to cause grave financial harm. In May 2000, Christopher Harmer of Rosebud was convicted of multiple offences under this Act and fined \$18,000.

The cases cited are illustrative of CBAV's commitment to enforcing the law in areas which have the potential to significantly affect the lives of consumers. They also communicate the message to unscrupulous traders that they will face the consequences of their actions.

Enquiries and complaints relating to overseas schemes and scams continued to be made to CBAV, including a Canadian telemarketing company known as SMJ Distribution.

Consumers are contacted by phone and invited to purchase Van Gogh reproductions for US\$1,000. As an enticement, consumers are told that if they buy the 'artwork', they will automatically receive expensive gifts worth more than they would pay for the 'artwork'. Examples of gifts offered to consumers are a Subaru Forrester, diamond and ruby necklaces, a 50-inch screen television, a jet ski or a set of diamond-faced watches.

Another overseas-based scheme which has been the subject of several complaints is a three-level skill contest conducted by the Consumer Enrichment Centre based in the USA.

Unsolicited documents received by consumers advise that they are eligible to enter the contest by filling in entry forms and paying an entry fee of \$18. Each level of the contest requires entry fees which total to \$140.

Consumers are enticed to enter the contest with the promise of 'cash prizes' up to a total of \$30,000. The promoters use Victorian and Queensland addresses on promotional materials. However, these addresses are merely mailbox renting premises run by a private company.

CBAV regularly issues media releases to advise consumers to be cautious, particularly when dealing with overseas-based organisations, as CBAV does not have jurisdiction over the operation of overseas traders. Consumers are advised to read the fine print on any promotional documents received.

Product Safety Investigations

This year CBAV conducted 148 safety and standards investigations. Five product categories accounted for the majority of investigations:

- play items (25%)
- electrical items (12.2%)
- food and drink (10.8%)
- transport items (9.5%)
- consumer durables (9.5%).

Enforcement

Strategies used by CBAV to achieve compliance with legislation assigned to the Minister for Consumer Affairs include:

- trader education through industry liaison and seminars
- written warnings to traders
- voluntary undertakings from traders
- enforceable undertakings from traders not to re-offend
- injunctions prohibiting traders from engaging in certain conduct
- prosecuting offenders.

Prosecution is the last resort in the compliance and enforcement armoury and is generally exercised against flagrant offenders or matters involving a serious breach of the law. In the majority of cases, alternative enforcement strategies are used to promote compliance in the belief that this approach results in the most effective use of resources.

CBAV investigated 3,172 matters involving alleged breaches of legislation. In 69 cases a prosecution was commenced, and 66 of these were successful resulting in 626 charges across 11 industry groups. A further 14 injunctions were obtained preventing the continuation of offending against the *Motor Car Traders Act 1986*.

A detailed description of successful enforcement actions is produced in Appendix 2.

CBAV also appeared on behalf of the Business Licensing Authority (BLA) in 13 reviews against decisions by the BLA to refuse the grant of a licence or permission to be involved in a licensed occupation or industry.

Table 3. Type of Enforcement Activities Undertaken in 1999-00

Type of Enforcement Action Pursued	No. of Actions Taken	No. Successful
Written Warning Issued	340	Not applicable
Voluntary Written Undertaking	98	Not applicable
Enforceable Undertaking	3	3
Injunction	15	14
Disciplinary Action Against Regulated Trader	9	9
Prosecution	69	66

Case Study

Travel Agents Case No. 1

On 29 November 1999, Ms Philomena Cornu of North Carlton was convicted on charges relating to breaches of the **Travel Agents Act 1986** and the **Fair Trading Act 1985**.

The charges included carrying on a business as a travel agent while not licensed and representing that the company, Independent Travel Group, was a licensed travel agent when it was not.

Ms Cornu was fined a total of \$5,000.

Travel Agents Case No. 2

On 3 May 2000, Mr Mokhtar Kakar of Noble Park pleaded guilty to a charge of making a statement in an application for a travel agent's licence that was false or misleading, contrary to section 8(7) of the **Travel Agents Act 1986**. Mr Kakar was convicted and fined \$1,000.

Residential Tenancies Case

Ms Violet Barker of Thornbury was charged with 28 offences under the **Residential Tenancies Act 1997** and one charge under the **Fair Trading Act 1985** in relation to the operation of boarding houses that she owned.

The charges included failure to provide a receipt, failure to state the period for which rental was paid and failure to display and provide a resident with a statement of rights and duties.

On 4 February 2000, Ms Barker was convicted and fined \$5,500.

An Ethical Marketplace

Raising Consumers' Awareness of their Rights and Improving Traders' Behaviour

By informing consumers, traders, tenants and landlords about their rights and responsibilities, disputes and problems in the marketplace can be successfully avoided and resolved.

A consumer protection agency aims to increase the amount of responsible trading. There are two parts to this - raising consumers' awareness of their rights and reminding traders of their responsibilities.

Advising Consumers and Tenants

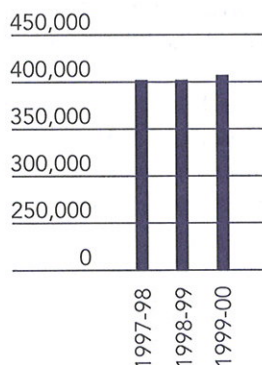
We aim to increase consumers' awareness of their rights and responsibilities and, in particular, to address the information needs of vulnerable consumers, by making information available in various media and by ensuring that consumers have appropriate access to that information.

CBAV provides information and advice to consumers through:

- a call centre and counter enquiry service
- advertising, publications and other media, such as the website
- funded community agencies located throughout Victoria and other associated grant programs.

During 1999-00, 412,362 telephone enquiries were handled regarding consumer and residential tenancy issues. Of these, 238,084 were responded to by operators; 174,278 calls were satisfied by recorded information, including 12,325 callers who left a voicemail message, often requesting that information be faxed or posted to them. Calls satisfied by recorded information accounted for around 42% of all calls received.

Figure 3. Consumer and Residential Tenancy Telephone Enquiries Handled (includes calls satisfied by recorded information)



Recorded information is provided to callers through an Interactive Voice Response unit (IVR). This provides callers with the option to select the topic which is most relevant to their enquiry or, alternately, to leave their details if they would like to have a particular form or publication mailed or faxed to them. When using the IVR, callers are able to select '0' to speak with an operator. Recorded information is available 24 hours a day.

In 1998-99 CBAV introduced a 'call back' facility to help relieve the frustration callers sometimes experience during periods of high demand, when longer than usual queues may occur. The call back system informs callers of their place in the queue and, in some cases, the anticipated waiting time. If callers decide not to wait, they can key in their telephone number and receive a call back when an operator is available, without losing their place in the queue.

The majority of telephone enquiries received by CBAV were dealt with by immediate provision of information and/or advice. Where appropriate, callers were provided with one of CBAV's information products or referred to another agency better placed to assist them with their enquiry or problem.

The results of a customer satisfaction survey conducted in March 2000 revealed that the majority of callers were satisfied with the service delivered by the call centre. Of the callers surveyed, 95% said that they were very satisfied or partly satisfied with the service they received; 91% said the enquiry officer they dealt with was helpful or very helpful.

In addition to general tenancy and consumer enquiries, CBAV handled 1,334 calls from consumers and traders seeking advice in relation to the safe use and design of consumer products.



Handling more telephone enquiries than ever before, CBAV's call centre continues to provide Victorians with expert advice and friendly service.

The major categories of product safety enquiries were:

- nursery products (31.1%)
- transport (11.2%)
- play items (9.3%)
- consumer durables (7.8%)
- electrical goods (7.1%)
- food and drink (6.8%).

While the majority of consumers seek information or advice from CBAV via the call centre, a smaller number personally visit CBAV's office to take advantage of the counter enquiry service. During 1999-00, it is estimated that approximately 6,625 clients used the counter enquiry service.

Between May and June 2000, the counter enquiry area was substantially refurbished. This has resulted in a more efficient delivery of information and services to consumer and business clients.

The refurbishment program will include installation of personal computers to provide clients with on-line access to a range of information including:

- consumer and tenancy information
- information about CBAV and the BLA and their services
- occupational and business licensing and registration requirements via the Department of State and Regional Development's Business Licensing Information Service website.

Clients will also be able to conduct limited searches of the Business Names Register to enable them to make an initial assessment as to whether their preferred name is available for registration or to ascertain the identity of persons behind a business they have dealt with or intend to deal with.

A wide range of publications are displayed and available in the enquiry area, including relevant publications produced by Small Business Victoria.

Published Information

CBAV makes information available in a variety of modes to increase consumers', tenants', landlords' and traders' awareness of their rights and responsibilities in the marketplace. A range of printed brochures, pamphlets, magazines, fact sheets and forms are available on request from CBAV and its funded community-based agencies. Certain information products are available in a variety of languages and in large print or audio format. Our recently upgraded website also provides on-line access to a wide variety of information.

CBAV continues to conduct media and community relations campaigns utilising media releases, advertising, information kits, product launches and interviews. These activities raise public awareness of consumer issues, provide consumers and traders with important information, and remind them that there is a Government consumer protection agency which enforces the law and requires responsible trading.

Table 4. Number of Information Products Distributed by CBAV During 1999-00

Publication Type	No. Distributed
Fact Sheets	28,963
Magazines, Pamphlets & Brochures	410,894
Forms	1,171,415
TOTAL	1,611,272

In 1999-00, the total number of media exposures or 'hits' was 1,322; these mostly featured in regional and suburban press.

CBAV Publications Available During 1999-00

- Fact Sheets covering 35 topics including Tenancy, Product Safety, Introduction Agents, the Internet and Finance Broking
- Get A Life
- Going Mobile? Make the Right Call
- Little Black Book of Scams (produced by the Ministerial Council on Consumer Affairs)
- Straight Answers to your Questions (for Second-hand Dealers and Pawnbrokers)
- Top Ten Tips for Lay-bys
- Top Ten Tips for Contact Sellers
- Keeping Baby Safe (produced by the Ministerial Council on Consumer Affairs)
- Safe Toys for Kids (produced by the Ministerial Council on Consumer Affairs)
- Senior Power
- Renting a Place to Live (an information sheet available in 25 languages)
- Renting: Statement of Rights and Duties (available in nine languages, large print & audio tape)
- Trouble-free Tenancies (also available in large print)
- 27 residential tenancy forms (available to tenants, landlords and estate agents)
- Rooming Houses: Statement of Rights and Duties
- Caravan Parks: Statement of Rights and Duties
- Building and Renovating Magazine
- GST and Domestic Building Contracts
- Top Ten Tips for Choosing a Domestic Builder
- Top Ten Tips for Domestic Building Contracts
- Top Ten Tips for Owner Builders
- Civil Claims Guide
- *Fundraising Appeals Act 1998*
- Customer Service Guidelines - How Happier Customers can Lead to Healthier Business
- New Rules for Finance Broking in Victoria

Launches and Campaigns by the Minister

CBAV launched a number of new information products and activities during the year, most notably the new name for the business unit and the arrival of the new Minister for Consumer Affairs, Ms Marsha Thomson MP.

The Office of Fair Trading and Business Affairs was renamed Consumer and Business Affairs Victoria at a ceremony in Melbourne in April 2000, a regional launch was held in Ballarat a few weeks later. The theme of the two launches was CBAV's renewed commitment to protecting consumers' rights.

The Little Black Book of Scams was launched on National Consumer Rights Day. It is designed to put consumers one step ahead of con artists by providing information about the risks and tricks associated with scams.

CBAV has focused strongly on young consumers in the past 12 months, successfully launching a number of initiatives designed to help young Victorians become more aware of their rights and responsibilities as consumers. These include:

- *Lifeskills Training Program* developed by Anglicare Gippsland Consumer and Tenancy Resource Centre to equip local youth with the ability to deal with unscrupulous traders.
- The fifth edition of *Get a Life* was launched in March to coincide with World Consumer Rights Day. The magazine contains information about the many issues facing young people when they leave school, including: buying a car, finding somewhere to live, getting a job and further study options. The magazine was direct mailed to all Year 12 school leavers, to Victorian school libraries and to Year 12 Co-ordinators.
- *Going Mobile? Make the Right Call* is a new brochure outlining the issues young Victorians should consider before buying a mobile phone. The brochure was launched at the Youth Expo and distributed to every Victorian school.



Minister for Consumer Affairs, Ms Marsha Thomson MP launches the *Going Mobile? Make the Right Call* brochure at the 2000 Youth Expo.

As part of its commitment to making information more widely and readily accessible, CBAV conducted an information campaign targeting vision impaired Victorians. Designed to promote the rights and responsibilities of tenants and landlords under the *Residential Tenancies Act 1997*, the campaign was undertaken in conjunction with the Vision Australia Foundation. It incorporated transcription of the renting guide, *Renting: Statement of Rights and Duties*, into audio and large print formats and production of a booklet, *Trouble-free Tenancies*, in standard and large print formats.

Website

Our new website at www.consumer.vic.gov.au was launched by the Minister together with our new name in April 2000.

It aims to improve Victorian's knowledge of their rights and responsibilities as consumers and traders, so that transactions will be conducted more responsibly and with less dispute.

