

Education and Communications Branch
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Consumer & Business Affairs Victoria

Annual Report 2000-2001



**Report to the Minister for Consumer Affairs
For the Year Ended 30 June 2001**

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Department of Justice

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The Hon Marsha Thomson MP
Minister for Consumer Affairs
55 Collins Street
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Dear Minister

Annual Report 2000-2001

I present to you my report on the activities and operations of Consumer and Business Affairs Victoria for the year ended 30 June 2001.

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

In a community like Victoria, where options for consumers are always changing, consumer protection needs to be responsive and clear. Successful consumer protection activity focuses effort where it is most effective. This year working under the Minister for Consumer Affairs, the Hon Marsha Thomson MP, Consumer and Business Affairs Victoria (CBAV) has achieved this focus. Our initiatives were targeted towards meeting the needs of consumers who are least able to look after themselves—whether because of social disadvantage, language difficulties, physical location, or traditional imbalances of information.

These initiatives are part of a wider strategy that recognises our role in providing consumer protection for all consumers by keeping laws updated, maintaining enforcement action and keeping consumers informed. They also give effect to the Minister's priorities, reflecting the policies of the Government as a whole.

Keeping the framework of law and avenues of redress responsive to current consumer protection issues is fundamental. Credit and debt are major issues that test the judgement of even the most confident members of the community. This year, CBAV participated in the development of amendments to the Uniform Consumer Credit Code to require the provision of comparison rates for all consumer credit offers, so that people can compare the cost of credit. We also contributed to the development of amendments to regulate pay day lending, which is an expensive form of credit.

We reviewed the law governing fundraising appeals to ensure people know where their money goes when they give to appeals, and to reduce the compliance burden on small fundraisers. The law regulating second-hand dealers and pawnbrokers was also reviewed in response to public concerns. Both these reviews were conducted using consultation with the community and relevant groups, and legislation is expected in the next session.

A number of minor but important changes were made to other Acts that form the framework of our consumer protection laws.

Fuel is a major expenditure for many Victorian consumers. After the Government passed the Terminal Gate Fuel Pricing Act, CBAV went to work to be ready for implementation of this important legislation. CBAV also worked hard with the Department of State and Regional Development (DSRD) to convince other Australian jurisdictions that fuel should be sold temperature corrected to retailers so they do not lose money when hot fuel shrinks as it cools.

Raising consumers' awareness of their rights and improving trader behaviour are key in CBAV's approach to overall consumer protection. This year, we distributed over 2.4 million information products with public campaigns aimed at the needs of particular consumer groups drawing attention to this useful information. This year we also published consumer fact sheets in 10 community languages.

In conjunction with the Victorian Automobile Chamber of Commerce, we produce *Better Car Deals*, the consumer advice booklet dealing with the big-ticket expense of buying a car. This year we have made this advice available in the most-needed languages of Arabic, Chinese and Vietnamese. As a result of an analysis of complaints about car dealers using details from an Australia-wide study of women and their special needs as consumers, we also pitched *Better Car Deals* to women this year, and created a complementary brochure called *Stay in Tune with Your Customers* to educate car repairers about the benefits of offering good customer service, particularly to women.

Enforcing the law protects consumers, and helps to educate consumers and traders about their rights and duties. This year we took a campaign approach, using complaints data to identify areas of highest

need. Between October 2000 and March 2001, 190 motor car traders in Victoria were found neglecting basic obligations in consumer protection. In March, we responded by launching the Dob-in-a-Rogue-Car-Dealer campaign, which invited Victorian consumers to report non-compliant car dealers. As a result of the campaign and an ongoing inspection program, 402 infringement notices were issued over the year.

We have increased the use of formal enforceable undertakings, as they offer an efficient alternative to prosecution and ensure compliance with consumer protection laws, without the need to initiate formal court proceedings on every occasion. This year, 88 undertakings were obtained.

We looked at our register of incorporated associations and found many groups were behind with their annual returns. Looking after these associations is important to Victoria's many volunteer and local organisations. We took some compliance action (encouraging associations to regularise their position), and compliance increased by 24% during the year.

The promotion of e-commerce is a priority for the Government, and an essential part of this is to ensure that consumers are adequately protected in this environment. In consultation with Multimedia Victoria we therefore worked in several ways to enhance the protection of Victorian consumers engaged in e-commerce: information material was made available on safe surfing; we took part in compliance programs to protect consumers from scams on the web, and we worked with the Commonwealth and undertook our own development work on what should be the best consumer protection framework to apply in the online environment.

CBAV's licensing and business registration areas, in which we work closely with the Business Licensing Authority, underpin much of our consumer protection work. This year, they continued to meet all targets for client service. We also made business

name renewals available online, and made substantial progress towards putting other transactions online.

In order to improve the reach of our services in regional Victoria, we have strengthened our ties with DSRD through a number of co-operative projects in the area of business registrations. This work was supported by the Minister for Consumer Affairs who is also Minister for Small Business in DSRD.

Responsiveness to the community and communication with stakeholders are important elements of the way we go about protecting consumers. This co-operative approach is growing in importance, as we continually seek to improve our focus on the protection needs of the community, and the efficiency with which we meet those needs.

Community involvement starts with the input we get from the groups we fund throughout Victoria to provide consumer and tenancy advice. We have direct contact with the hundreds of thousands of Victorians who contact us each year about matters of concern. We also systematically seek community input on key policy issues and we survey users of our services and the general population about the appropriateness and quality of the services we provide.

Stakeholders that we work closely with include: government agencies, industry bodies and consumer representatives. They contribute to our planning process each year; they are consulted on legislative and policy changes, and they co-operate with us in the development and execution of a range of projects and programs.

Co-operation also characterises our work with the Office of Housing. With them we supported the Adult Multicultural Education Service to create *Settling In*, a resource for teachers of English as a second language, designed to provide new arrivals with much-needed information about housing and tenancy.

CBAV set out on a clear strategic path with several components this year. To ensure consumer protection for all Victorians, we are working to keep the framework of consumer protection law up-to-date while we pursue non-compliant operators. To keep different sorts of consumers aware of their rights we disseminate information in innovative and appropriate ways. For consumers with specific issues, we are working to make our services as accessible as possible, with a particular focus on those who need us most.

This year we have also improved as an organisation so we can do our job better. A number of staff project teams made contributions to CBAV's development as an organisation, implementing projects to improve leadership, performance management and organisational values. This continued organisation development is integral to CBAV's overall strategic plan to focus services where they are most needed, while continuing to ensure that consumer protection works for the whole community.



BERNADETTE STEELE
DIRECTOR



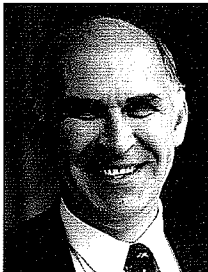
Bernadette Steele
Director



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Assistant Director
Consumer Services &
Compliance



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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 2000-2001 were:

- Consumer Protection: the rights of vulnerable and disadvantaged consumers are protected and the community complies with consumer protection laws.
- Confident Consumers: consumers know their rights and are confident that their rights are protected, and consumer information reaches those who need it most.
- Informed and Responsible Traders: traders know their rights and behave responsibly.