The site covers a broad range of consumer issues divided into four sections:

- Credit and Debt
- Homes and Renting
- Cars
- Shopping and Services.

The site also contains information on the BLA, business licensing and registration requirements and services, including business names, fundraising, incorporated associations, co-operatives and limited partnerships.

The website is another means available to Victorians to enable them to keep up-to-date with consumer issues, as well as providing access to forms and the facility to make enquiries or lodge complaints on-line. Between the launch of the website in April 2000 and 30 June 2000, 24 complaints and 131 enquiries were lodged via the site.

Funded Community Based Support

The Consumer Support and Tenant Support Programs provide funding to a network of community-based agencies throughout rural Victoria and metropolitan Melbourne to complement the services delivered by CBAV in central Melbourne.

A combined consumer and tenancy regional assistance program commenced in 1999-00, supported by three year contracts with local community agencies. As part of the program new agencies were funded in the Loddon Campaspe region and the two northern metropolitan regions.

Community funding for 1999-00 totalled almost \$3.4 million. A full listing of the agencies and their level of funding appears in Appendix 3.

Services provided by funded agencies, include: advice, assistance in resolving consumer and tenancy problems, community education and promotion of relevant issues through local media.

Specialist support services were also delivered to:

- aged tenants, by the Housing for the Aged Action Group
- rooming house tenants, by the Tenants Union of Victoria
- tenants and landlords in the Inner Urban and Inner East Regions.

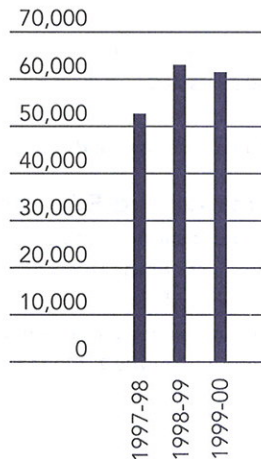
The Financial and Consumer Rights Council and the Consumer Credit Legal Service provided additional specialist services.

During 1999-00, 61,504 Victorians used the services of the funded community-based agencies; 11,603 of these requested assistance in relation to consumer issues and 49,901 in regard to tenancy matters. The figure below demonstrates the trend in demand over the past three years, revealing a small decrease (2%) during 1999-00, following a sharp increase (20%) in the previous year.



Minister for Consumer Affairs, Ms Marsha Thomson MP launches the CBAV website, announces the name change and a new era in consumer affairs.

Figure 4. Number of Clients Assisted by Funded Community-Based Agencies



Funded agencies conducted a significant number of educational activities during 1999-00 including: 557 talks, 162 displays and 928 newspaper, radio and television items.

A sample group of clients of five funded agencies were surveyed by CBAV during 1999-00 in relation to the quality of the services provided by agencies. Of those surveyed, 95.5% said they were satisfied with the service they received.

Training for workers employed by funded agencies was conducted by CBAV through regional forums. These forums continue to provide an opportunity for funded workers and CBAV staff to interact. Topics covered included:

- GST consumer and tenancy issues
- applications to the Civil Claims List of VCAT
- emerging motor car trader problems
- CBAV's prosecution processes.

Improving Trader Behaviour

CBAV fosters responsible trading and trader compliance with the regulatory framework through a mix of preventative actions and campaigns, including:

- education and training
- promotion of trader and industry based dispute resolution schemes and codes of conduct
- information and advice
- awards
- licensing and registering occupations, business names, co-operatives and incorporated associations
- holding residential tenancy bonds in trust.

Trader Information and Education

As part of its commitment to ensuring that the business community has timely access to information on new legislation, CBAV conducted two seminar programs comprising a total of 31 seminars attended by nearly 1,700 Victorians.

Fundraising Appeals Act Seminars

Following the introduction of the *Fundraising Appeals Act* 1998, a program of eight regional seminars was conducted between July and August 1999 for fundraisers, sporting and service clubs. The seminars aimed to promote compliance with fundraising laws by explaining provisions relating to identification badges, collection receptacles, notifications, banking, record keeping and exemptions.

In response to community demand for information about the Act, a further program of 10 seminars was conducted in metropolitan and regional Victoria. The primary objective of this program was to address the community perception that changes to fundraising laws were onerous and complex.

Fundraising seminars were conducted with the assistance of local councils, funded community agencies and the Lions Club. To meet local demand, additional presentations to small service clubs were also delivered by funded community agencies based in regional Victoria.

Fair Trading Act Seminars

To promote compliance with the *Fair Trading Act* 1999, 14 seminars were conducted throughout Victoria from September to November 1999, four in Melbourne and 10 in regional locations. Seminars were conducted in conjunction with VCAT and with assistance from funded community-based agencies. The program was promoted through local councils, chambers of commerce and industry association networks.

Fair Trading Seminars aimed to inform Victorian businesses about changes to the law affecting lay-by arrangements, contact and non-contact sales, pyramid selling, blowers and dispute resolution at VCAT. Small business operators and representatives of national retail chains attended seminars. In some regional areas this was the first time seminars had been conducted on fair trading law, and the initiative was applauded by stakeholders.

Seminar evaluations confirmed that the seminars were timely and relevant to the information needs of those attending. Participants said that seminars were a good investment of their time and provided a useful forum to raise and discuss issues.

Compulsory Education for Estate Agents and Agents' Representatives

CBAV works to maximise the effectiveness of the compulsory training system for intending estate agents and agents' representatives.

Delivery and funding of the prescribed course for agents' representatives is monitored to ensure availability of the course at locations suitable to real estate employers in metropolitan and regional Victoria; TAFE institutes delivered 92 courses during 1999-00. In total 3,908 persons attended agents' representatives training courses, including those studying by distance education.

To ensure that real estate practitioners have access to current legislation and other information relevant to real estate practice, CBAV continued to provide the Estate Agents Legislation Service to all licensed estate agents.

Self-regulation, Codes and Industry Standards

CBAV continued to provide advice to industry to encourage effective self-regulation and promote dispute avoidance and effective dispute resolution.

An important initiative was the commencement of the *Code of Conduct for Marketing Retail Electricity in Victoria*, which was developed jointly by government, industry and consumer advocates. The Code sets important fair trading standards to guide firms in the lead up to the introduction of full retail contestability in the electricity market in Victoria in 2001.

The Weight Management Code Administration Council of Australia is responsible for administering

the *Weight Management Code of Practice*. The Council comprises an independent chair, industry representatives, a representative from the Australian Nutrition Foundation, a representative from the Consumers Federation of Australia and government observers, currently, this role is filled by CBAV. The Code sets standards for fair trading in the weight loss industry.

Although responsibility for the administration of the *Retirement Villages Act 1986* has transferred to the Minister for Aged Care, CBAV has continued to provide an official to chair the Victorian Retirement Villages Accreditation Committee. The accreditation scheme establishes criteria for village facilities, management practices and resident participation. To date, 39 Victorian villages have been accredited.

Victorian Fair Trading Awards

The fifth annual Victorian Fair Trading Awards were awarded in 1999.

The awards were designed to showcase small businesses from across Victoria who excel in customer service and dispute resolution. Businesses entering the awards were judged on the basis of their handling of customer complaints, customer service and staff training policies, and specific initiatives introduced to meet customer needs.

As in previous years, separate award ceremonies were conducted for regional and metropolitan businesses. Regional awards were presented at Bendigo, with Kingston's Coach Tours of Stawell winning the Regional Fair Trader of the Year award.

Metropolitan award winners, along with the statewide winner, were announced at a ceremony held at the Regent Theatre. The title of Victorian Fair Trader of the Year was won for the first time by a regional business, with Kingston's Coach Tours taking out the honours in both the regional and statewide competitions.

Kingston's Coach Tours was recognised by the judges for their rapid response to the changing needs of its customers and their commitment to personalised service. For example, the company introduced a home pick-up service when it observed that some of its older passengers found it difficult to travel to centralised pick-up points.

Feathers Pty Ltd was named 1999 Metropolitan Fair Trader of the Year. Feathers was recognised for its comprehensive, on-going staff training program to ensure continual customer satisfaction. The company uses customer surveys and mystery shopping reports to monitor staff performance and to identify opportunities for improvement.

Table 5. 1999 Victorian Fair Trading Award Winners

Statewide Award

1999 Victorian Fair Trader of the Year

Kingston's Coach Tours

Metropolitan Awards

1999 Metropolitan Fair Trader of the Year

Retail Industry 1-5 Employees

Retail Industry 6-19 Employees

Retail Industry 20-50 Employees

Retail Industry 50+ Employees

Service & Manufacturing Industry 1-5 Employees

Service & Manufacturing Industry 6-19 Employees

Service & Manufacturing Industry 20-50 Employees

Service & Manufacturing Industry 50+ Employees

Government Department

Real Estate Industry

Building Industry

Motor Vehicle Industry

Internet Customer Service

Seniors Card

Award of Merit

Award of Merit

Award of Merit

Feathers Pty Ltd

The Athlete's Foot, Malvern

Mordy Surf Centre, Mordialloc

Feathers Pty Ltd, Richmond

Encel Retail Group, Richmond

Command Dog Training School, Blackburn

Andrew's Airport Parking, Tullamarine

The Finishing Touch, St Kilda

Petrogas Pty Ltd, Spotswood

Customs - Melbourne Airport, Tullamarine

Philip Webb Real Estate, Doncaster East

BSS Design Group Pty Ltd, Essendon

Abay Motors, East Kew

Stockdale and Leggo, Mt Waverley

Re-Creation Health Club, Armadale

Eyetreng Optical, Doncaster East

Sawatzky Designs, Melbourne

Kerry Davis Real Estate, Fairfield

Regional Awards

1999 Regional Fair Trader of the Year
Retail Industry
Service & Manufacturing Industry 6-19 Employees
Service & Manufacturing Industry 20-50 Employees
Government Department
Seniors Card
Award of Merit
Award of Merit
Award of Merit
Award of Merit
Certificate of Encouragement
Certificate of Encouragement
Certificate of Encouragement
Certificate of Continuing Excellence

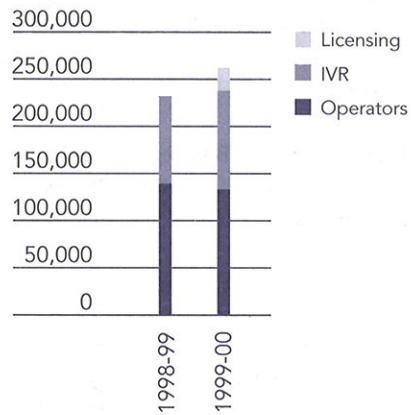
Kingston's Coach Tours, Stawell
Dymocks, Bendigo
Nautilus Floating Dockside Restaurant,
Lakes Entrance
Kingston's Coach Tours, Stawell
Baw Baw Shire Council, Warragul
Keller's Garden Maintenance, Kangaroo Flat
Hazcon Pty Ltd, Warragul
Beacon Resort, Queenscliff
City of Wodonga
Hudak's Bakery, Mildura
Jan Kelly Catering, Irymple
Bairnsdale Early Learning Centre
Wood & Co First National, Swan Hill
Warragul Linen Service

Business Registration and Licensing Services

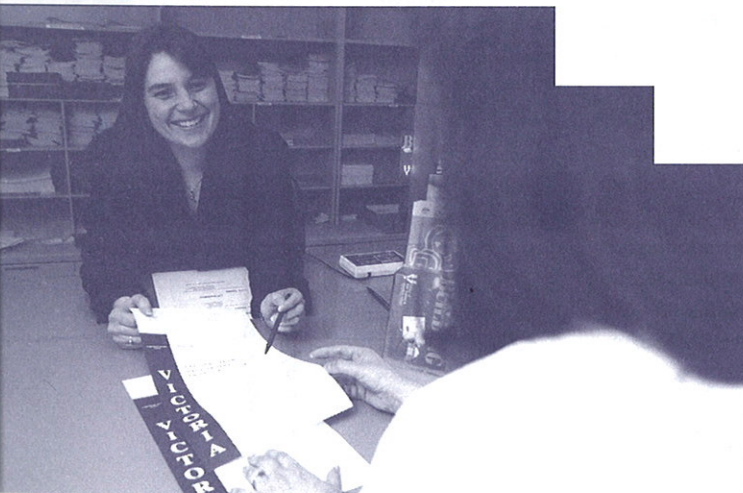
CBAV registers business names, incorporated associations and co-operatives in Victoria and provides support to the BLA in relation to its occupational licensing functions.

This year CBAV had 357,258 customer contacts in relation to business registration and licensing services. Of these, 65,296 were counter enquiries and 268,833 were telephone enquiries. CBAV processed 7,334 licensing applications and 15,795 annual statements from licence holders.

Figure 5. Telephone Enquiries about Licensing and Registration Functions



Processing more than 70,000 business name registrations this year, CBAV provides a professional and valuable service to its many customers.



A program of improvements to service delivery was implemented in 1999-00 including:

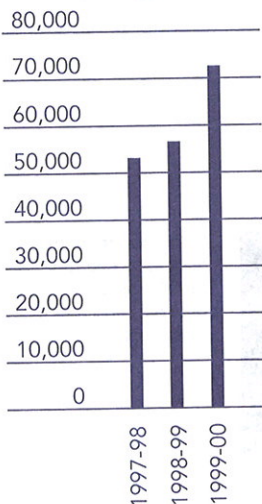
- trial of a priority business names registration service for regional Victorians
- trial of a priority registration service for bulk applications for business names registrations
- upgrades to the automated telephone service
- investment in infrastructure to support self-service by customers in the future
- refurbishment of the counter service area to streamline service and information delivery
- extension of counter service hours.

Business Name Registration

Any name which is used for trading, that includes more than an individual's or a company's own name, must be registered. Traders are required to commence trading under the registered name within two months of registration and to continue using the registered name. The registered name must be displayed conspicuously outside the registered address and any other business addresses and be used in full on all stationery and other business literature.

During 1999-00 CBAV registered 72,338 new business names, an increase of 29% over the previous year.

Figure 6. Business Names Registered



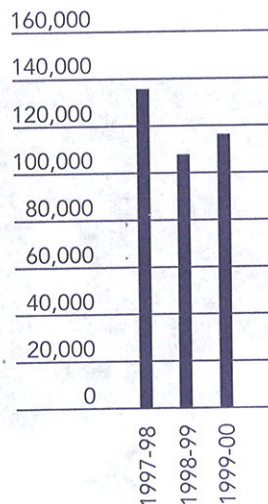
Demand for 'Internet names' to be registered has continued and is believed to account for a substantial component of the increased demand for registered business names. This occurs because customers register a business name to enable them to trade on the Internet as on-line businesses. This trend is expected to continue.

CBAV also provides a service to members of the public seeking information about a business name. For a small fee, an extract can be obtained which gives details of the names and addresses of the proprietors of a business. Extracts are also available for incorporated associations providing information about the name and address of an association, including the name of the Public Officer.

Some customers obtain information about business names through private information brokers. These brokers are provided with data under contract with CBAV and forward the search results electronically to their clients.

CBAV facilitated 110,368 business name searches this year, including those conducted through contracted information brokers.

Figure 7. Public Searches of Business Names Register



Registration of Co-operatives, Associations & Limited Partnerships

CBAV provides registration, advisory, supervisory and monitoring services to co-operatives, incorporated associations and limited partnerships.

Co-operatives

As well as keeping a register of all Victorian co-operatives, CBAV is responsible for receiving and checking annual returns, processing changes that co-operatives wish to make - such as a change of director, registered office or rules - and to generally monitor their operations.

A co-operative is one type of incorporated entity where members derive benefits primarily through their membership and use of the organisation rather than through distribution of profits. All members of legally incorporated co-operatives have limited liability for the debts of the co-operative. Under the *Co-operatives Act* 1996, a co-operative's board of directors is responsible to the membership in much the same way as the board of a company. An organisation will only qualify for incorporation as a co-operative if it adheres to the *General Principles of Co-operation* which are recognised internationally.

Under the transitional provisions of the *Co-operatives Act* 1996, co-operatives were allowed a period of two years to bring their rules into conformity with the new Act, in particular, to incorporate primary activity and active membership provisions. This transitional period elapsed on 30 September 1999 and the Registrar of Co-operatives subsequently granted extensions on application until 30 June 2000.

Despite concentrated compliance initiatives during the year, at 30 June 2000 there remained around 100 co-operatives which had not yet attempted to change their rules to conform with statutory requirements. The Registrar of Co-operatives intends to direct non-complying co-operatives to alter their rules to ensure compliance with the Act.

It is expected that this process will be completed by October 2000 when all co-operatives' rules will conform with the Act.

The number of registered co-operatives has declined in recent years, with an 18% decrease recorded since 1993-94.

Table 6. Number of Registered Co-operatives

No. of Registered Co-operatives	'97-98	'98-99	'99-00
New Co-operatives Registered	27	43	41
Total Number on Register at 30 June 2000	955	924	883

Incorporated Associations

The *Associations Incorporation Act* 1981 allows for the voluntary incorporation and registration of any association operating in Victoria. A minimum of five members is necessary to obtain and retain incorporation.

Incorporation benefits association members by limiting their personal liability and establishes a legally recognised entity for such purposes as entering into contracts and holding property. Incorporated associations are required to hold an annual general meeting (AGM) each year and lodge an annual statement with the Registrar of Incorporated Associations within one month after the AGM.

CBAV registers incorporated associations and monitors compliance with the requirements of the Act.

A significant proportion of incorporated associations are not fulfilling their reporting obligations. During 1999-00 CBAV conducted a compliance program to pursue lodgement of overdue annual returns. The

program targeted 516 prescribed associations, defined as associations with annual revenue over \$200,000 or assets over \$500,000, with overdue annual returns. Follow-up activities resulted in a 76% reduction in non-compliance within this group.

CBAV will increase its compliance and enforcement activities over the next year to ensure incorporated associations fulfil their reporting obligations.

Table 7. Number of Registered Incorporated Associations

No. of Registered Incorporated Assoc.	'97-98	'98-99	'99-00
New Incorporated Associations Registered	1,678	1,478	1,551
Total Number on Register at 30 June 2000	33,718	34,923	34,681

Limited Partnerships

The *Partnership (Limited Partnerships) Act 1992* provides for the registration of limited partnerships. These are partnerships between at least one limited partner, whose liability is limited to an agreed amount, and up to 20 general partners having unlimited liability. Currently, there are 37 limited partnerships on the register.

Occupational Licensing

The BLA operates under the *Business Licensing Authority Act 1998*. The BLA administers the licensing and registration provisions of the following Acts:

- *Consumer Credit (Victoria) Act 1995*
- *Estate Agents Act 1980*
- *Motor Car Traders Act 1986*
- *Prostitution Control Act 1994*
- *Second-hand Dealers and Pawnbrokers Act 1989*
- *Travel Agents Act 1986*
- *Introduction Agents Act 1997.*

Incorporated Association Case

On 8 December 1999, Care for Children Foundation Inc was prosecuted on two counts of breaches of the **Associations Incorporations Act 1981**. The charges involved failing to maintain accurate records and failing to display a registration number on association documents.

The association's Public Officer Juka Ribeiro of Narre Warren was also charged in relation to voting on a contract for which a committee member had an interest and improper use of a position in an incorporated association to gain a pecuniary advantage.

The association was convicted and fined \$400 and Mr Ribeiro was convicted and fined \$1,500.

The BLA provides a one-stop shop for licensing, registration and notification functions. It has eliminated the need for hearings to be conducted to determine applications.

If an application for a licence or registration is refused by the BLA, an applicant may appeal to VCAT which is responsible for reviewing the decisions of the BLA and other bodies. VCAT also hears disciplinary proceedings against persons who are licensed or registered to carry on business by the BLA. Disciplinary proceedings are the responsibility of, and are brought by, CBAV.

CBAV provides support services to the BLA, including:

- administrative activities associated with processing licensing and registration documents
- conduct of relevant probity and eligibility enquiries
- maintenance of databases and electronic registers across all schemes
- provision of information to the public and businesses about eligibility criteria for the businesses and occupations regulated under the legislation listed on the previous page.

In May 2000, the BLA's website was launched by the Minister for Consumer Affairs, Ms Marsha Thomson MP. The BLA website can be accessed

at www.bla.vic.gov.au and contains extensive information about:

- occupations and businesses covered by the BLA
- eligibility requirements for applicants
- licence and registration fees
- access to relevant laws
- forms that can be downloaded
- ongoing responsibilities
- news and useful information.

The website provides easy access to licensing and registration information and is of particular value to clients in regional and remote areas. Licensing staff are still available to answer enquiries by telephone or in person. The website also has links to other government websites containing licensing information, such as the Business Licensing Information Service (BLIS) and the Business Channel.

BLA Investigations

CBAV undertook 398 investigations in relation to matters before the BLA. The law governing regulated occupations such as estate agents, motor car traders and prostitution service providers requires that all new applications for licences be referred to both the Director of CBAV and to the Chief Commissioner of Police. This ensures that any relevant adverse history an applicant may have

Table 8. Number of Occupational Licences and Registrations

	Estate Agents	Motor Car Traders	Travel Agents	Credit Providers	Prostitution Service Providers	Introduction Agents	Second-hand Dealers & Pawnbrokers
No. at 30 June 1998	5,209	2,129	1,042	737	n/a	*	*
No. at 30 June 1999	5,292	2,224	960	683	152	57	5,866
No. at 30 June 2000	5,623	2,198	1,025	437	152	61	6,811
Applications Received	438	191	80	80	67	28	1,330
Applications Granted	406	178	75	75	22	24	1,540

* new scheme

is brought to the attention of the BLA when it is considering the grant of a licence.

In addition to new applications, CBAV investigates and reports on existing licensees who are applying for permission to retain their licensed status, despite having been involved in an event that would normally disqualify them. Such events include being convicted of a criminal offence or bankruptcy.

Guarantee Fund Claims Motor Car Traders Guarantee Fund

Consumers lodged 109 claims against the Motor Car Traders Guarantee Fund (MCTGF) during 1999-00. Of these, 65 were approved, 16 were refused and 39 were withdrawn. The total value of approved claims was \$390,892. The maximum payment for each claim is prescribed at \$40,000. The high withdrawal rate is largely a result of traders settling claims before they are considered by the Committee.

Over half of the claims made on the MCTGF related to the failure of licensed traders to forward a roadworthy certificate and transfer documents to Vicroads. The highest value claims paid from the MCTGF related to a licensed trader's failure to pass a good title to a purchaser, most of this type of claim involved the sale of stolen cars.

Twenty six claims were lodged against one trader in relation to stolen BMW cars. Of these, 11 claims were paid and 15 were refused. It appeared that the cars were stolen in NSW and fitted with compliance plates that mirrored identical cars owned elsewhere.

Estate Agents' Guarantee Fund

If a licensed estate agent, agent's representative or employee of a licensed estate agent misappropriates trust money, any person who has suffered a loss because of the misappropriation may make a claim on the Estate Agents' Guarantee Fund (EAGF).

One hundred and forty-three claims, totalling \$262,592.64, were paid from the EAGF in 1999-00. A further two claims were disallowed, and two claims were withdrawn. Of the 143 claims paid in 1999-00, 87 were in respect of security deposits, 52 related to rental monies, two involved sales deposits and two were concerned with other matters.

The table below summarises claims paid from the EAGF during 1999-00. As there is no time limit for making a claim, not all payments made relate to events detected during 1999-00.

Table 9. Claims Allowed Against the Estate Agents' Guarantee Fund 1999-00

Agent's Name	Location	No. of Claims Paid	Value of Claims Paid
Unknown person(s) at			
Beech Lynch & Co Pty Limited	Moorabbin	79	\$62,152.08
Beech Lynch & Co Pty Limited*	Moorabbin	14	\$10,665.37
Brian Michael McNamara* & Christopher Mark McNamara**	Yarrowonga	26	\$115,581.19
Joseph John Farrugia*	Sunshine	11	\$8,451.32
Sandra Mary Bryant**	Mount Waverley	5	\$3,330.02
John George Cannon*	Bittern	2	\$57,186.81
Angelo Metaxotos*	Doncaster	2	\$1,785.00
John Joseph Randolph Cleary**	Eltham	2	\$2,009.17
Janette Daphne Robb*	Melbourne	1	\$772.74
Finn & Kempe Pty Limited*	Belgrave	1	\$658.94

* Estate Agent **Agent's representative

Residential Tenancies Bond Authority

The Residential Tenancies Bond Authority (RTBA) is a statutory authority, established by the *Residential Tenancies Act 1997*, to hold all Victorian residential tenancy bonds, including those on long-term caravan rentals and rooming houses.

The RTBA holds bonds in a neutral capacity as trustee for landlords and tenants. The RTBA can only repay bonds as agreed by the landlord and tenant or as directed by VCAT or a court.

The RTBA is managed and supported by CBAV personnel, with the core processing activities of registering bonds and making repayments contracted to a registry firm, National Registry Services Pty Ltd, a subsidiary of BT Portfolio Services.

The ongoing management and direction of the RTBA is undertaken in close consultation with The Real Estate Institute of Victoria, Tenants Union of Victoria and the Office of Housing.

Bonds received by the RTBA are invested in the Residential Bonds Account. At 30 June 2000, 259,008 residential tenancy bonds were held by the RTBA, valued at \$196.7 million.

Interest earned on bonds is paid to the Residential Bonds Investment Income Account where it is applied to meet the costs of administration of the bond management system and to make contributions to the Residential Tenancies Fund.

The Act provides for the payment of interest on bonds subject to actuarial opinion on the sustainability of the Residential Tenancies Fund. Due to the low rate of interest presently earned on the Residential Bonds Account, the payment of interest has not been activated.

The RTBA's customer service standards are high and regularly being improved. Almost 145,000 bond lodgement transactions were handled during the

year, on average 2,860 per week. In addition, over 138,000 bond claims were processed, on average 2,770 per week.

All bond lodgement and repayment claims supported by a correctly completed form are processed on the day of receipt. Repayments made by direct credit are available in the payee's bank account the next day. Repayment of bonds originally funded from Office of Housing loans are now made by daily direct credit to the Office of Housing's bank account.