Co-operation with Other Jurisdictions

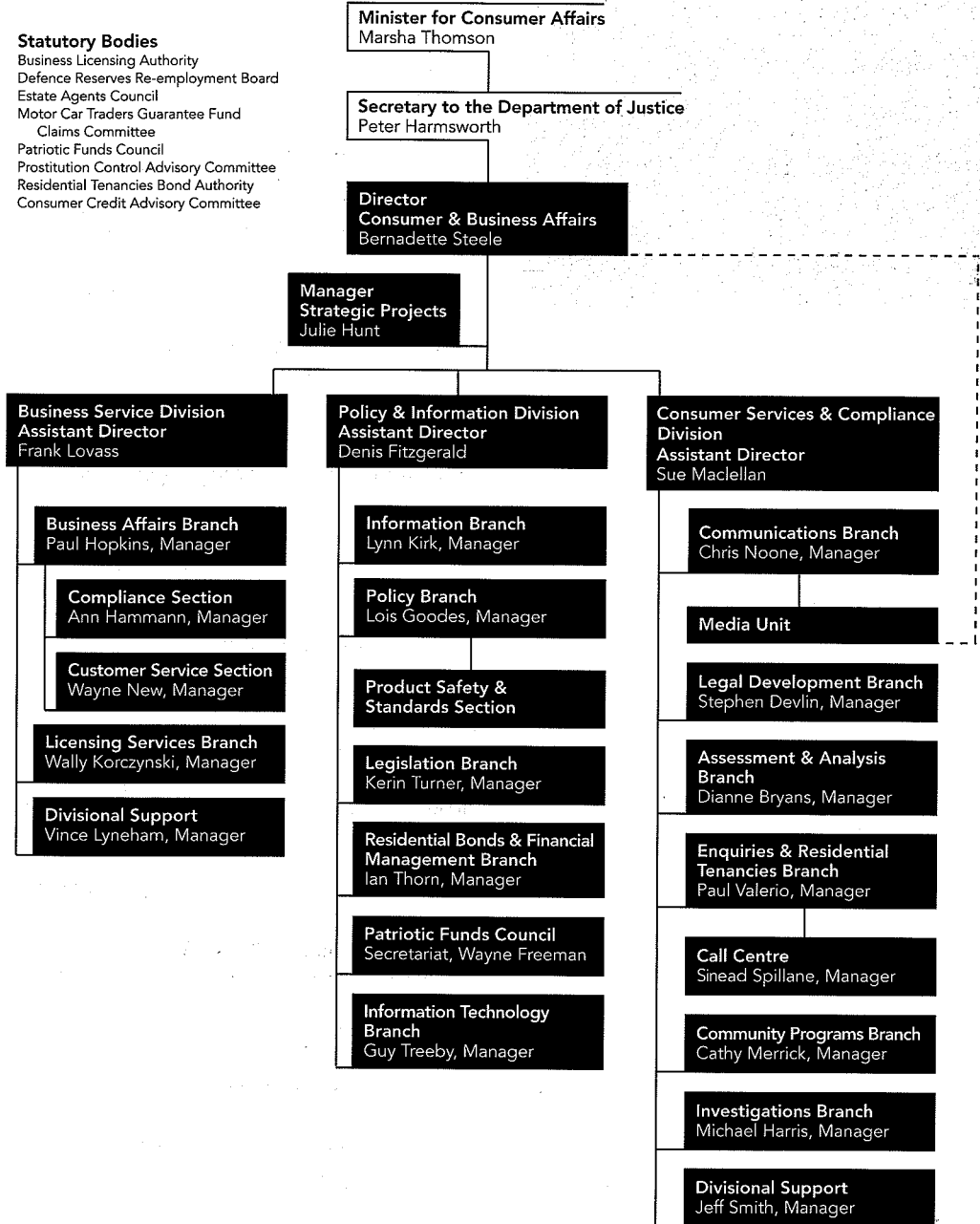
The Minister attended the yearly ministerial council meeting comprising all State, Territory, Commonwealth and New Zealand Ministers responsible for consumer affairs and corporation matters. This council meets during the year and also handles matters out of session.

The council is advised and assisted with the 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
- mobile phone radiation emissions
- review of rental car industry
- fuel temperature compensation
- credit card overcommitment
- fundraising
- consumer issues and electronic commerce
- fringe credit providers
- banking issues
- comparative interest rates
- safety and standards issues
- codes of conduct.

Figure 1. Organisation structure of Consumer and Business Affairs Victoria



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

Access to quality information is essential if consumers and traders are to make informed decisions so that less time is spent on dispute resolution.

Advising Consumers and Tenants

Consumer and Business Affairs Victoria (CBAV) provides advice through its:

- call centre
- website at www.consumer.vic.gov.au
- counter, and
- written enquiry service

for the Victorian community and those involved in transactions with Victorian traders.

The call centre received 403,377 calls during 2000-2001. Of these, 213,051 were responded to by staff, 136,577 callers were satisfied by our self-service, with 14,621 people requesting information by fax or post using the self-serve option. Call abandonment was 13.5% of total call volume. Our call-back service continues to be a popular method of queuing for callers; it means that callers are not tied to the phone while waiting in our queue.

Self service is available 24 hours, seven days per week. Callers satisfied by our self service comprised 33.9% of all incoming calls. Compared to 1999-2000 there was an 18% increase in callers using our self service to request printed information by mail or fax, eg publications such as *Better Car Deals*, and landlord and building kits.

While the majority of contact to our information centre is made by phone, 5296 people visited our counter for advice. Written enquiries were greater than our planning expectation, with 1412 enquiries. CBAV also handled 1223 enquiries via our website.

In addition, since figures were recorded for website hits, the average monthly hits to CBAV's website has increased from an average of 9846 to the end of the year 2000-2001 average of 15,702 indicating that while overall calls are not increasing, consumers are using the information on CBAV's website to solve problems.

Call centre staff have been collecting detailed information from callers in order to identify marketplace issues and understand the needs of the clients groups who use the call centre.

Published Information

CBAV distributes its publications in a variety of ways appropriate to the needs of the community. Publications are also available on request from CBAV, its funded community agencies, and at selected distribution outlets such as real estate agents, hardware stores and Victorian Business Centres.

Launches and campaigns

Access to quality information is essential if consumers and traders are to make informed decisions so that less time and money is spent on dispute resolution. During the 2000-2001 period, over 2.4 million information products were distributed by CBAV, representing an increase of almost 50% compared to the previous year.

CBAV works towards fulfilling its organisational strategies of increasing consumer awareness and improving trader behaviour by:

- Addressing the information needs of an extremely diverse audience, targeting resources particularly towards more vulnerable and disadvantaged groups in the community.
- Devising strategic, targeted awareness campaigns using: market research; publications; awards sponsorship; advertising; a distribution network of government, non-government industry and commercial outlets; direct mail; the Internet, and launches.
- Building relationships with stakeholders, government agencies and community groups to enhance internal and external communication.

CBAV Publications Available During 2000-2001

Victorian Homebuyers Magazine
Victorian Renters Magazine
Renting—Statement of Rights and Duties (also available in Arabic, Chinese, Greek, Italian, Spanish, Turkish, Russian, and Vietnamese)
Older & Wiser
Stuff
Better Car Deals (also available in Arabic, Chinese, and Vietnamese)
Stay in Tune with your Customers
Keeping Baby Safe
Going Mobile? Make the Right Call
A Guide to the Fundraising Appeals Act 1998
Civil Claims Guide
Customer Service Guidelines
Renting a Place to Live fact sheets (25 languages)
Rooming House—Statement of Rights and Duties
Caravan Parks—Statement of Rights and Duties
Top 10 Tips For Domestic Building Contracts, Owner/Builders and Contact Sellers
Twenty-six fact sheets (single issue reference guides)
Twelve consumer fact sheets available in 10 languages:

- Borrowing Money
- Buying a Home
- Buying a Car
- Contracts
- Homebuilding and Renovating
- Lay-by
- Insurance
- Renting
- Dispute Resolution
- Shopping Tips
- Your Basic Consumer Rights
- Other Places for Advice

Nine tenancy faxback sheets:

- Ending the Tenancy
- Eviction
- How to Resolve Disputes
- New Possession Procedures—Rental Arrears and Fixed Term Tenancies
- Privacy
- Rent—Know Your Rights
- Repairs
- The Rental Bond
- When Rent is Overdue

The Rooming House Residents' referral card
Before You Splash Your Cash card
Over 30 different forms catering to tenants, landlords, caravan parks and rooming houses.

Youth

A growing number of 18-25 year olds are filing for bankruptcy over credit card debt and mounting mobile phone bills. Young people are also currently the highest users of the Internet, and have greater exposure to the risks of shopping online. CBAV has responded by targeting young people with early warning messages, and delivering user-friendly education on Internet surfing, credit card use and other youth-specific consumer topics.

Stuff VCE students across Victoria participated in a competition to name this reference guide for school leavers and design its cover. Launched in November 2000, *Stuff* was direct mailed to 54,760 Year 12 students. Recent independent focus groups showed a high recall of the product and assessed the Magazine as relevant.

Surf Safe Targeted primarily at youth, the Surf Safe campaign aimed to raise consumer awareness of Internet privacy and security issues. The centrepiece of the project was a postcard directing consumers to the CBAV website, which follows through with detailed information about Internet safety. Launched during National Youth Week and supported by a media campaign, 15,000 postcards were distributed via schools, TAFEs, universities, colleges and a network of venues such as cafes and cinemas across Victoria.

Before You Splash Your Cash A wallet-size card was designed to canvass the key points to consider before making large purchases or investments. The campaign included posters and media coverage, and was launched by the Minister for Consumer Affairs The Hon Marsha Thomson MP, on National Consumer Day, Friday 24 November 2000.