CBAV's RTBA call centre handled 59,947 calls during the year. The call centre was recently upgraded by the addition of extra staff and computer terminals to improve access to the remote database. A 1300 telephone number was also introduced to enable enquiries from regional areas at the cost of a local call (1300 137 164).

Real estate agents and others with large rental property portfolios are now being issued with a weekly statement of all bond lodgements, repayments and transfers registered against their name. A document exchange facility has been introduced to facilitate mail delivery and CBAV's website provides details about bond lodging requirements and processes, including answers to the most frequently asked questions.

Other education and information initiatives are ongoing, including visits to agents and presentations at property industry seminars.

With the assistance of the real estate industry, further service enhancements are being evaluated and will be progressively introduced.

Compliance with the bond lodging provision of the *Residential Tenancies Act 1997* is being pursued, including prosecution of non-complying landlords and promotion of these prosecutions to encourage voluntary compliance by other landlords who have not lodged bonds.

Property Sales of Beneficial Interest to Estate Agents

To prevent unethical conduct arising from conflicts of interest, section 55 of the *Estate Agents Act 1980* prohibits estate agents and their employees from purchasing any property or business which the estate agency is commissioned to sell. It also prohibits them from selling any such property to their direct family members or to business entities to which they or their direct family members belong.

The *Estate Agents Act 1980* allows this prohibition to be waived, subject to any necessary conditions, if it can be shown that the vendor's interests would not be compromised. This year, 194 waiver applications were made to CBAV and 193 were granted. This compares with 179 waiver applications approved last year.

CBAV is disturbed by the marked increase in the number of allegations in relation to breaches of section 55 of the *Estate Agents Act 1980*. The Act requires that the estate agent, agent's representative or any other employee, obtain permission from the Director of CBAV before signing any contract accepting title to a property.

A court may impose a penalty in relation to alleged breaches of section 55 and, in addition, the court may order the transfer of title to the agent's principal (the vendor) or alternately order the agent to account for and pay the principal any profit which may have been gained as a result of the sale. CBAV treats any allegations of breaches of section 55 very seriously.

Fundraising Appeals Notifications

CBAV registers notifications of fundraising appeals under the *Fundraising Appeals Act 1998*.

Under the former *Fundraising Appeals Act 1984*, less than 100 fundraisers applied for a permit. These were usually professional fundraisers who raised money on behalf of a beneficiary. Organisations which collected money on their own behalf were not required to apply for a permit under the 1984 Act.

The *Fundraising Appeals Act 1998* created a notification scheme in place of the 1984 scheme. The primary objectives of the Act are to:

- increase public accountability
- improve public confidence in the fundraising industry.

The Act regulates the fundraising industry by requiring a record to be kept of all monies raised and the use of badges identifying the organisation on whose behalf people are soliciting funds. Fundraisers are also required to notify CBAV of any public fundraising activities they undertake, at least 28 days prior to commencement of an appeal.

In the months leading up to the commencement of the 1998 Act on 1 July 1999, and immediately after, CBAV conducted a seminar program to inform the fundraising industry of its obligations under the Act. A hotline was also established to provide information about fundraising and this continues to operate.

During 1999-00, there were 1,699 fundraising notifications lodged and processed.

The Minister for Consumer Affairs has announced a review of the Act to ensure that it strikes a balance between the need to protect donors and the need to curtail the activities of illegitimate fundraisers.

Fundraising Case

The Disabled Childrens Foundation Inc was charged on two counts of breaches of the **Fundraising Appeals Act** 1984, the forerunner to the **Fundraising Appeals Act** 1998 which became operational from 1 July 1999.

The charges related to fundraising without consent and failing to disclose the association number on the association's documents.

On 17 August 1999, the Association was placed on a 12-month good behaviour bond and ordered to pay \$1,000 to the Court fund.

Product Safety and Standards

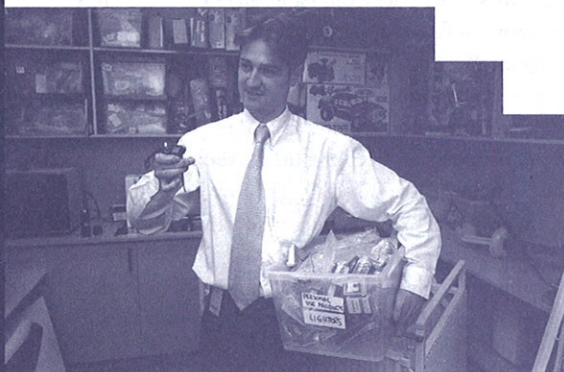
Under the *Fair Trading Act* 1999, CBAV is responsible for promoting the safety and standards of consumer products in order to protect the public against unreasonable risk of injuries or deaths associated with their use.

CBAV minimises risks arising from unsafe products by:

- implementing and enforcing mandatory standards and bans
- participating in the development of voluntary standards with industry, other government agencies and consumer organisations
- investigating and testing potentially dangerous products
- informing and educating consumers and traders through publications, visits, responding to enquiries and the media.

Safety Promotion at Royal Melbourne Show

The annual inspection of showbags was carried out before the 1999 Royal Melbourne Show. The contents of 252 showbags were examined. The Mummy Mask was found to have no breathing holes in the mouth or nose area and the distributor was advised to modify or remove the mask from sale. A media release was issued warning consumers about the problems associated with the mask. No safety complaints were reported during the Show.



CBAV rigorously tests suspect products to confirm safety standard compliance.

Information Gathering and Exchange

Information published on the Internet, in particular the US Consumer Product Safety Commission website and the Commonwealth Product Safety Recalls website, continues to be an important resource enabling CBAV to follow up and advise Victorian industry of problems and to provide information and advice to consumers. CBAV also maintains its own database of product safety investigations which is used to monitor trends in product related problems.

Communication with other government agencies and specific interest groups is promoted through participation on committees and working groups such as the Automotive Alternative Fuels Registration Board and the National Coronial Information System.

The AGS Parents, Children and Babies Expo held at the Melbourne Exhibition Centre in October 1999 was a key opportunity for CBAV to disseminate information, with over 3,000 copies of *Keeping Baby Safe* booklet and more than 2,500 safety information sheets on soft bedding, bunk beds, and children's cots distributed. The public responded well to CBAV's exhibit of dangerous products and the information and advice on product safety issues provided by officials in attendance.

Developing and Revising Australian and International Standards

CBAV is represented on a number of committees responsible for developing or reviewing Australian or joint Australian and New Zealand Standards for particular groups of products. Membership of these committees also requires CBAV to comment on draft standards from the International Organisation for Standardisation (ISO) and to vote on the adoption of existing, internationally-recognised ISO standards. This work is becoming increasingly important given the trend to align domestic and international standards.

CBAV took part in Standards Australia committees and reviewed or commented on several standards, including: cots for household use, bunks, portable folding cots, high chairs, children's nightwear, solid fuel burning appliances, swimming aids, portable fire extinguishers and fire blankets, car roof bars, children's toys, bicycles and cigarette lighters.

Consumer Products Advisory Committee

The Standing Committee of Officials of Consumer Affairs (SCOCA) established the Consumer Products Advisory Committee (CPAC) to provide advice on consumer safety matters and to develop and implement a national approach to consumer product safety issues.

CPAC met twice during the year and continued to work towards a national approach for the prevention of injury, particularly in relation to nursery furniture. Consumer education, ongoing monitoring of market behaviour, injury data collection and development and revision of product standards are some of the issues dealt with by CPAC.

Other issues before CPAC included uniform product safety legislation, controls on lead in consumer products and a Trans-Tasman Mutual Recognition Arrangement for consumer product regulation.

Banning Order

The Minister for Consumer Affairs made an order, under Part 3 Division 1 of the *Fair Trading Act* 1999, permanently prohibiting the supply in Victoria of candles with a wick or wicks that contain lead (Pb). Lead is an extremely toxic substance. The burning of candles with lead core wicks in confined spaces, such as a household environment, can create a health hazard due to elevated levels of lead in the blood, especially in children and pregnant women.

Maintaining an Effective Consumer Protection Framework

By monitoring and reviewing the current legislative framework, CBAV is able to ensure that the Government's consumer protection objectives are achieved.

CBAV reviews and develops legislation and policy to achieve the Government's consumer protection objectives.

Legislation and Regulations

Following the appointment of the new Minister in October 1999, a number of Acts were listed for review. These reviews will be finalised over the next two years.

The legislative reform program for 1999-00 included:

- passage of the *Business Registration Acts (Amendment) Act 2000* to facilitate electronic lodgement of documents with CBAV
- changing the name of the Office of Fair Trading and Business Affairs to Consumer and Business Affairs Victoria
- extending to 30 June 2003 the protection of hire purchase agreements for the purchase of farm machinery
- providing that brothels cannot increase the number of their rooms beyond six
- ensuring that the Corporations and Securities Panel can operate in Victoria
- facilitating domestic builders claiming GST after 1 July 2000 under domestic building contracts entered into prior to that date, and ensuring that consumers are adequately informed of the potential impact of GST on such contracts.



Table 10. Regulations Made or Revoked during 1999-00

Regulations	Date
Domestic Building Contracts and Tribunal (General Amendment) Regulations	30 November 1999
Fair Trading Regulations 1999	1 September 1999
Motor Car Traders (Prescribed Forms) Regulations 1999	1 September 1999
Credit (Administration)(Prescribed Forms) Regulations 1999	1 September 1999
Travel Agents (Prescribed Forms) Regulations 1999	1 September 1999

On-line Services Legislation

The *Business Registration Acts (Amendment) Act 2000* amended the *Business Names Act 1962*, the *Co-operatives Act 1996*, the *Partnership Act 1958* and the *Associations Incorporation Act 1981*. It completes a program of amendments to enable people to lodge copies of documents with CBAV by facsimile or electronic transmission. It also provides for persons to contract with an agent approved by CBAV to lodge documents on their behalf. This will be particularly useful for the lodgement of documents which must have multiple signatures. The Act also facilitates renewal of business names electronically, without the requirement for a signature; and the making of regulations providing for the keeping of records of documents or statements by applicants.

As well, the Act:

- provides for the correction of the registers maintained under the four Acts
- creates offences, where necessary, for provision of false or misleading information to the relevant statutory officers
- removes the requirement for forms to be prescribed in regulations made under the *Business Names Act 1962* and the *Associations Incorporation Act 1981* and allows the Director (or Registrar) to approve the design of forms which must contain information prescribed in the Acts or regulations made under them. This will enable the design of forms to change as technology progresses, without having to remake the regulations, but retains certainty as to their content

- changes references to 'Director of Fair Trading' in various Acts to 'Director of Consumer and Business Affairs' and updates references to the 'Office of Fair Trading and Business Affairs' to 'Consumer and Business Affairs Victoria'.

Hire Purchase

The *Hire Purchase (Amendment) Act 2000* amends the *Hire Purchase Act 1959* to extend the operation of sections 24 and 25 until 30 June 2003, which were due to expire on 1 April 2000. These sections allow courts to re-open hire purchase contracts for farm machinery and order the return of repossessed farm machinery. The extension will allow further time for a general review of statutory protections regarding farming finance, including a review of the effectiveness of other forms of protection for farmer credit, particularly section 51AC of the *Trade Practices Act 1974* (unconscionable conduct in commercial transactions), which might supersede the protection provided by the Hire Purchase Act.

Corporations Law

The Commonwealth's *Corporate Law Economic Reform Program Act 1999* introduced new provisions into the Corporations Law which strengthened and clarified the role of the Corporations and Securities Panel (the Panel); ensuring that the Panel is the sole forum for resolving takeover disputes during the period of a corporate takeover.

The *Corporations (Victoria)(Amendment) Act 2000* was passed to ensure that the removal of any role for the Supreme Court of Victoria was not

unconstitutional under section 85 of the Victorian Constitution. Section 85 requires that any removal of that jurisdiction is made clear to Parliament at the time of the passage of the relevant legislation. Under the Corporations Agreement, amendments to the Corporations Law passed by the Commonwealth Parliament automatically apply in Victoria, without the need for separate enactment. This means that the *Corporate Law Economic Reform Program Act 1999* became part of the law of Victoria without the Victorian Parliament agreeing to the removal of the jurisdiction of the Supreme Court. This was overcome by the passage of the separate Victorian Act.

The amendment ensures the Panel operates on the same terms in Victoria as in every other State, and preserves the uniform national corporations and securities scheme.

Domestic Building Contracts

The *Domestic Building Contracts Act 1995* was drafted before GST was a consideration. As a result, a number of issues have emerged in relation to contracts entered into before 1 July 2000 (the date from which GST was introduced), and under which work will not be completed until after 1 July 2000.

At the time of entering into these 'transitional' contracts, the amount of GST payable could not be determined; this has had unforeseen repercussions for both consumers and the industry. Although builders have the primary responsibility to pay GST to the Australian Taxation Office, they required a mechanism in their contracts to allow them to recover GST from the building owner. The building owner, in turn, needed to know how GST would affect their contracts if they were to span 1 July 2000.

The first difficulty arose in relation to the classification of the GST-recovery clauses under the Act. In transitional contracts, these clauses appeared to be capable of being characterised as either 'cost escalation' or 'price variation' clauses. Cost

escalation clauses cannot be inserted into domestic building contracts unless their wording has been approved by the Director of CBAV, and the clauses are accompanied by a notice which has also been approved by the Director, warning the building owner of the effects of the clause on the contract price. Price variation clauses, although not requiring the Director's approval, cannot be inserted without warning notices approved by the Director.

Failure to use the approved clauses and notices may lead to a dispute between the builder and the building owner regarding the obligation to pay GST. Where the parties cannot agree, the matter would be referred to VCAT.

The second issue concerned the application of the GST-recovery clauses. In transitional contracts, even approved GST-recovery clauses may make transitional contracts 'cost plus' contracts under the Act. Currently, the Act prescribes that cost plus contracts are unenforceable, and as a result, the builder can be prosecuted.

CBAV took steps to address these problems:

- New clauses and notices were drafted in relation to both cost escalation and price variation, following resolution of the complex legal issues involved. The new clauses and notices were approved by the Director and gazetted in November 1999.
- A regulation made on 30 November 1999 was designed to avoid the risk that approved GST clauses might conflict with the provisions of the Act regarding cost-plus contracts.
- The *Domestic Building Contracts (Amendment) Act 2000* was passed to ensure that domestic building contracts entered into before the date the clause and notices were gazetted, did not conflict with the cost plus provisions where they involved a GST-recovery clause.

Both consumer groups and industry associations were involved in the drafting of the new clauses and notices to ensure a thorough consultation process.

Case Study

Domestic Building Case

On 7 October 1999, Mr Cemal Mani of Roxburgh Park was convicted on nine charges involving breaches of the **Domestic Building Contracts Act 1995**, two breaches of the **Building Act 1993** and two breaches of the **Business Names Act 1962**.

The charges related to taking excessive deposits, being an unregistered builder, failing to provide required details in contracts, building without insurance, not having a building permit, trading without a registered business name and carrying on business within five years of being convicted of an offence involving dishonesty without obtaining the consent of the County Court.

Mr Mani was brought to the attention of CBAV after a number of complaints were received against him regarding poor quality, defective or incomplete building works.

Mr Mani was fined \$7,500.

Prostitution Control Case

In August 1999, CBAV lodged an application with VCAT to conduct an enquiry to determine whether there were grounds to take action against the holder of a prostitution provider's licence under the **Prostitution Control Act 1996**.

The application was made by CBAV following criminal charges being laid against Ms Ruza Brcic of Fitzroy by the Victoria Police. The charges related to child prostitution, the inducement of a person to engage in prostitution and carrying on a business in partnership with an unlicensed person.

On 14 September 1999, VCAT found that there were grounds to conduct an enquiry and suspended Ms Brcic's prostitution provider's licence.

Prostitution Control

The *Prostitution Control (Planning) Act 2000* inserted section 75A in the *Prostitution Control Act 1994*. Section 75A clarifies the application of planning controls to amendment of brothel permits. Part 4 of the *Prostitution Control Act 1994* imposes limits on brothel size and location, and restricts brothels to a maximum of six rooms used for prostitution. This is consistent with the objective of reducing the impact of prostitution on the community and the environment. However, a Supreme Court decision raised doubts as to whether Part 4 applied to the amendment of brothel permits, as opposed to grants of new permits, and also made it clear that Part 4 did not apply to permits granted before the *Prostitution Control Act 1994* commenced.

Section 75A ensures that planning controls are applied in a consistent manner to all brothel permits and curtails the use of the process for amending planning permits to expand room numbers beyond the limits contained in Part 4 of the *Prostitution Control Act 1994*. Transitional provisions ensure that any applications before VCAT on the date the Act received Royal Assent, 18 April 2000, will be decided in accordance with section 75A.

Finance Brokers

The *Finance Brokers Act 1969* and its licensing scheme for finance brokers was repealed on 1 July 1999. Part 4A was added to the *Consumer Credit (Victoria) Act 1995* and permits anyone to engage in the practice of finance broking unless disqualified by minority, insolvency or a history of criminality. Disqualified persons may obtain special permission to practice from the BLA on consideration of their circumstances. Exemptions from the licensing requirements under the repealed Act were continued until 30 June 2000 to allow for a review.

The review concluded that the only exemption now warranted is for a vendor who arranges credit for his or her customers in the course of supplying land,

goods or services to those customers. An Order in Council was made to continue the exemption after 30 June 2000.

Fuel Price Monitoring

The Victorian Fuel Price Monitoring Initiative was launched on 28 April 2000 in response to community concern about significant increases in fuel prices, particularly for LPG autogas which had increased by 66% in the previous year.

The objective of the initiative is to help Victorians, especially those in regional areas, to achieve the lowest price for petroleum-based fuels that the market can provide. Further objectives are to optimise consumer confidence in the pricing of petroleum-based fuels, and to enable them to benefit when there is price volatility. Unleaded petrol, diesel, and both autogas and bottled gas are included within the scope of the initiative.

Following the launch, television, radio and print media advertising was used to raise community awareness of LPG pricing issues and to encourage consumers to report the prices of LPG, unleaded petrol and diesel to CBAV's Price Monitor Hotline.

Community response was very positive; more than 9,000 people contacted the Price Monitor in the first 10 weeks. Price reports from the community are analysed on a weekly basis and published on CBAV's website.

Prices in 28 towns throughout Victoria are being monitored using data supplied by Informed Sources. Average prices on Monday, Wednesday and Friday are monitored and published on the website. The weekly averages of price observations are published in the Herald Sun and selected regional newspapers.

Publication of price information is designed to improve consumer information about comparative prices and to facilitate informed consumer choices.

The high prices paid by consumers in regional areas throughout Victoria has been of particular concern. From the analysis of trends, it is possible to identify anomalies in some locations which will be investigated further. Attention has also been focussed on ascertaining some of the major influences on price movements.

A pamphlet has been made available at service stations to promote the initiative and to inform the community about the components of fuel prices.

The issue of fuel pricing is clearly a Commonwealth responsibility. All of the data reported to the Price Monitor is being used to build a case to put to the Commonwealth Government. The Minister for Consumer Affairs has proposed to Joe Hockey, Federal Minister for Financial Services and Regulation, that the Federal Government refer the matter of LPG pricing to the ACCC for investigation.

Policy issues relating to fuel are currently being canvassed nationally with other Ministers for Consumer Affairs.

Other Policy Issues and Reviews Implementation of Fair Trading Act 1999 and Fundraising Appeals Act 1998

The *Fair Trading Act 1999* commenced on 1 September 1999. To ensure a smooth transition from the *Fair Trading Act 1985* (and other consumer protection acts that were superseded by the 1999 Act), a series of public seminars was conducted by CBAV in metropolitan and regional Victoria (refer to page 14 for details).

On 1 July 1999, the *Fundraising Appeals Act 1998* commenced, replacing the *Fundraising Appeals Act 1984*. To inform the public of the new notification scheme for fundraising appeals, CBAV conducted a public awareness campaign before and after the commencement of the 1999 Act (refer to page 14 for details).

Women Consumers - Motor Vehicle Project

This national initiative aims to develop policies and strategies to address discrimination against women in relation to the purchase, service and repair of motor vehicles.

The project is supported by all State and Territory consumer affairs and women's policy Ministers and the approach for the project is determined through a national working party. CBAV is represented on this working party.

The project has three stages:

- data collection and analysis
- policy development
- implementation.

During stage 1 of the project CBAV conducted a literature review, contributed to a national audit of laws, analysed complaints data, commissioned research among Victorian women and liaised with key stakeholders.

Findings from stage 1 will help develop a detailed picture of the critical issues for women consumers of motor vehicle industry products and services, and be used to identify specific initiatives and pilot strategies for later stages of the project.

The project provides tremendous scope for the Government to work in partnership with relevant industry bodies and interest groups to improve services for women customers. The benefits from the project may extend to other groups who feel disadvantaged in this industry sector eg young people, older people, people from linguistically and culturally diverse backgrounds and people with a disability.

National Competition Policy Reviews

The program of legislation review under National Competition Policy (NCP) is drawing to a close.

The Auction Sales Act has been reviewed co-operatively with the Department of Natural Resources and Environment and a Government response is being prepared.

Consultants are reviewing the *Estate Agents Act* 1980.

The national review of the regulatory scheme for travel agents, carried out by independent consultants, is complete and public consultation is planned for early in 2000-01.

Consultants are also carrying out a national review of the Consumer Credit Code.

Closer analysis led to a decision that an NCP review is not necessary for a number of Acts previously thought to require review. The Business Names, Credit (Administration), Defence Reserves Re-Employment, Discharged Servicemen's Preference, Fuel Prices Regulation, Funerals (Pre-Paid Money), Landlord and Tenant, Partnership, Petroleum Retail Selling Sites and Trustee Companies Acts have all been removed from the review schedule.

Other Reviews

Hire Purchase Act Review: Following the extension until 30 June 2003 of the operation of sections 24 and 25 of the *Hire Purchase Act* 1959 which allow courts to re-open hire purchase contracts for farm machinery and order the repossession of farm machinery, a general review of appropriate statutory protection for farming finance was commenced in April 2000. This will include a review of the effectiveness of other forms of protection for farmer-credit such as section 51AC of the *Trade Practices Act* 1974 (unconscionable conduct in commercial transactions).

Fundraising Appeals Act Review: A review of the *Fundraising Appeals Act* 1999 was commenced in May 2000. Its primary purpose is to assess the effect of the new Act and the balance between the

legislative requirements placed upon fundraisers and the objective that inappropriate persons do not raise funds.

Consultative Bodies

CBAV consulted with a wide range of consumer and industry representatives in the course of policy and legislation development; provision of information and services; and determining priorities for compliance and other work. Major consultative forums are outlined below.

Victorian Consumer Affairs Committee

The Victorian Consumer Affairs Committee (VCAC) was a source of policy advice to Ministers over 23 years and comprised members from consumer, community and business sectors.

Suzanne Russell, Associate Professor of Consumer Science at the Royal Melbourne Institute of Technology University, chaired the committee meetings. VCAC met three times during 1999 and held its final meeting on 20 December 1999.

CBAV is presently reviewing its consultative mechanisms.

Prostitution Control Act Ministerial Advisory Committee

The Prostitution Control Act Ministerial Advisory Committee is established under the *Prostitution Control Act* 1994 to advise the Minister on issues related to the regulation and control of the prostitution industry in Victoria.

The Committee meets monthly and also arranges public hearings on an ad hoc basis to discuss issues relating to the terms of reference established by the Minister.

The Committee comprises 11 members representing government, industry and community interests and is chaired by Ms Judith Dixon, Director of the

Victims Referral and Assistance Service. CBAV provides research and secretarial support to the Committee.

The Committee investigated and reported to the former Minister for Fair Trading on advertising by prostitution service providers for ancillary staff. This matter is presently being reviewed for the Minister for Consumer Affairs.

The Committee also continued its investigations into live sexually explicit entertainment, billboard advertising by brothels and other providers of sexually explicit entertainment, and the level of knowledge about the Act among exempt prostitution service providers.

The Committee was also asked to:

- investigate the incidence of illegal brothels in Victoria
- evaluate the level of unsafe sexual practices occurring in illegal brothels and make recommendations about how these practices can be reduced
- make recommendations on preventing the growth of illegal brothels.

Community Sector Forums

The Director meets quarterly with representatives from funded community agencies to discuss current policy developments. The meetings also provide an opportunity to keep community agencies apprised of progress on legislation and community education programs, and any recent actions which have been taken to address consumer and tenancy issues.

At recent forums, community workers have examined the different categories of complaints relating to motor vehicle repairs and progressed a number of pamphlets in conjunction with the Victorian Automobile Chamber of Commerce.

Other matters which have been advanced through forum discussions have included non-compliance with VCAT orders, reselling of electricity in caravan parks and alterations to forms.

Appendices

Appendix 1 Making a Consumer Complaint

Consumer and Business Affairs Victoria

Write to or visit CBAV at:

Consumer and Business Affairs Victoria
GPO Box 123A
Melbourne 3001

Website: www.consumer.vic.gov.au

CBAV is open for enquiries Monday to Friday between the hours of 8.30am and 4.00pm at Level 2, 452 Flinders Street, Melbourne.

Consumers can also submit enquiries or complaints via CBAV's website, by filling in the relevant form.

Telephone CBAV between 9.00am and 4.00pm Monday to Friday:

General enquiries	(03) 9627 6000
Building enquiries	(03) 9627 6100 or 1800 067 320
Business names enquiries	(03) 9627 6200 or 1800 242 251
Business licensing enquiries	(03) 9627 6299
Household goods/services enquiries	(03) 9627 6111 or 1800 634 389
Motor vehicle enquiries	(03) 9627 6001 or 1800 678 328
Residential tenancies enquiries	(03) 9627 6222 or 1800 136 716
Residential tenancies bond enquiries	(03) 9627 6143 or 1300 137 164

TTY/TDD number (for hearing impaired) (03) 9627 6020

Fax CBAV on:	Consumer enquiries	(03) 9627 6007
	Residential tenancies enquiries	(03) 9627 6223

Industry Complaint Handling Processes

Traders who are part of an industry association often have access to dispute resolution mechanisms available through their association. Generally this is a free service and one which can be explored by consumers if a resolution cannot be achieved via the member trader.