Seniors

As the average age of the Victorian population continues to rise, identifying the needs of this evolving demographic remains a priority. Educating older Victorians about their rights and

responsibilities as consumers means that they can protect themselves from exploitation. CBAV monitors single issues such as reports of door-to-door con artists preying on the elderly, and responds via media alerts as well as publishing information and advice about ongoing issues.

Older & Wiser The guide for seniors explores consumer issues such as purchasing insurance, buying a car, shopping on the Internet, dealing with tradespeople, wills and power of attorney, plus how to avoid scams. Utilising a dedicated database supplied by the Department of Human Services, CBAV has distributed 10,000 copies since Senior Citizens' Week 2001. A targeted advertising campaign also assisted in raising awareness of the product.

Rooming house residents

The Rooming House Residents' Referral Card

The Card was launched by Minister Thomson at the Sacred Heart Mission on 8 November 2000. CBAV funded the Tenants' Union of Victoria to run a campaign to increase awareness of its Rooming House Residents' Advice Service. More than 4000 cards were distributed by government agencies, with the Advice Service distributing a further 1000.

Issues in the motor vehicle marketplace

Working with the Victorian Automotive Chamber of Commerce (VACC), CBAV has identified the need for a range of communication activities to assist both consumers and traders to understand their rights and responsibilities when it comes to buying, selling or repairing a vehicle.

Dob-in-a-Rogue-Car-Dealer campaign The campaign was launched to uncover and address problematic trader behaviour in the motor vehicle industry. The campaign featured a hotline which was publicised using print media and the CBAV website.

Women as Consumers—Motor Vehicle Project

The project showed that a proportion of women reported discrimination when buying a car and organising car repairs. Using this input, CBAV worked in conjunction with the VACC to create female-friendly products for consumers and to devise appropriate information for dealers and car repairers.

Stay in Tune with your Customers The DL-sized brochure was designed to assist motor mechanics and apprentices to lift the motor vehicle industry's standards of customer service to consumers and to women in particular. The brochure was launched by Minister Thomson at Collingwood Automotive on 12 April 2001, and 20,000 copies were direct-mailed to repairers across the State.

Better Car Deals The popular booklet offers the lowdown on buying a new or used car, canvassing important issues such as cooling-off periods, insurance and vehicle repairs. The promotional campaign for *Better Car Deals* made use of advertising, comprehensive media coverage, distribution of branded bookmarks on World Consumer Rights Day and a launch by the Minister at the Melbourne Motor Show. More than 50,000 copies have been distributed via women's networks, and copies are available from Vicroads offices across Victoria and CBAV's funded consumer agencies.



Marsha Thomson MP Minister for Consumer Affairs launches *Stuff* magazine, which protects young consumers from dodgy deals.

Culturally and linguistically diverse audiences

One in four Victorians live in a household where a language other than English is spoken. For both linguistic and cultural reasons, people from non-English speaking backgrounds (NESB) often have difficulties obtaining information about their consumer rights. CBAV has focused this year on developing relationships with external agencies and ethnic groups to ensure wider delivery of culturally appropriate consumer messages.

Ethnic Database A dedicated ethnic database was created which lists organisations and agencies that assist NESB audiences, as well as individuals, groups and businesses representing targeted ethnic groups.

Twelve Consumer Fact Sheets were translated into the 10 most-needed languages and distributed using the CBAV ethnic database. Topics include: borrowing money, buying a home, homebuilding and renovating, lay-bys, shopping, insurance, contracts, renting, and dispute resolution. Languages chosen were Arabic, Chinese, Farsi, Serbian, Turkish, Bosnian, Croatian, Russian, Somali, and Vietnamese.

Better Car Deals was translated into Arabic, Chinese and Vietnamese, the three most requested languages for learner driver tests at Vicroads. The booklet was launched by the Minister in June 2001. It was distributed using the ethnic database and with the assistance of ethnic social and welfare groups such as Victorian Arabic Social Services, the Federation of Chinese Associations and the Vietnamese Community in Australia (Victorian Chapter).

Settling In This educational kit was designed specifically for new migrants and was developed in conjunction with the Office of Housing and the Adult Multicultural Education Service.

Settling In provided CBAV with the potential to reach 75% of all new arrivals to Victoria with important information on their rights and responsibilities as renters.

Regional Victorians

Business Access As part of a program of ongoing co-operation with Business Access (formerly Small Business Victoria), CBAV publications are now distributed and displayed at nine Victorian Business Centres located across the State.

Business Name Renewal Online Secure interactivity has been introduced to the website so that businesses can now renew their business names online via the Business Names section of the CBAV website. A flier was designed to promote this new service. It was mailed to businesses with their registration notices, and displayed at Victorian Business Centres.

Media Regional media outlets are included in all media buys. CBAV monitors local consumer issues and responds on a case-by-case basis. Media opportunities such as regional shows, local council events and business awards are utilised to promote CBAV and the consumer message.

Regional Industry and Local Business Awards

CBAV supported regional trader excellence by supporting business awards in non-metropolitan areas. Such sponsorship initiatives raise the profile of the organisation and promote good customer service. This year, CBAV sponsored the following business awards in rural Victoria: Powercor—Northern Grampians Shire; Powercor—Southern Grampians Shire; the Premier's Regional Award—Greater Dandenong; Mildura Shire; and Warrnambool Shire.

Small business

The sponsorship of business awards presents an opportunity to involve industry groups in CBAV's efforts to encourage responsible trading. It provides a chance to leverage the message of business excellence being promoted by industry peak bodies to their membership. In the 2000-2001 financial year, CBAV promoted its key messages to business by sponsoring the customer service categories of the following business awards.

The Real Estate Institute of Victoria (REIV)/The Age Industry Excellence Awards The REIV Awards provided recognition of a real estate agency providing outstanding customer service in property management or sales.

Australian Retailers Association Victoria Awards CBAV this year supported the Retailer of the Year and Customer Service excellence awards.

Homebuyers/builders and renovators

During the past financial year, CBAV received 16,109 enquiries about buying or building a home, and 1028 consumers lodged complaints with CBAV. Lack of knowledge about buying, renovating or building a home costs everybody money—from consumers and the building and real estate industries, through to the Victorian taxpayer, who indirectly pays for dispute resolution and litigation.

The aim of the *Victorian Homebuyers Magazine* is to promote an ethical and buoyant housing market. It seeks to encourage home ownership and at the same time educate both consumers and traders alike.

Victorian Homebuyers Magazine (incorporating the *Victorian Building & Renovating Magazine*) is a full colour Magazine which provides accurate, easy-to-read information to homebuyers, home renovators and owner/builders. It was launched in August 2000 at the Commonwealth Homeshow. The display stand designed to promote and distribute the Magazine at the Homeshow won second prize for Best General Exhibit.

A four-week TV and print advertising campaign promoting the Magazine was well received, with independent evaluation showing very good awareness, and revealing that 91% of those who obtained a copy of the Magazine rated it as extremely useful or very useful. The Magazine was distributed throughout the year, using opportunities such as the HIA Show and the Ballarat Homeshow.

Additional publicity included the negotiation of \$25,000 worth of free TV advertising using community spots available to government departments, plus a week-long promotion of the homebuyers' theme and Magazine giveaways on Sun FM. Now in its third print run, with continuing distribution through real estate agents and hardware stores across Victoria, over 330,000 copies were distributed by the end of the financial year.

Renters and landlords

In the reporting period, CBAV provided telephone advice to almost 100,000 renters and handled almost 5000 requests for residential tenancy inspection reports. More than 70,000 applications were also made to the Residential Tenancies List at the Victorian Civil and Administrative Tribunal (VCAT). These figures strongly suggested a need for additional useful and readable renting information in the marketplace.

Victorian Renters Magazine (incorporating Renting—Statement of Rights and Duties)

A user-friendly, glossy, magazine-style resource was selected as the most effective medium for achieving maximum audience penetration. The Magazine has been mailed to over 278,000 private renters and landlords registered with the Residential Tenancies Bond Authority (RTBA).

Colourful display stands and order forms were supplied to real estate agents, encouraging them to exhibit and to restock the product. In an independent follow-up survey, 85% of respondents rated the Magazine as useful or very useful. It continues to be distributed via estate agents across Victoria.

CBAV continues to provide guides, forms and single issue fact sheets for landlords, real estate agents and tenants.