Victorian Civil and Administrative Tribunal (VCAT)

VCAT adjudicates disputes between consumers and traders, tenants and landlords, and traders against traders. Among others, VCAT comprises a Civil Claims List and a Residential Tenancies List. VCAT determinations are legally binding and enforceable.

VCAT can be contacted on (03) 9628 9800 or freecall 1800 133 055.

Community Groups

There are many groups within the community that provide advice, information and advocacy services for consumer and tenancy issues. See Appendix 3 for contact details of agencies that receive funding from CBAV.

Appendix 2 Enforcement Actions 1999-00

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
5 Jul 99	Karen Webb of Heathcote	MCTA	33A				Injunction not to trade in motor cars	Unlicensed motor car trading.
5 Jul 99	Wayne Colin McDonald of Heathcote	MCTA	33A				Injunction not to trade in motor cars	Unlicensed motor car trading.
8 Jul 99	Rafael Feldman of East St Kilda	FTA MCTA	12(a) 38(1)(a)	18 4	10,000	550	Conviction	Misrepresenting the history of motor cars and odometer tampering.
21 Jul 99	James William Crocker of Lockwood South	MCTA	33A				Injunction not to trade in motor cars	Unlicensed motor car trading.
23 Jul 99	T Bathurst & Co Pty Ltd of Melbourne (ACN 044 199 099)	F(PM/A)	7(2)(a) 7(2)(b)	1 28	25,000	750	Conviction	Fail to invest monies received within the specified time.
2 Aug 99	Trevor Boak of Langwarrin	MCTA	33A				Injunction not to trade in motor cars	Unlicensed motor car trading.
2 Aug 99	Harry Giovanakis of Coburg	MCTA	33A				Injunction not to trade in motor cars	Unlicensed motor car trading.
3 Aug 99	AAA Value Car Sales Pty Ltd of Windsor (ACN 073 532 804)	MCTA	35(2)(a) 35(3) 38(1)(a) 83(1)	7 8 8 7	3,000		Conviction	Fail to make Dealings Book entries. False or misleading entries in Dealings Book. Odometer tampering. Fail to disclose status as a motor car trader.
3 Aug 99	Kenneth Raymond Steele of Highett	MCTA	35(2)(a) 35(3) 38(1)(a) 83(1)	7 8 8 7	3,000	673	Conviction	A director of AAA Value Car Sales Pty Ltd charged with the same offences as the company.

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
10 Aug 99	Diskway Pty Ltd of Melbourne (ACN 074 599 143)	MCTA	52(2)(b)(i)	19	1,900			Fail to enter details on forms attached to motor cars displayed for sale.
17 Aug 99	Disabled Childrens Foundation Inc of Melbourne	FAA AIA	36 30A	1 1			12-month good behaviour bond & ordered to pay \$1,000 into the Court Fund	Fundraising without consent and fail to disclose association number.
25 Aug 99	Paul Butcher of Glenhuntly	DBCA FTA	11(1)(b) 29(a) 31(1) 12(e)	1 1 1 1	1,500	547	Conviction	An unregistered builder who prepared an inadequate contract, received a deposit in excess of that permitted and who made false representations.
3 Sep 99	Edward (Ted) Bull Pty Ltd of Hastings (ACN 006 520 958)	F(PM)A	4 5(1)(b) 7(2)	10 10 10	10,000	1,400	Conviction	Fail to provide details of investment. Fail to have required provisions in contract. Fail to invest money as prescribed.
3 Sep 99	Edward Eli Bull of Somerville	F(PM)A	4 5(1)(b) 7(2)	10 10 10			12-month good behaviour bond & ordered to pay \$1,200 into the Court Fund	A director of Edward (Ted) Bull Pty Ltd charged with the same offences as the company.
8 Sep 99	Laurence Chilcott of Mitcham	FTA	19	2	200	632.50		Promotion of a referral-selling scheme for the purchase of gold coins.
15 Sep 99	Helen Stephenson of Bendigo	COA	415(a) 416(1)(b) 452(1)	1 2 3	12,000	1,030		Making false statements, mis-applying the property of a co-operative and making false entries in accounts.

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
22 Sep 99	Ward Trew & Laver Pty Ltd of Cheltenham (ACN 006 272 724)	EAA	16B	1	500	495		Estate agent employing an undischarged bankrupt.
1 Oct 99	Dennis Loftus of Malvern East	DBCA	31(1)(n) 31(1)(q) 31(1)(r)	1 1 1	2,000	495		Fail to include, in a contract, references to warranties, cooling-off and a checklist. False representation as to membership of the Master Builders Association.
6 Oct 99	Zlatko Trajceviski of Sunshine	DBCA	11 29 31(1)(g) 31(1)(i) 31(1)(n) 31(1)(q) 136(2)	1 1 1 1 1 1 1		487	6-month good behaviour bond & ordered to pay \$250 into the Court Fund	An unregistered builder who received a deposit in excess of that permitted; failed to provide start and finish dates; failed to provide details of a cooling-off period and failed to provide a warranty and insurance cover.
6 Oct 99	John Damcevski of Sunshine	DBCA	11 29 31(1)(g) 31(1)(i) 31(1)(n) 31(1)(q) 136(2)	1 1 1 1 1 1 1		487	6-month good behaviour bond & ordered to pay \$250 into the Court Fund	An unregistered builder who received a deposit in excess of that permitted; failed to provide start and finish dates; failed to provide details of a cooling-off period and failed to provide a warranty and insurance cover.
6 Oct 99	Warren James Smith of Armadale	EAA	16(2)	2	400	495		Acting as an estate agents' representative whilst ineligible to be so employed.

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
7 Oct 99	Cemal Mani of Roxburgh Park	DBCA	11	1	7,500	487	Conviction	An unregistered builder trading under an unregistered business name and without the consent of the County Court after being convicted of dishonesty, entering into a contract without a building permit; receiving a deposit in excess of that permitted; failing to provide a starting date; failing to provide details of a cooling-off period and failing to provide a warranty and insurance cover.
			29	1				
			31(1)(g)	1				
			31(1)(n)	1				
			31(1)(q)	1				
			16(1)	1				
136(2)	BA	BNA	1	1				
			5	1				
			5A	1				
8 Oct 99	Robert H Hodges Estate Agency Pty Ltd of Brighton (ACN 050 278 861)	EAA	16B	1	500	495		Permitting an unqualified person to work as an estate agents' representative.
14 Oct 99	Phillip Allwood of Mt Eliza	DBCA	11	1	2,000	485		An unregistered builder trading under an unregistered business name received a deposit in excess of that permitted; failed to provide a starting date; failed to provide details of a cooling-off period and failed to provide a warranty and insurance cover.
			29	1				
			31(1)(g)	4				
			31(1)(i)	1				
			31(1)(n)	1				
			31(1)(q)	1				
136(2)	BA	BNA	1	1				
			5	1				

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
19 Oct 99	Arthur Malacos of East Hawthorn	DBCA	11(1)(b) 29	1	3,500	312	Conviction	An unregistered builder who entered into a major domestic building work contract. The contract was not in writing, there was no insurance taken out on the building and an excessive deposit was demanded.
19 Oct 99	Bill Damatopoulos of East Hawthorn	DBCA	11(1)(b) 29	1	3,500	312	Conviction	An unregistered builder who entered into a major domestic building work contract. The contract was not in writing, there was no insurance taken out on the building and an excessive deposit was demanded.
		BA	31(1) 136(2)	1				
		BA	136(2)	1				
20 Oct 99	Dragan Jockovic of Seaford	FTA	19	1		100	12-month good behaviour bond & ordered to pay \$300 into the Court Fund and restitution of \$320	Referral selling in connection with gold coins.
21 Oct 99	V & A Spiteri Jaguar Pty Ltd of Hawthorn East (ACN 051 698 983)	MCTA	33A				Injunction not to trade in motor cars	Unlicensed motor car trading.
21 Oct 99	Victor Paul Spiteri of Vermont	MCTA	33A				Injunction not to trade in motor cars	Unlicensed motor car trading.
21 Oct 99	Adeline Anne Spiteri of Vermont	MCTA	33A				Injunction not to trade in motor cars	Unlicensed motor car trading.

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
25 Oct 99	Mohammed Allouche of Fawkner	MCTA	33A				Injunction not to trade in motor cars	Unlicensed motor car trading.
26 Oct 99	Graham Cummins of Wahgunya	DBCA BNA	11 29 5(1)	1 1 1	2,000	425	Conviction	An unregistered builder trading under an unregistered business name received a deposit in excess of that permitted.
10 Nov 99	John Baumgurtel of Mildura	FTA	12(i)	7	5,000	2,500		Falsely state on motor car loan applications that a deposit had been paid.
17 Nov 99	Alan Wilkins of Frankston	RTA	Sch 1-8(1) Sch 1-8(5)	1 1		510	6-month good behaviour bond	A landlord who failed to give a security deposit to the RTBA and then failed to return the deposit to the tenant.
18 Nov 99	Darryl Porter of Warrnambool	DBCA BA	29 31(1) 136(2)	1 4 1		450	12-month good behaviour bond & ordered to pay \$550 into the Court Fund	An unregistered builder who failed to provide starting and finishing dates; failed to provide details of a cooling-off period and failed to provide a warranty and insurance cover.
19 Nov 99	Rodney Elliot of Essendon	CAA FTA	57F 12(h)	2 1		595	4-month good behaviour bond	Supplying banned toys made of a material which expands when in contact with water.
25 Nov 99	John Maguire of Leopold	FTA	146				Undertaking	Misrepresentations in relation to Year 2000 compliance.

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
29 Nov 99	Philomena Cornu of North Carlton	TAA FTA	6(1)(a) 12(e)	2 4	5,000	10,324.98	Conviction	Carrying on the business of a travel agent whilst not being licensed and representing that such business was licensed.
1 Dec 99	Harold Hair of Ringwood	DBCA	11 29 31(1)(g) 31(1)(i) 31(1)(n) 31(1)(q) 136(2)	1 1 1 1 1 1 1		956	12-month good behaviour bond & ordered to pay \$800 into the Court Fund	An unregistered builder who who received a deposit in excess of that permitted; failed to provide start and finish dates; failed to provide details of a cooling-off period and failed to provide a warranty and insurance cover.
8 Dec 99	Care for Children Foundation Inc of Richmond (ARN-A0036810D)	AIA	30A 12A(2)(b)	1 1	400		Conviction	Fail to maintain accurate and adequate records. Fail to display registration number.
8 Dec 99	Juka Ribeiro of Narre Warren	AIA	29C 29A(2)	1 1	1,500		Conviction	Voting on a contract in which a committee member of Care for Children Foundation Inc has an interest and pecuniary advantage.
8 Dec 99	Demitrios Vakras of East Keilor	DBCTA	11(1)(b) 29 31(1)(b) 136(2) 12(1)(b) 5(1)	12 6 6 6 11 6	3,700	1,000	Conviction & ordered to pay \$3,200 in restitution	An unregistered builder trading under an unregistered business name who received an excessive deposit under a contract which did not contain the full terms and who failed to provide insurance for the building work. The builder also failed to provide the owner with notification of a cooling-off period.

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
15 Dec 99	Lisa Anne Brockley of Horsham	CAA	57F	1		250	12-month good behaviour bond	Supplying banned goods.
20 Dec 99	G J Travel Pty Ltd of Melbourne (ACN 082 937 308)	TAA	6(1)(a)	1	2,000	884		Unlicensed travel agent.
21 Dec 99	Michael Ahmed of East Burwood	MCTA	7(1)	2	32,000	738	Conviction	Unlicensed motor car trading.
21 Dec 99	Stephen Douglas Smithard of Bloomfield	DBCA BNA	13(1) 5(1)	4 1		528	12-month good behaviour bond & ordered to pay \$500 into the Court Fund	Entering into a cost plus contract for domestic building work and trading under an unregistered business name.
29 Dec 99	TCK Marketing Pty Ltd of Richmond (ACN 077 381 296)	FTA	146				Undertaking	Conduct in relation to the marketing of electricity.
29 Dec 99	Parker Marketing International Pty Ltd of Springwood Qld (ACN 080 421 521)	FTA	146				Undertaking	Conduct in relation to clairvoyancy.
31 Jan 00	Peter Hill of Diamond Creek	MCTA	33A				Injunction not to trade in motor cars	Unlicensed motor car trading.
3 Feb 00	David Goldberg of Caulfield	MCTA	33A			1,250	Injunction not to trade in motor cars	Unlicensed motor car trading.