CBAV Displays

CBAV has produced seven displays for use as promotional and advertising signage. The three new wall displays and four single-panel stands each feature an eye-catching photograph and caption illustrating important consumer messages in an engaging manner. The displays also list CBAV's main services. They can be borrowed by metropolitan and regional agencies to advertise CBAV's services in an interesting way.



Consumer Affairs Minister Marsha Thomson MP assisted by Councillor Julian Hill, Mayor of the City of Port Phillip, at the launch of the Renters Magazine which takes the "hot air" out of renter's rights.

Reviews of Products and Services

CBAV continues to review its service provision and information products and to research consumer protection issues in the community. For 2000-2001 the program of reviews included client surveys seeking feedback in relation to:

- the services provided by the RTBA
- *Renting—Statement of Rights and Duties* which is prescribed under the *Residential Tenancies Act 1997* and published by CBAV
- the *Victorian Homebuyers Magazine*
- *Stuff*, a consumer and tenancy Magazine for young Victorians
- the *Victorian Renters Magazine*.

RTBA and Renting—Statement of Rights and Duties

The survey of RTBA clients consisted of telephone interviews with a random sample of 200 tenants, 100 landlords and 100 estate agents, drawn from the RTBA's register of bonds lodged. The research revealed a high level of overall satisfaction with the services provided by the RTBA for all three client groups. A number of opportunities for improvement were also identified and are being pursued.

The survey on the prescribed *Renting—Statement of Rights and Duties* was administered to the same sample groups as the RTBA survey. This survey showed a high level of reader satisfaction with the publication, and that it is generally distributed effectively to both tenants and landlords.

Homebuyers Magazine

In 2000, CBAV conducted research to evaluate the communication and distribution strategies for this new publication and to obtain feedback from readers and distributors.

The research consisted of a telephone survey of a random sample of 2000 Victorian households; Mystery Shopping at 25 randomly selected distribution points; focus group discussions involving members of the target audiences, and interviews with distributors.

Overall, the research revealed that the Magazine is highly valued and much appreciated by a high proportion of readers.

Stuff

Edition One of *Stuff* was direct-mailed to 54,760 Year 12 students in November 2000. The primary aim of *Stuff* is to inform students about relevant consumer and tenancy issues, enabling them to confidently and safely engage in marketplace transactions.

During 2001 CBAV conducted focus groups to gather feedback from readers in metropolitan and regional Victoria. Overall, the research revealed very positive reactions to the Magazine, and information was gathered to inform development of the 2001 edition.

Victorian Renters Magazine

The *Victorian Renters Magazine* was published in November 2000. The target audiences for the Magazine are residential tenants and landlords. A questionnaire was distributed with the Magazine seeking feedback.

The survey found that a very high proportion of recipients had read the Magazine, found it useful, and intended to keep it for future reference. Around three-quarters of readers said that they were more aware of their rights and responsibilities as a result of reading the Magazine.

Website

The CBAV website—www.consumer.vic.gov.au—aims to improve Victorians' 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 website is monitored constantly, and major reviews and content checks are carried out every six months in order to provide accurate and up-to-date information. This ensures that Victorians have access to the latest warnings and advice on consumer issues, from scams to legislative changes.

The site also includes business licensing and registration information relating to business names, fundraising, incorporated associations, co-operatives and limited partnerships.

The interactive nature of the website is continually developing. Renewal of business names online and the online enquiries and complaint forms have been implemented and have experienced significant usage over the past 12 months. Around 1220 consumer enquiries and 240 consumer complaints have been received online in the past 12 months, while 1026 businesses chose to renew their business names online.

The move by CBAV towards greater online functionality means access to CBAV's information and services throughout Victoria is made easier.

Funded Community-based Support

The Consumer Affairs Community Program funds community organisations to provide consumers, traders, tenants and landlords with information via a drop-in and telephone service in metropolitan and regional Victoria, with outreach services to outlying townships. Agencies also provide consumers and tenants with accessible advice and dispute resolution. This may involve telephoning or writing to a trader or landlord, or assisting a consumer or tenant to prepare or conduct a case at VCAT. Services are targeted for disadvantaged members of the community.

Agencies also undertake community education with the view to informing tenants, landlords, consumers and traders about their rights and responsibilities. Agencies are encouraged to seek to empower consumers and tenants to resolve any disputes that

may arise. Agencies also identify and assist in addressing issues that adversely affect the operation of a fair and equitable marketplace.

Tenancy 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.

Specialist consumer services were provided by the Financial and Consumer Rights Council and the Consumer Credit Legal Service.

Funding for the program totalled almost \$3.4 million. A full listing of the agencies and their level of funding appears in Appendix 3, see page 61.

During 2000-2001, 61,248 Victorians used the services of the funded community-based agencies; 13,020 requested assistance in relation to consumer issues and 48,228 in regard to tenancy matters.

Funded agencies conducted a significant number of educational activities during 2000-2001, including 570 talks, 349 displays and 807 newspaper, radio and television items.

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 included:

- pawnbrokers and second-hand dealers
- REIV and Equal Opportunity Commission Anti-discrimination project
- dealing with building complaints
- e-commerce.

At the initiation of the Minister for Consumer Affairs, a review of the Community Program has commenced.

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 Education and Information

Consumer protection is the underlying principle behind all CBAV's activities.

CBAV provides a safety net for consumers who find themselves disadvantaged as a result of undesirable marketplace practices. Accordingly, providing dispute resolution services that enable redress to be obtained on behalf of consumers is fundamental to the role of CBAV. Effective and efficient as this service may be, achieving redress for individual consumers happens only after a problem has occurred and solves only one problem at a time. Preventing and minimising the potential harm that consumers in general may experience as a result of undesirable trading practices is important to CBAV's effectiveness. One of a number of strategic activities intended to encourage responsible trading in all aspects of the marketplace is trader education.

It is well documented that traders who meet their legal obligations and who practise high ethical trading standards, are more likely to achieve success in their business endeavours. Recognising the benefits that both traders and consumers can gain from improved business practices, CBAV has a commitment to promoting and supporting business practice improvement.

High Pressure Sales Tactics

CBAV received a number of complaints against a US trader named Florida Direct, who cold called Victorian consumers offering vacations for US\$800 (approximately AUS\$1600) and used high pressure tactics on the telephone to obtain consumers' credit card details. Consumers were not told that the trader had a no refund policy that breaches Victorian law in relation to non-contact sales. As part of dispute resolution, contact was made directly with the trader to obtain refunds for complainants. While this initially had some success, the trader failed to comply following further contact. CBAV liaised by Internet with the Division of Consumer Services in Florida, seeking local assistance in resolution of the complaints to hand. The outcome of this joint-agency liaison was that consumers have been given full refunds and as at the current time no further complaints have been received concerning this trader.

Compulsory education for estate agents and agents' representatives

CBAV plays an important role in maximising the effectiveness of the compulsory training system for intending estate agents and agents' representatives.

Delivery and funding of the prescribed course for agents' representatives continued to be monitored in consultation with TAFE, to ensure the availability of the course at locations suitable to industry in metropolitan and regional Victoria. The course is delivered by TAFE in short course form and by correspondence.

CBAV worked with TAFE Frontiers to update the resource materials for the Course in Real Estate for Agents' Representatives, and the Certificate IV in Business (Estate Agency Practice). This material incorporated new requirements relating to GST, and new initiatives introduced by the RTBA and VCAT, along with resulting changes in real estate practice.

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. Material circulated to estate agents included an updated reprint of the *Estate Agents Act 1980*, *Retail Tenancies Reform Act 1998* and *Regulations*, *Victorian Civil and Administrative Tribunal Act 1998*, *Victorian Civil and Administrative Tribunal Rules 1998*.

Figure 2. Compulsory Training for Agents' Representatives 2000-2001

No. of subsidised courses	80
No. of persons who attended subsidised courses	3,350*
* including students studying on campus and by correspondence.	

The Property Development and Management Training Package for the Property Service Industry was endorsed by the National Training Quality Council and agreed to by Ministers for Education and Training during May. The real estate component of the training package comprises the revised National Real Estate Competency Standards, national credentials and assessment guidelines.

It is Commonwealth Government policy that vocational training be based on training packages. Now that the real estate component of the training package has been endorsed, real estate training across Australia will be progressively converted to training packages. In Victoria this includes the prescribed courses for estate agents and agent's representatives, namely the Certificate IV in Business (Estate Agency Practice) and the Course in Real Estate for Agents' Representatives. It is intended that the prescribed courses be replaced by training packages by January 2003.

In 2000, Vocational Education and Training Services was engaged on behalf of the Estate Agents Council to develop selection criteria, and a procedure to approve and audit private training providers to deliver the prescribed courses for estate agents and agents' representatives.

The project is being monitored by a steering committee chaired by CBAV and comprising representatives from the Estate Agents Council. Progress towards preparation of the criteria has been dependent on the development of new national registration and audit standards for training organisations (both private and institutional) which were endorsed by the Australian National Training Authority Ministerial Council in June 2001. The working party is aiming to finalise the selection criteria and procedures for private providers of real estate credentials in Victoria by later this year.

Self-regulation, Codes and Industry Standards

During the year under review, CBAV has continued to provide, upon request, advice about industry self-regulation. Where there has been prior active involvement in self-regulatory schemes, such as with the Retirement Villages Accreditation Scheme, this has continued.

A review of self-regulation policy framework has commenced. This will take into consideration issues arising from the Commonwealth Taskforce on Industry Self-regulation and CBAV experience with self-regulation schemes.

Code of conduct for marketing retail electricity in Victoria

The previous Annual Report commented on the development of the Code of Conduct for Marketing Retail Electricity in Victoria. This 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 from January 2002.

There is in-principle agreement that the best way of implementing the Code would be through a co-regulatory system; however at the time of writing, it is not clear whether this system will be implemented.

Weight management

The Weight Management Code Administration Council of Australia is responsible for the administration of 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.

Retirement villages

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 sets criteria for village facilities, management practices and resident participation.

At the time of writing, 68 Victorian villages have been accredited.

Direct Selling Association of Australia (DSAA) contact sales agreements

On 2 April 2001, the Director gave approval to the DSAA to enable its members to use a different form of contact sales agreement than would otherwise be required by the *Fair Trading Act* 1999. Contact sales, which used to be known as door-to-door sales, are regulated by the Act (Division 2 of Part 4).

Approval to use a different form of contract commences on 1 July 2001 and will be reviewed after one year.

DSAA member sales contracts will be substantially the same as those subject to the Act. The main differences are:

- DSAA member contact sales will provide a cooling-off period of 10 days on any transaction. (The Act provides for a cooling off of five days on sales over \$50.)
- A different form of cancellation notice will appear on the front page of the DSAA member sales agreement.
- A separate cancellation notice will not accompany DSAA member agreements.
- DSAA contact sales agreements will provide for contracts to be cancelled by telephone.

All contact sales involving credit will be required to comply with the requirements of the Act.

All members of the DSAA are required to comply with the DSAA Code of Practice. Sections 8.2 and 8.4 of the Code relate to contact sales agreements.

Details of the DSAA Code of Practice and a full list of DSAA members can be found at www.dsaa.asn.au.

Ticket scalping

During the year, CBAV has worked with Sport and Recreation Victoria to develop strategies to identify the nature and extent of scalping in Victoria, and options to address the problems caused by scalping.

In addition to preliminary consultation with the AFL, a scalping survey line was established to encourage industry and community feedback.

A discussion paper canvassing the problem and possible solutions has been prepared, and is expected to be circulated among interested stakeholders later in 2001.

Business Registration and Licensing Services

Business Services Division registers business names, incorporates associations and co-operatives, and provides support to the Business Licensing Authority (BLA) in relation to its occupational licensing functions.

A program of improvements to service delivery was implemented in 2000-2001 including:

- implementation of a priority business names registration service for regional Victorians, via Victorian Business Centres
- implementation of the first online transaction —business names renewals
- efficiency reviews of the various occupational licensing administrative activities
- implementation of new organisational structure and process changes in the Business Affairs Branch.

Registration of business names, co-operatives, associations and limited partnerships

CBAV registers business names and provides registration, advisory, supervisory and monitoring services in relation to co-operatives, incorporated associations and limited partnerships.

Business names

During 2000-2001 CBAV registered 59,342 new business names, some 17.8% less than in the 1999-2000 year, but up on the long-term trend number. Registrations were unusually high in 1999-2000, principally due an increase in dot.com names and Australian Business Number related registrations.

There were 337,795 business names on the register at the end of the 2000-2001 year.

CBAV also processed 82,101 renewals and changes to the Business Names Register. CBAV handled 177,843 telephone enquiries for the year 2000-2001, a reduction of 88,219 (33.2%) on the previous year.

CBAV facilitated 109,842 business name searches, including those undertaken by private information brokers, who are provided with a copy of business names data under contract. Information brokers normally relay the search results to individual clients electronically.

Registration of entities where personal liability is limited Incorporated associations

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

During 2000-2001, 1376 associations were incorporated by CBAV. At 30 June 2001, the total number of incorporated associations on the database was 34,879; of these 1816 were prescribed and 33,063 were non-prescribed. Prescribed associations are large organisations with revenues of \$200,000 and/or assets of \$500,000, as a minimum.

A significant proportion of incorporated associations have not been fulfilling their annual reporting obligations. During 2000-2001, CBAV increased its compliance activities to pursue the lodgement of overdue annual returns. As a result, the proportion of prescribed associations lodging annual returns rose from 58% in June 2000 to 74% in June 2001. Over the same period, compliance by non-prescribed associations rose from 38% in June 2000 to 53% in June 2001. Compliance will be further pursued in 2001-2002.

During the year CBAV also conducted a cancellation program, which involved identifying incorporated associations that had ceased operating but failed to notify the Registrar. Efforts to identify and contact these associations began in July 2000 and resulted in some 700 cancellations during the year. There are still over 5000 associations that have not responded to CBAV's attempts to contact them. During the first half of the 2001-2002 year, CBAV will progressively cancel the incorporation of these apparently defunct associations. This will ensure a more accurate and current register.

Co-operatives

A co-operative is an entity whose shareholders derive benefits primarily through membership and use of the organisation rather than distribution of profits.

As with companies and incorporated associations, all members of legally incorporated co-operatives have limited liability. 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.

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 generally monitoring their operations.

A program was commenced in 1997 to ensure all co-operatives had adopted the new rules as required by the *Co-operatives Act 1996*. This program was completed in December 2000.

During 2000-2001 CBAV registered 47 new co-operatives. There are currently 847 entities on the Co-operatives' Register.

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.

Business and occupational licensing

Licensing and registration provides consumers with confidence to do business with regulated industries by:

- ensuring that only eligible businesses and individuals enter these industries
- maintaining industry standards
- providing access to accurate public registers and information
- maintaining a quality-based culture of continuous improvement.

Licensing and registration of certain businesses and occupations is administered by the BLA. The BLA was created by the *Business Licensing Authority Act 1998* and 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*.

CBAV provides support services to the BLA, including:

- administrative activities associated with processing licensing and registration documents
- conduct of relevant probity and eligibility inquiries
- 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.

CBAV also assisted in the development of the BLA website. The BLA website can be found at www.bla.vic.gov.au, and contains extensive information about:

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

This site provides access to licensing and registration details to all Internet users and is helpful to those in regional and more remote areas. Licensing staff are available to speak to potential applicants over the telephone or in person. This website has helpful links to other government websites that have licensing information, such as the Business Licensing Information Service (BLIS) and the Business Channel.

The licensing and registration area of CBAV handled approximately 70,000 telephone calls in the year 2000-2001.

Business Improvements in the Licensing Branch

The focus for organisational improvement for our customers during 2000-2001 has included:

- conducting a feasibility study for future online services for estate agents
- continuing to redesign all forms to assist applicants and expedite processes
- continuing to improve our quality and timeliness of licensing and registration services
- continuing to implement improvements to processes and computer systems identified by staff and in reviews undertaken during the year
- preparing process manuals and maintaining a strong focus on staff development and training.