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
4 Feb 00	Violet Barker of Thornbury	RTA	100(1)(a)	17	5,500	1,063	Conviction	Fail to give a written receipt. Fail to identify rooming house on receipt.
			100(3)(a)	2				
			100(3)(c)	1				
			100(3)(d)	2				
			124(a)	4				
16 Feb 00	Michael Knight of Chippendale NSW	FTA 1999	273(1)(a)	1	25,000	3,870	Conviction	Fail to identify amount of rent paid. Fail to display and give a resident a statement of rights and duties.
			373	1				
			12(i)	1				
14 Feb 00	Michael Ahmed of East Burwood	MCTA	7(1)	2	21,600	978	Conviction (on appeal from the Magistrates' Court 21/12/99)	Force or attempt to require a resident to vacate a room. Fail to give the principal registrar written notice of a notice to leave. Falsely advertise the amount of rent for a room.
16 Feb 00	Rowland Ferguson Tidd of North Balwyn	MCTA	36(2)	2	1,300		12-month good behaviour bond & ordered to pay \$500 into the Court Fund	Unlicensed motor car trading.
16 Feb 00	Michael Knight of Chippendale NSW	FTA 1999	12(i)	2	25,000	3,870	Conviction	False representations in relation to advertising. Bait advertising relating to a product for sale in circumstances where the product could not reasonably be expected to be delivered.
			12(n)	2				
			17(1)	1				

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
16 Feb 00	Bruce Wilson of Ringwood	MCTA FTA	36(2) 12(i)	2 2		1,300	12-month good behaviour bond & ordered to pay \$1,000 into the Court Fund	Consignment selling. Misrepresenting the price obtained upon the sale of motor cars.
18 Feb 00	Peter Dimiropoulos of Bulleen	RTA	229(1)(a) 406	1 1	550	480		Attempt to compel a tenant to vacate rented premises. Fail to lodge a tenant's bond with the RTBA.
22 Feb 00	James Counihan of Balnarring	DBCA	29(a)	1		936	12-month good behaviour bond	Entering into a domestic building contract without being a registered builder.
1 Mar 00	Westmeats Pty Ltd of Brighton (ACN 004 879 136)	RTA	405(1) 406	1 1	250 500	407.50	Conviction	Fail to provide tenant with completed bond lodgement form. Fail to pay a tenant's bond to the RTBA.
1 Mar 00	Martin Wieselmann of Toorak	RTA	405(1) 406	1 1	250 500	407.50	Conviction	Fail to provide tenant with completed bond lodgement form. Fail to pay a tenant's bond to the RTBA.
2 Mar 00	Sarah Christine Coy of Jindera NSW	RTA	264(1)	1	300	775		Re-letting residential premises without the consent of VCAT.
7 Mar 00	Techno Steel Industries Pty Ltd of Geelong (ACN 070 792 853)	DBCA	11(1)(a) 29 31(1) 136(2)	2 2 2 2		790	12-month good behaviour bond	An unregistered builder who entered into a major domestic building work contract. The contract was not in writing, there was no insurance taken out on the building and an excessive deposit was demanded.

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
7 Mar 00	George Herbert Tirkot of Teesdale	DBCA BA	11(1)(a) 29 31(1) 136(2)	2 2 2 2		790	12-month good behaviour bond & ordered to pay \$2,000 into Court Fund	A director of Techno Steel Industries Pty Ltd charged with the same offences as the company.
8 Mar 00	Barry Accola of Mildura	FTA	12(i)	1		9,500	12-month good behaviour bond on condition that \$7,000 compensation is paid to consumer	False representations in connection with an application of finance for a motor car.
16 Mar 00	Michael Vincent Stirton of McCrae	MCTA	33A				Injunction not to trade in motor cars	Unlicensed motor car trading.
22 Mar 00	Jovo Karaga of Dandenong	RTA	405(1) 406	1 1	650	38	Conviction	Fail to complete a bond lodgement form. Fail to pay bond money to the RTBA.
23 Mar 00	Khaled Taha of Coburg	MCTA	33A				Injunction not to trade in motor cars	Unlicensed motor car trading.
23 Mar 00	Barry Huppertz of Portland	EAA EA(GAA) Regs	59(1)(a) 12 35(1) 36	8 1 5 5	1,000	875		Fail to bank monies by the required time. Fail to reconcile trust accounts and that statements were accurate.
27 Mar 00	Adstar Corporation Pty Ltd of Caulfield North (ACN 063 064 488)	FTA	12(e)	2	100	468		False representations relating to State and Federal accreditation as Y2K computer consultants and specialists.
27 Mar 00	Morry Gannon of Caulfield South	FTA	12(e)	2	100	465		A director of Adstar Corporation Pty Ltd charged with same offences as the company.

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
12 Apr 00	E J Love & Co (Northcote) Pty Ltd of East Melbourne (ACN 062 844 928)	EAA	16(4)	1		378	12-month good behaviour bond & ordered to pay \$500 into Court Fund	Appointing a person to act as agents' representative without ascertaining that the person was not ineligible to be so appointed.
12 Apr 00	Garry Lee Brown of North Warrandyte	EAA	16(4)	1		378	12-month good behaviour bond & ordered to pay \$500 into Court Fund	A director of E J Love & Co (Northcote) Pty Ltd charged with the same offence as the company.
13 Apr 00	Vijitha Seneviratne Epa of Mt Waverley	MCTA	38(1)(a) 38(4)	25 25		449	12-month good behaviour bond	Odometer tampering and false representation of odometer readings in the course of the sale of motor cars.
18 Apr 00	Dianne Zerafa of Glenroy	RTA 1997 Sch1-8(5) RTA1980	77(2)(c)	1 1	1,000	489	Conviction	Fail to give a security deposit to the RTBA and fail to return a security deposit to a tenant who lawfully vacated rented premises.
3 May 00	Mokhtar Kakar of Noble Park	TAA	8(7)	1	1,000	550	Conviction	Making a false and misleading statement in an application for a Travel Agents' licence.
4 May 00	Kevin Barry Seamer of Upper Ferntree Gully	MCTA	35(2) 52(1) 52(2)(b)(i)	18 6 64	10,600	1,418	Conviction	Fail to enter prescribed details in a Dealings Book. Fail to attach notice to motor cars displayed for sale. Fail to include details on a notice attached to motor cars displayed for sale.
4 May 00	Phillip Alexander Johnstone of Ringwood	EAA	59(6) 63(3)(b)	2 2	1,000	756	Conviction	Fail to immediately pay to an employer deposits received on the sale of real estate. Fail to provide receipts in the prescribed form.

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
9 May 00	Slavko Rendevski of Burwood	MCTA	33A				Injunction not to trade in motor cars	Unlicensed motor car trading.
17 May 00	Kevin Francis Wright of Croydon	RTA FTA	229 12				Undertaking	Advising tenant that RTA did not apply to a lease. False representations.
22 May 00	Alla Geller of Carnegie	FTA	12(a)				Undertaking	Alleged misrepresentations in relation to the sale of computers.
22 May 00	Compu Centre Pty Ltd of Caulfield (ACN 063 314 376)	FTA	12(a)				Undertaking	Alleged misrepresentations in relation to the sale of computers.
24 May 00	Christopher Harmer of Pakenham Upper	DBCA BA	11 29 31(1) 136(2)	2 2 6 2	18,000	1,033	Conviction	An unregistered builder who entered into two domestic building contracts, demanded and received excessive deposits, failed to include specific terms in a written contract and failed to provide prescribed insurance cover.
26 May 00	Neil Robert Wynne of Upwey	DBCA	11 31(1)(g) 31(1)(i) 31(1)(n) 31(1)(q)	1 1 1 1 1		432	12-month good behaviour bond	A builder who received an excessive deposit and failed to include specific provisions in a written contract.
26 May 00	Margaret Helen Wynne of Upwey	DBCA	11 31(1)(g) 31(1)(i) 31(1)(n) 31(1)(q)	1 1 1 1 1			12-month good behaviour bond	A partner of Neil Robert Wynne charged with the same offences.

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
9 Jun 00	Andrew Womersley of Warrnambool	DBCA BNA	31 5(1)	4 1		1,335	12-month good behaviour bond & ordered to pay \$1,000 into Court Fund	An unregistered builder who entered into a domestic building contract that was not in writing; failed to provide a commencement date; failed to provide a completion date and failed to provide information to the owner on cooling-off rights and warranties.
15 Jun 00	Malcolm McClure of Glenburn	FAA	7 17 27 29 44	1 1 3 1		1,860	12-month good behaviour bond	Fundraising without consent; making a false representation; fail to bank monies and keep accurate records; fail to comply with a notice.
20 Jun 00	Paul Reynolds of Boronia West	DBCA BA FTA	29 31(1) 136(2) 12(e)	1 4 1 1	1,000	763		An unregistered builder, who falsely represented himself as registered, entered into a domestic building contract; failed to include specific terms in a written contract and failed to provide prescribed insurance cover.
22 Jun 00	David Walter Collier of Ferntree Gully	CCM/A FTA	144(1) 12(e)	2 2	6,000	942		Making false statements in relation to loan applications in connection with finance for motor cars.

Abbreviations:

AIA	Associations Incorporation Act 1981	EAA	Estate Agents Act 1980
BA	Building Act 1993	EI(GAA)	Estate Agents (General, Accounts and Audit) Regulations 1997
BNA	Business Names Act 1962	FAA	Fundraising Appeals Act 1984
CA	Credit Act 1984	F(PM/A)	Funerals (Pre-paid Money) Act 1993
CAA	Consumer Affairs Act 1972	FTA	Fair Trading Act 1985/1999
CCM/A	Consumer Credit (Victoria) Act 1995	HCGA	House Contracts Guarantee Act 1987
COA	Co-operatives Act 1996	MCTA	Motor Car Traders Act 1986
DBCA	Domestic Building Contracts Act 1995	RHA	Rooming Houses Act 1990
DBCTA	Domestic Building Contracts & Tribunal Act 1995	RTA	Residential Tenancies Act 1980/1999
		TAA	Travel Agents Act 1986

Appendix 3 Grants to Community-Based Agencies

CBAV's Fair Trading Community Program provides funding to regional community-based agencies to provide information and education services to consumers, tenants and landlords. The program also provides dispute resolution and advocacy services to consumers and tenants, especially to disadvantaged members of the community. Funding is also provided to specialist and statewide service providers for various consumer and tenancy-related activities.

Grants for Fair Trading Community Program - Regional Services, 1999-00

Funded Agency	Value of Grant	Purpose of Grant
Jindara Community Program Inc (formally Financial Counselling and Consumer Information Service Inc) 202 Myer Street, GEELONG 3220	\$194,216	Barwon Region
Anglicare Gippsland 65 Church Street, MORWELL 3840	\$139,159	Central Gippsland
Child and Family Services Ballarat Inc 115 Lydiard Street North, BALLARAT 3350	\$131,344	Central Highlands Region
Kilmany Family Care 113 Cunningham Street, SALE 3850 AND 49 McCulloch Street, BAIRNSDALE 3875	\$134,401	East Gippsland Region
Community Connections (Victoria) Ltd 26 Fairy Street, WARRNAMBOOL 3280 AND 63 Percy Street, PORTLAND 3305 AND Currawong Family Services 92 Thompson Street, HAMILTON 3300	\$166,354	Glenelg Region
Consumer and Tenancy Advice Service Inc 162 Maude Street, SHEPPARTON 3630	\$175,782	Goulburn Region
St Lukes Anglicare 175-187 Hargreaves Street, BENDIGO 3550	\$159,038	Loddon Campaspe Region
Mallee Tenancy Advice Service Inc 1/152 Pine Avenue, MILDURA 3500 AND 300 Campbell Street, SWAN HILL 3585	\$214,125	Mallee Region
Consumer and Tenant Advice Service Northern Tenants Union of Victoria Ltd 251 High Street, PRESTON 3072 AND 175 Glenroy Road, GLENROY 3046	\$250,000	Combined North East and North West Region

Funded Agency	Value of Grant	Purpose of Grant
Consumer and Tenant Resource Centre Outer East Inc Suite 11, 5-7 Chandler Road, BORONIA 3155	\$143,593	Outer East Region
Consumer and Tenancy Advice Service Inc 110 Hume Street, WODONGA 3690 AND 32 Ford Street, WANGARATTA 3677	\$157,332	Upper Murray Region
Brimbank Community Centre Inc 822 Ballarat Road, DEER PARK 3023	\$214,201	Western Region
Springvale Community Aid & Advice Bureau Inc 5 Osborne Avenue, SPRINGVALE 3171	\$162,597	Westernport Region LGA of Greater Dandenong
Peninsula Community Legal Centre Inc Chatsworth House Suite 2-4, 431 Nepean Highway FRANKSTON 3199	\$223,158	Westernport Region LGA's of Mornington Peninsula, Frankston, Kingston, Casey and Cardinia
Wimmera Community Care 185 Baillie Street, HORSHAM 3400	\$107,937	Wimmera Region

Grants for Consumer Specialist Services, 1999-2000

Funded Agency	Value of Grant	Purpose of Grant
Consumer Credit Legal Service 1st Floor, Bank House 11-19 Bank Place MELBOURNE 3000	\$133,179	To promote and safeguard industry standards that achieve a fair financial services market, including objections to registration, class actions and selected individuals who have been unfairly treated, particularly those who are disadvantaged and have limited access to redress
Financial and Consumer Rights Council Inc 2nd Floor, 247 Flinders Lane MELBOURNE 3000	\$65,489	To resource and support consumer support workers, represent members' views to Government and the community and co-ordinate statewide campaigns on key consumer issues

Grants for Tenancy Specialist Services, 1999-00

Funded Agency	Value of Grant	Purpose of Grant
Family Access Network 1030 Whitehorse Road BOX HILL 3128	\$85,273	Inner East Regional Services
Tenants Union of Victoria Ltd 55 Johnston Street FITZROY 3065	\$225,000	Inner Urban Regional Services
Housing for the Aged Action Group Inc 2nd Floor, Ross House 247-251 Flinders Lane MELBOURNE 3000	\$66,095	Provision of community education, information, advice and advocacy and support service on tenancy issues for the aged as a statewide project
Tenants Union of Victoria Ltd 55 Johnston Street FITZROY 3065	\$92,364	Undertaking of statewide resourcing, and supporting of regional tenancy advice services, research, policy and community education work
Tenants Union of Victoria Ltd Rooming House Service 55 Johnston Street FITZROY 3065	\$129,281	Provision of rooming house resident information, advice, complaint resolution & advocacy services. Contribution to policy development & legislative change on rooming house issues.