Figure 3. Number of Occupational Licenses and Registrations 2000-2001

	Estate Agents	Motor Car Traders	Travel Agents	Credit Providers	Prostitution Service Providers	Introduction Agents	Second-hand Dealers & Pawnbrokers
No. at 30 June 1998	5209	2129	1042	737	n/a	*	*
No. at 30 June 1999	5292	2224	960	683	152	57	5866
No. at 30 June 2000	5623	2198	1025	437	152	61	6811
No. at 30 June 2001	5799	2195	998	642	169	73	6901
Applications Received	470	203	60	105	22	24	1063
Applications Granted	431	177	54	92	38	22	1056

* new scheme

Registered second-hand dealers and pawnbrokers

In an effort aimed at improving communication and the working relationship with Victoria Police, a resource manual was produced and distributed to all Criminal Investigation Units and Regional Response Units of Victoria Police. The manual will assist Police who are actively involved in tracing stolen goods that may have passed through second-hand dealers by assisting Police to understand the role that the BLA plays in the registration process of second-hand dealers and pawnbrokers. The receipt of information from Police regarding pending criminal charges against registered second-hand dealers has already increased, and staff are assisting regional and metropolitan Police in their monitoring of criminal activity.

In the reporting year there were 1171 applications finalised, consisting of 1056 applications for registration granted, 11 refused by the BLA and 105 withdrawn or returned before final consideration.

Also for the BLA, CBAV processed 11 permission applications from individuals or companies ineligible to be registered because of a relevant criminal offence. Of these applications, eight were granted and three were rejected by the BLA.

Introduction agents

The *Introduction Agents Act 1997* came into operation on 1 July 1998. The two main elements to the Act are:

- restrictions on those who can operate as an introduction agent to prevent undesirable people from acting as agents
- standards to ensure both agents and clients have clear, enforceable rights and obligations.

There are 73 agencies that have notified that they are currently operating in Victoria.

Prostitution control

Since 1 July 2000, more emphasis has been placed on liaison between staff assisting the BLA and the Victoria Police Organised Crime Squad, which is currently responsible for the provision to the BLA of Probity Investigations Reports. This has resulted in better understanding of requirements involved by both parties. Together with new procedures recently introduced, the processing of applications for licenses has been expedited, resulting in the number of applications being processed and licenses being granted by the BLA taking seven to eight months to finalise, rather than 12-14 months previously taken.

Approved managers of brothels

The *Prostitution Control Act 1994* requires the BLA to approve applications for persons to manage brothels. Manager approval applications are subject to similar processes as licensees. The new procedures have reduced the process and approval time from eight to nine months down to seven to eight weeks for non-complex applications.

In addition, managers who were approved three years ago were required to renew their status if they wished to continue to be able to manage a brothel business. Of 162 managers due for renewal during 2000-2001, 64 sought, and were granted, approval by the BLA.

Guarantee Fund Claims

Motor Car Traders Guarantee Fund

This year 84 claims made against the Guarantee Fund were finalised. Of these five were refused, 42 admitted, and 37 withdrawn before the Motor Car Traders Guarantee Fund Claims Committee gave final consideration to them. The high withdrawal rate is largely accounted for by traders settling claims before the Committee considers them. The withdrawal rate has increased from 15% of finalised claims in 1998-1999, to 33% in 1999-2000 and 44% in 2000-2001.

The total value of approved claims was \$393,531, similar to last year. Whilst the total number of claims admitted this year was down from last years total of 64, the amount paid out remains high because of amendments made to the *Motor Car Traders Act* 1986, which increased the maximum level of a single claim from \$20,000 to \$40,000. It also extended the grounds for consumers making claims on the Fund to include satisfying Court Orders, including VCAT, which amounted to \$49,758.

Nearly half of the claims made on the Fund concerned the failure of licensed traders to forward a roadworthy certificate and transfer documentation to Vicroads. The highest monetary value of claims admitted against the Fund related to consignment selling and the failure by licensed traders to pay out finance owing on consigned vehicles.

Estate Agents' Guarantee Fund (EAGF)

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 EAGF.

Seventy-eight claims, totalling \$154,889.89, were allowed from the EAGF in 2000-2001. A further three claims were withdrawn. Of the 78 claims

allowed in 2000-2001, 67 were in respect of security deposits, seven related to rental monies, three involved sales deposits and one was concerned with other matters.

The table below summarises claims allowed against the EAGF during 2000-2001. As there is no time limit for making a claim, not all payments relate to events detected during 2000-2001.

Residential Tenancies Bond Authority (RTBA)

The 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, BT Registry Services Pty Ltd, a member of the Principal Financial Group.

Bonds received by the RTBA are invested in the Residential Bonds Account. At 30 June 2001, 281,152 residential tenancy bonds were held by the RTBA, with a value of \$218.5 million.

Figure 4. Claims Allowed Against the Estate Agents' Guarantee Fund 2000-2001

Agent's Name	Location	No. of Claims Paid	Value of Claims Paid
Brian Michael McNamara * & Christopher Mark McNamara**	Yarrowonga	1	\$6197.17
Unknown person(s) at Beech Lynch & Co Pty Limited	Moorabbin	16	\$14,874.34
John Joseph Randolph Cleary**	Eltham	42	\$41,465.93
Angelo Metaxotos*	Doncaster	8	\$18,702.50
Joseph John Farrugia*	Sunshine	6	\$4706.59
Sandra Mary Bryant**	Mount Waverley	2	\$1510.23
Philip James Bedford*	Rowville	1	\$7433.13
Redmond Real Estate Pty Ltd*	Wonthaggi	2	\$60,000.00

* Estate Agent **Agent's representative

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. In the 2000-2001 financial year, \$8.6 million was transferred to this Fund.

During the year 148,000 bond lodgement transactions were handled. In addition, over 136,000 bond claims were processed.

With transfers and property manager registrations, the RTBA handled over 330,000 transactions for the year, an average of 6350 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, as is the return of bond loans provided by the Office of Housing.

CBAV's RTBA call centre handled 97,000 calls during the year, with an average time to answer of 43 seconds.

The RTBA's website—www.rtba.vic.gov.au—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.

Revised lodgement, repayment claim, and transfer forms were introduced in the second part of the year. These new forms have reduced error rates and contributed to faster processing times.

Other processing improvements have also been implemented, including the introduction of property-to-property transfers; error checking on bank account numbers, allowing a greater number of repayments to be made by direct credit, and other verification measures. These improvements have allowed the RTBA to continue to enhance its service to customers.

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 continuing, including prosecution of non-complying landlords and promotion of these prosecutions to encourage voluntary compliance by any landlord who has not lodged a bond.

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 that the estate agency is commissioned to sell. It also prevents 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, 198 waiver applications were made to CBAV and 193 granted. This compares with 194 waiver applications approved last year.

CBAV is most concerned at the number of instances where estate agents have signed contracts with vendors in breach of section 55, by not seeking prior permission from the Director of CBAV, as is required. The Director had made this concern known to the Estate Agents Council, which has issued a warning to agents in the Council's monthly News Bulletin.

During the year 2000-2001, CBAV entered into 16 enforceable undertakings with estate agents who have breached section 55. The agents have agreed not to contract with vendors in future without the Director's prior consent. CBAV also successfully prosecuted one real estate agent for a breach of section 55.

Fundraising Appeals Notifications

The *Fundraising Appeals Act* 1998 created a notification scheme in place of the 1984 scheme. The primary objectives of the Act are: increased public accountability, reduced number of exempt bodies, and the growth of public confidence in the fundraising industry.

This Act regulates the fundraising industry by requiring the keeping of records of 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. During the 2000-2001 year 1015 fundraising notifications were lodged with CBAV, of which eight were rejected.

The Minister for Consumer Affairs, The Hon Marsha Thomson MP, announced a review of the Act to deal with the many concerns raised by fundraisers during the year. At the time of reporting, a Bill incorporating various amendments had been tabled in Parliament. It will introduce a registration scheme for fundraisers; impose eligibility restrictions on who may have managerial or financial responsibility for appeals and associates of fundraisers; enable the Director to make public statements or warnings in relation to fundraising appeals, and generally to improve the operation of the Act.

The Bill empowers the Minister to make Orders exempting organisations from the requirement to register. The Minister indicated in her second reading speech that she would exempt organisations that raised less than \$10,000 in a financial year from its fundraising activities and only used volunteers.

Product Safety and Standards

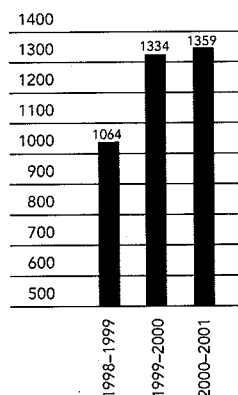
One of the objectives of CBAV is to ensure that consumer products are safe, thereby minimising the risk of injuries arising from the use of these products.

Under the *Fair Trading Act* 1999, the Minister for Consumer Affairs has the power to ban the supply of unsafe products. The Minister signed three orders permanently prohibiting the supply of candles with lead wicks, toy guns that fire projectiles with excessive force, and children's nightwear, and limited daywear, that were non-complying.

Promoting product safety and standards Enquiries

This year a total of 1359 calls were received from consumers and industry, seeking advice on matters relating mainly to the safe use and design of consumer products. This is a 1.9% increase for the corresponding period last year, and is 27.7% higher than for the 1998-1999 period (see Figure 5 below).

Figure 5. Safety and Standards Enquiries 1998-2001



Of the 19 categories used for classifying data, the categories responsible for the majority of enquiries during 2000-2001 were:

- nursery products (32.7% of enquiries)
- transport items (9.2%)
- consumer durables (8.6%)
- sport and recreational (8.1%)
- play items (7.4%)
- electrical products (7.1%)
- food and drink (7.1%).

Together, these categories accounted for 80.2% of all enquiries.

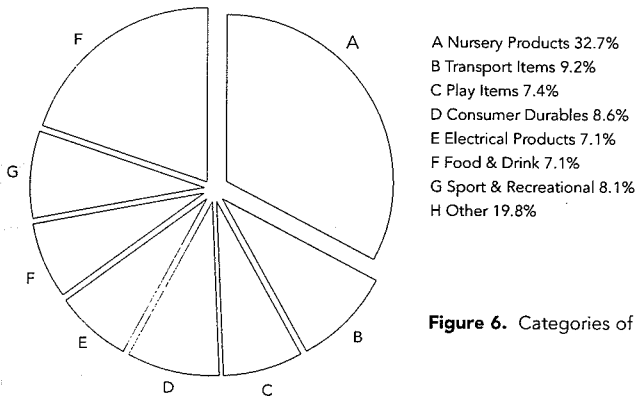


Figure 6. Categories of Product Safety Enquiries 2000-2001

Investigations

During the year, 138 investigations were conducted in relation to the safety of consumer products. There were eight product categories that accounted for 83.3% of investigations (see Figure 7, next page).

These were:

- play items (23.9% of total)
- sport and recreational (15.2%)
- consumer durables (11.6%)
- electrical items (10.9%)
- food and drink (9.4%)
- nursery products (6.5%)
- transport (5.8%).

Compliance activities

The following are some examples of compliance activities that were conducted in the product safety area.

During November 2000 the annual pre-Christmas toy survey was carried out. In all, 35 stores were inspected in metropolitan and country Victoria. Seven toys were purchased for safety testing and of these, three were found to be dangerous. A polystyrene bean-filled inflatable bat posed an ingestion/inhalation hazard to young children.

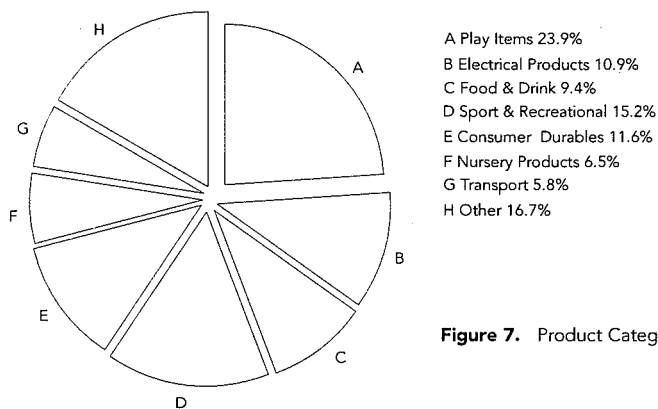


Figure 7. Product Categories Investigated 2000-2001

Two other products—the Lone Star Spud Gun and the Teenage Mutant Ninja Turtle Gun—failed to comply with the banning order for projectile toys. All three products were removed from sale. The toy survey received wide print, radio and television media coverage.

On 15 August 2000 the annual pre-Show inspection of showbags was carried out at the Royal Melbourne Showgrounds. Three hundred and seven showbags and their contents were examined for safety. Two plastic knives were removed from the Army Action showbag because the blades were rigid and could cause puncture injury during normal play. A media release was issued warning consumers about the problems associated with the knives. A follow-up inspection was carried out during the Royal Melbourne Show and no dangerous items were found to be on sale; thus the Show's good safety record was maintained as a result of CBAV's annual inspection program.

On 27 March 2001 an inspection was carried out at the Toy Hobby and Nursery Fair. Approximately 190 exhibitors displayed a range of new and previously unseen products for the toy, hobby and nursery furniture markets. Products inspected were found to be compliant with relevant standards.

CBAV instructed Ford Australia to conduct voluntary recall action when it was found that the current Ford Model AU Fairmont/Falcon had a design fault causing the accelerator cable to become loose during normal driving, rendering the vehicle inoperable. Ford contacted owners to alert them to the potential dangers and advice of repair.

CBAV presented evidence at VCAT hearings between Copperart Pty Ltd and consumers seeking full refund for the purchase of South Beach scooters, which were claimed to be of unmerchantable quality.

Case Study

Information gathering and exchange

The Commonwealth Product Safety Recalls website has been a useful resource, as it has provided information about voluntary safety-related product recalls and allowed information to be shared between regulators. On this site, the register of Alleged Hazardous Products, which includes recalls, has been utilised by CBAV to provide information and advice to consumers and traders. CBAV has also maintained its own database of product safety investigations and enquiries on safety and standards matters and the database is used for monitoring trends in product-related problems.

Communication on product safety issues with other government agencies, specific interest groups and industry is also promoted. Some examples of this are: discussions with the Infant Nursery Products Association of Australia on the dangers of second-hand nursery furniture; Food Safety Victoria on appropriate referral process for food complaints and the issue of sale of alcoholic essences to children; Holden Fuels and Lubricants Engineers on petrol dilution; and the RACV on investigation of fuel contamination issues.

Over 1500 copies of the *Keeping Baby Safe* booklet, and safety information sheets on children's cots, were distributed to the public during the AGS Parents, Children and Babies Expo held at the Melbourne Exhibition Centre.

The Safety and Standards Section became aware of a fault with a Ford AU Model Fairmont/Falcon accelerator cable mount, via a consumer complaint. The matter was investigated and a design fault was discovered in the form of a rubber accelerator cable mount, attached to the engine. This mount was found to be deteriorating with the high temperatures generated by the engine and upon failure of this component, vehicles were rendered inoperable. Upon discovering the extent of the fault, the Safety and Standards Section requested Ford Australia to commence voluntary product recall action. Ford Australia consented and conducted a national product recall on all six-cylinder, AU model vehicles built between 2 October 1999 and 31 January 2001. Ford Australia calculated that the number of vehicles recalled was in the vicinity of 97,000 units.

Standards Development

Developing and revising Australian and international standards

CBAV is represented on a number of committees developing or reviewing Australian or joint Australian and New Zealand standards for particular groups of products. Being on 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 was represented in Standards Australia Committees and it reviewed and commented on several consumer product standards including vehicle jacks, textile furnishings, car roof bars, cigarette lighters, essential oils, portable fire extinguishers and fire blankets, scooters, solid fuel-burning appliances, bicycles and toys.

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 consists of representatives responsible for product safety and standards from consumer affairs agencies in the Commonwealth, State and Territories of Australia and New Zealand. It met twice during the year.

The major issues discussed at CPAC were:

- the proposed introduction of mandatory safety standards for baby walkers and bunk beds
- uniform banning criteria for expanding novelties and toys
- Trans Tasman Mutual Recognition Agreement towards aligning consumer product regulations
- strategies for combating problems arising from the sale of unsafe second-hand goods

- access restrictions of the National Coronial Information system to consumer affairs agencies, and
- access by CPAC members to the Organisation for Economic Co-operation and Development's notification system for unsafe goods.

Banning orders

The Minister for Consumer Affairs made orders, 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, and candle wicks that contain lead. 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.
- Toy guns, including the BB Air Sport Gun designed to shoot projectiles with enough force to cause serious eye injuries. The guns fail the safety requirements of clauses 7.15.3 (a) and/or 7.15.3 (b) of Australian Standard AS 1647.2:1992, which deals with the safety requirements for children's toys.
- Children's nightwear and limited daywear, and paper patterns that fail to comply with mandatory safety standards that adopt the latest Australian/New Zealand Standard—AS/NZS 1249:1999—published on 5 April 1999.

The banning orders were printed in the Victorian Government Gazette.