Appendix 4

Grants from Consumer Credit Fund

Grants are made from the Consumer Credit Fund on an annual basis for:

- education services, including advice or assistance to people who have been provided with credit
- research into the use of credit.

The availability of grants is advertised in the media around June each year. An advisory committee appointed under the *Credit (Administration) Act 1984* reviews applications and makes recommendations to the Minister for Consumer Affairs on which applicants should receive funding. Two new members were appointed to the Advisory Committee and four ongoing members were reappointed until 30 June 2001.

Fourteen projects received grants this year totalling \$220,144.

Grant Recipient	Value of Grant	Description of Funded Activity
Anglicare Gippsland	\$12,500	Outreach and community development to the Koori Community of Central Gippsland
Association of Neighbourhood Houses and Learning Centres	\$17,500	Community Education on Credit - Neighbourhood Houses
Carlton Contact Neighbourhood House	\$4,574	Consumer Credit Education for low income residents and refugees and migrants
Consumer Credit Legal Centre	\$6,000	Update of <i>How to Get out of a Contract Signed at Home</i>
Consumer Credit Legal Centre	\$7,500	Consumer Credit Code Review
Consumer Law Centre	\$31,850	Research <i>The Fair Deal on Cheque Fees</i>
Financial and Consumer Rights Council	\$31,886	Research project <i>Debt Recovery: Current State of Play</i>
Financial and Consumer Rights Council	\$5,750	Multilingual financial counselling brochures
Financial and Consumer Rights Council	\$19,328	Updating the Consumer Credit Information Bank
Footscray City Legal Centre and Financial Counselling	\$6,600	<i>Yeah Sure - No Interest</i> ; Non-English speaking young people, consumer credit and debt project
Kildonan Child and Family Services	\$27,854	<i>What Does It Mean?</i> booklet
Monash University/Monash Oakleigh Legal Service	\$18,000	Research project <i>Leasing by Victorian Consumers: Problems and Strategies</i>
Victorian Borrowers Association	\$19,478	Employment of a co-ordinator
Victorian Borrowers Association	\$11,324	Newsletter <i>The Borrower's Choice</i>
TOTAL	\$220,144	

Appendix 5 Grants from Estate Agents Guarantee Fund

Under section 76(3) of the Act, the Minister for Consumer Affairs may approve grants from the EAGF for six purposes:

- a) Community education programs relating to the sale, purchase or lease of real estate or businesses.
- b) Programs that promote the ownership of real estate.
- c) The training of estate agents and agents' representatives.
- d) Promoting the mediation or conciliation of disputes between estate agents and the public.
- e) Reviewing or reforming the law and procedures concerning the lease or transfer of interests in land.
- f) Projects facilitating the registration of interests in land or compilation of other information relating to the ownership of land.

Grants considered by the Estate Agents Council and CBAV and approved by the Minister for Consumer Affairs during 1999-2000, are detailed below.

Applicant	Value of Grant Approved	Description of Funded Program
The Real Estate Institute of Victoria	\$29,200	Conduct of Buying a Business seminars
The Real Estate Institute of Victoria	\$25,700	Development of an equal opportunity policy for estate agents
The Real Estate Institute of Victoria	\$483,892	Conduct of subsidised professional development program for estate agents
The Real Estate Institute of Victoria	\$20,680	Conduct of free Homebuyer seminars for the general public
The Real Estate Institute of Victoria	\$179,138	Conduct of an information service for the general public during 1998-99
The Real Estate Institute of Victoria	\$153,543	Conduct of an information service for the general public for 1999-00
Credit Helpline	\$42,470	Conduct of a telephone advice service in relation to credit provided for the purchase of property
Ecumenical Housing	\$30,640	Development of a community housing training program
TOTAL	\$965,263	

Appendix 6

Legislation Administered by CBAV

The following pieces of legislation were assigned to the Minister for Consumer Affairs as at 30 June 2000.

- *Associations Incorporation Act* 1981
- *Auction Sales Act* 1958
- *Business Investigations Act* 1958
- *Business Licensing Authority Act* 1998
- *Business Names Act* 1962
- *Carriers and Innkeepers Act* 1958
- *Chattel Securities Act* 1987 excluding Part 3 (this part administered by the Minister for Transport)
- *Collusive Practices Act* 1965
- *Companies (Administration) Act* 1981
- *Consumer Credit (Victoria) Act* 1995
- *Co-operatives Act* 1996
- *Corporations (Victoria) Act* 1990
- *Credit Act* 1984
- *Credit (Administration) Act* 1984
- *Credit Reporting Act* 1978
- *Defence Reserves Re-employment Act* 1995
- *Discharged Servicemen's Preference Act* 1943
- *Disposal of Uncollected Goods Act* 1961
- *Domestic Building Contracts Act* 1995 (Except Part 5 - which is administered by the Attorney-General)
- *Estate Agents Act* 1980
- *Fair Trading Act* 1999
- *Financial Institutions (Victoria) Act* 1992
- *Friendly Societies (Victoria) Act* 1996
- *Frustrated Contracts Act* 1959
- *Fuel Prices Regulation Act* 1981
- *Fundraising Appeals Act* 1998
- *Funerals (Pre-Paid Money) Act* 1993
- *Goods Act* 1958
- *Hire-Purchase Act* 1959 (repealed 1 April 1998, in respect of future hire-purchase agreements; except for sections 24 and 25, applicable to hire purchase agreements for farm machinery until 30 June 2003)
- *House Contracts Guarantee Act* 1987
- *Introduction Agents Act* 1997
- *Landlord and Tenant Act* 1958
- *Marketable Securities Act* 1970
- *Motor Car Traders Act* 1986
- *Partnership Act* 1958
- *Patriotic Funds Act* 1958
- *Petroleum Retail Selling Sites Act* 1981
- *Prostitution Control Act* 1994
- *Residential Tenancies Act* 1997 (ss.24, 25, 27, 32, 33, 45-48, 74-77, 82, 90, 91, 102, 103, 104(1), 104(4), 104(5), 105(2), 105(3), 124, 128, 130-134, 141-212, 214, 215, 230, 232-234, 241, 277, 291-333, 335-341, 343-366, 373-376, 385, 388, 390, 395-398, 400-439, 486-504, 506-511; s.66(1) jointly with the Minister for Housing; the Act is otherwise administered by the Attorney-General, the Minister for Housing and the Minister for Planning)
- *Sale of Goods (Vienna Convention) Act* 1987
- *Sale of Land Act* 1962
- *Sea Carriage Documents Act* 1998
- *Second-hand Dealers and Pawnbrokers Act* 1989
- *Travel Agents Act* 1986
- *Trustee Act* 1958
- *Trustee Companies Act* 1984, jointly with the Treasurer

Appendix 7

Trust Funds Managed by CBAV

CBAV manages six trust funds established by Acts of Parliament.

Fund	Act of Parliament	Balance at 30 June 2000	Source of Income	Expenditure Purposes
Consumer Credit Fund	<i>Credit (Administration) Act 1984</i>	\$824,734	Credit provider contributions	Grants permitted by s.86AB of the Act
			Interest on investments	Administration of the Act
Domestic Building Fund	<i>Domestic Building Contracts and Tribunal Act 1995</i>	\$1,467,479	Building registration fees collected by the Building Control Commission	Administration of the Act Tribunal costs
			Income on investments	Grants permitted by s.124(3)(d) of the Act
			Tribunal fees	
			Fines	
Estate Agents Guarantee Fund	<i>Estate Agents Act 1980</i>	\$100,078,300	Interest on estate agents' trust accounts	Administration of the Act
			Interest on investments	Grants permitted by s.76(3) of the Act
			Licensing fees	Operation of the Estate Agents Council
			Fines	Tribunal costs
				Guarantee claims
Motor Car Traders Guarantee Fund	<i>Motor Car Traders Act 1986</i>	\$907,576	Interest on investments	Administration of the Act
			Licensing fees	Guarantee claims
			Fines	
			Recovery of claims paid	
Prostitution Control Board Fund	<i>Prostitution Control Act 1994</i>	\$265,271	Licensing fees	Administration of the Act
			Fines	
Residential Tenancies Fund	<i>Residential Tenancies Act 1997</i>	\$19,696,236	Transfers from Residential Bonds Investment Income Account	Administration of the Act Tribunal costs
			Interest on investments	Payments for research & education permitted by s.495 of the Act
			Tribunal fees	
			Interest on individual bond trust accounts	

Appendix 8

Awards to CBAV and Staff

CBAV received recognition for excellence in customer service delivery and improved business efficiency via a range of national and state awards programs during 1999-00.

Government Technology Productivity Awards

The Government Technology Productivity Awards recognise government agencies which have improved productivity and are providing better service delivery with the aid of technology.

On 21 March 2000, CBAV was presented with the Government Technology Productivity Gold Award in recognition of the improvements achieved in business processes and for the implementation of an appropriate technology environment to facilitate these improvements.

The award was one of 13 presented from 75 entries across Australia.

The improvements were made in the context of three separate but complementary projects carried out by CBAV over the last 12 months including the Business Affairs Redevelopment Project, the Fairgo PC Installation and Related Projects and the Regal System Project.

Business Affairs Redevelopment Project

This project was one response to pressures on the Business Affairs Branch to provide faster, more efficient and more responsive customer service. The project aimed to improve efficiency by re-engineering processes which would result in better work practices supported by enabling technology, and delivery of services on-line in the longer term.

There have been a number of direct benefits to customers including: reduced processing time for counter and mail services as well as a decrease in the complexity of services delivered, particularly through the redesign and significant reduction in the number of forms, and simplification of regulatory requirements.

The new system has been built with electronic service delivery in mind. In the near future, businesses will be able to renew their business names via the Internet. Eventually, all appropriate high volume transactions will be available on-line.

Fairgo: PC Installation and Related Projects

Fairgo is the information system CBAV uses to process and record the consumer enquiries and complaints that are the core of CBAV's business.

The project aimed to facilitate faster and more efficient access to information to enable staff to respond more quickly to customer requests.

This was successfully realised by upgrading the application software, and by installing and rolling out a new and improved standardised desktop environment to 120 staff. The project was implemented within a very short timeframe and on a small budget.

The Fairgo team established a new benchmark within the Department for improved client service delivery. CBAV now has a faster, more responsive and reliable information system which has resulted in a quicker turnaround of disputes.

Regal (Registration and Licensing) System

The Regal project involved development and staged implementation of a generic licensing system to provide registration, licensing, notification and approvals for the BLA.

The key objectives of the project were to improve the level of customer service and administrative efficiency. This was achieved by integrating the management of nine registration and licensing schemes onto a common system, resulting in reduced processing time for licence and registration applications as well as improved provision of licensing information.

Australian Teleservices Association Awards

The achievements of CBAV's call centre were recognised in 1999-00 by the Australian Teleservices Association State Awards. The Australian Teleservices Association Awards are the premier event in Victoria for the teleservicing and call centre industry, and provide recognition for call centre performance and excellence.

CBAV was a state finalist in the category of Call Centres Under 50 Employees from a total field of over 100 entries. The judges rated the technology used in CBAV's call centre and the ability of staff to handle calls as excellent. The nature of enquiries handled by staff, including the complexity and duration of calls were also rated highly.

Department of Justice Partnership Awards

In 1999, the Department of Justice introduced the Partnership Awards Program to recognise and reward individuals and teams who help to strengthen the partnership approach in the Department, and contribute towards making the working environment more effective, efficient and enjoyable.

Several staff at CBAV were formally recognised during 1999-00 for their special achievements. The following staff were presented with Partnership Awards at a ceremony in December 1999:

Lauren Barry
Wendl Hopegood
Jeff Smith

Richard Barton
Hayley James
Francis Tevere

Mary-Beth Hayes
Sarah Preston

Award recipients generally displayed one or more of the following behaviours:

- Outstanding commitment to their work and their colleagues which leads to positive outcomes for the branch or business unit.
- The creation and/or support of a collaborative and team-oriented working environment where inclusiveness is the guiding principle.
- An ongoing commitment to full and open communication which assists in the development of new ideas and ways of working, as well as early identification and resolution of problems.
- Approaching individual and organisational needs with flexibility.
- Focusing on innovation and continuous improvement opportunities to address current issues and meet the challenges of tomorrow.
- Acting with a high degree of integrity.
- Taking on a leadership role, where appropriate, to encourage and inspire their colleagues and assist them to meet their goals.
- Acknowledging their duty to themselves, their colleagues and their Department through active participation in the work unit's endeavours.