Consumer Protection Resolving Disputes and Enforcing the Law

Consumer and Business Affairs Victoria's dispute resolution service assists consumers to resolve disputes with traders in a co-operative way.

Resolving Disputes

Consumer and Business Affairs Victoria's (CBAV) dispute resolution service assists consumers to resolve disputes with traders in a co-operative way. CBAV's involvement in resolving disputes minimises the need for consumers to take complaints to the Victorian Civil and Administrative Tribunal (VCAT) or the Magistrates' Court. The outcomes CBAV can achieve for consumers range from a simple apology through to the return of goods, full or partial refunds or rectification work on a consumer's goods or services. Through this service, CBAV aims to provide accessible, cost effective, practical and just dispute resolution for Victorian consumers, particularly those who are disadvantaged. The service has a high success rate and is an attractive, no-cost option for consumers.

As part of CBAV's assessment of a complaint, CBAV also considers whether it may involve a breach of legislation which we should investigate to determine whether enforcement action is necessary.

CBAV handled 10,225 written complaints during 2000-2001, slightly more than the previous year. During the financial year, 60.7% of the written complaints received concerned residential tenancy (55.8%), real estate, and accommodation matters (4.9%). Within the consumer categories, the majority of complaints involved household goods (20%); building and construction (7.6%); and motor vehicle and other transport (7%). Complaint trends remain consistent with those shown in previous years.

Information that is gathered from complaints received aids CBAV's understanding of marketplace activities, and enables the early identification of emerging trends or systemic issues that may adversely affect Victorian consumers. This information is passed to consumers via media, publications and/or CBAV's telephone enquiry service. In this way, CBAV endeavours to inform consumers of their rights and obligations before

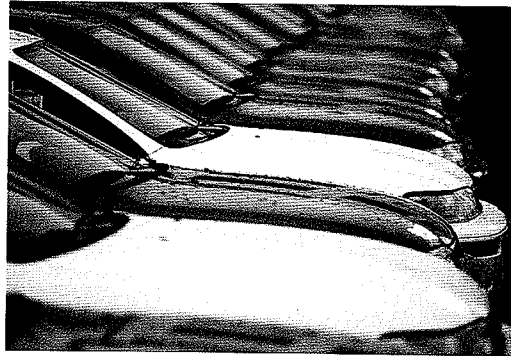
entering into any transactions. Funded community agencies located throughout metropolitan and regional Victoria also provided advice to an estimated 61,248 consumers and tenants during this period.

This year, CBAV began to track the amount of money recovered for Victorian consumers as part of the dispute resolution activity. An amount of \$1,547,593 was recovered on behalf of Victorian consumers during 2000-2001, which included refunds obtained, rectification services and replacement products provided to consumers.

Toward the end of the reporting period, CBAV modified its complaint-handling processes to more effectively assist consumers with the greatest need. These modifications include a formalised process for complaint handling and business rules to handle complaints from vulnerable consumers. These changes have enabled genuinely disadvantaged consumers to have simplified access to dispute resolution services. Broadening access to CBAV's services provides an immediate support to consumers who, by nature of their particular circumstances or the remoteness of their locality, are at a real disadvantage when required to put a complaint in writing.

For the year ending 30 June 2001, the residential tenancies team received a total of 6058 requests for inspections. The inspections comprised 3546 for goods left behind, 1687 for non-urgent repairs and 825 rental assessments.

In the course of providing inspection services, CBAV endeavours, where possible, to resolve disputation between the parties to a tenancy agreement, and eliminate the need for both tenants and landlords to pursue their claims through the Residential Tenancies List at VCAT.



This year the residential tenancies team has given a strong emphasis to awareness and educational activities within the marketplace. Every contact with tenants, agents and landlords is an opportunity to impart knowledge and change undesirable behaviour.

Estate agent property management groups provide key access points for the efficient and effective delivery of industry education and training programs that maximise the impact of CBAV involvement. While CBAV programs are delivered to estate agents, tenants are the primary beneficiaries of improved practices and industry compliance.

CBAV maintains close working links with community-based tenancy support groups, the real estate industry and the Office of Housing.

Ensuring that access and responsive services are delivered to tenants is particularly important for those tenants who by their location or circumstances may be disadvantaged or vulnerable.

Compliance Monitoring

When complaints reveal undesirable market practices which breach the laws we administer, CBAV investigates them with a view to taking enforcement action. So complaints received can lead to both dispute resolution for the particular consumer and compliance action more generally.

Licensed and regulated occupations

Certain occupations are regulated by legislation that requires a trader to hold a license or to conduct business in a certain way. Businesses that require the granting of a license to operate are referred to as licensed occupations. Other occupations that are subject to a specific Act, but that do not require the granting of a license to operate are referred to as regulated occupations. Under the legislation governing licensed occupations, CBAV inspectors are authorised to enter a trader's premises without consent and examine documents or things for the purposes of ensuring compliance with the relevant Act.

These Acts are:

- *Estate Agents Act 1980*
- *Motor Car Traders Act 1986*
- *Travel Agents Act 1986*
- *Prostitution Control Act 1993*.

Introduction agents fall into the category of a regulated occupation, with their conduct regulated by the *Introduction Agents Act 1997*. CBAV inspectors are entitled to enter an introduction agent's trader's premises with the occupier's consent, or alternatively under a search warrant.

During 2000-2001, CBAV inspectors carried out the following proactive compliance monitoring programs utilising powers in Acts regulating licensed occupations.

Inspection Programs

Estate agents inspection program

CBAV conducted 74 inspections of newly licensed estate agents as part of a legislative inspection program, plus 222 proactive inspections of traders

in regulated industries. An inspection involves examining the agent's trust account books and records to ensure that clients' funds are being handled in accordance with the stringent requirements made by the *Estate Agents Act 1980* and its associated regulations. The aim of this program was to ensure that new entrants into the market were made aware of their obligations from the outset. Where an inspection reveals a serious instance of non-compliance, the matter is referred either to the Investigations Branch of CBAV or to Victoria Police.

Motor car traders inspection program

Under the *Motor Car Traders Act 1986*, licensed motor car traders are required to keep an up-to-date Dealings Book documenting their acquisitions and disposals. They are also required to display certain information on vehicles being offered for sale. In September 2000, CBAV commenced its proactive motor car traders inspection program. The aim of the program was to check that these fundamental consumer protection requirements were being met. The commencement of the program coincided with the availability of infringement notices, or on-the-spot fines for failure to comply with these requirements. During the course of the year CBAV issued a total of 402 infringement notices against 109 motor car traders who had failed to comply.

Travel agents inspection program

The *Travel Agents Act 1986* requires, among other things, that a travel agent be licensed and be a member of the Travel Compensation Fund; that a qualified person be in control of the agency and that certain accounting records be properly kept. The purpose of the program was to ensure that these basic consumer safeguards were in place. The program resulted in one matter being referred for further investigation.

Business Licensing Authority investigations

If a license is required to carry on a regulated occupation, an application must be made to the Business Licensing Authority (BLA) for the

appropriate license. The law governing licensed occupations requires that all new applications for licenses be referred to both the Director of CBAV and to the Chief Commissioner of Police. This ensures that any prior adverse history an applicant may have is brought to the attention of the BLA when it is considering the granting of a license.

As well as processing 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. This includes such events as being convicted of a criminal offence or bankruptcy.

In the 2000-2001 financial year, CBAV undertook 431 investigations in relation to matters before BLA.

Industry Blitzes

In addition to its ongoing enforcement activities, CBAV conducted industry-based blitzes targeting problem areas.

Motor car traders

In March 2001 CBAV conducted the Dob-in-a-Rogue-Car-Dealer blitz. Members of the public were invited to identify motor car traders not complying with specific provisions of the *Motor Car Traders Act* 1986, namely the requirement that traders display particulars of a used vehicle and that they provide a roadworthy certificate with a registered used car. The blitz resulted in compliance visits to 92 traders identified by the public.

Travel agents

The Top 20 most complained-about travel agents were inspected during May-June of 2001. Compliance levels were generally satisfactory, however at one travel agency further matters for investigation were identified.

Registered business names

The *Business Names Act* 1962 in effect provides that a person may carry on a business either under their own name or under a name which is registered

under this Act. In March-May 2001 CBAV identified and wrote to almost 300 traders concerning the use of non-registered names. Traders who failed to take corrective action are now facing further enforcement action.

Estate agents

In June 2001 contractual arrangements were put in place for accounting firms acting at the direction of CBAV to target specific geographical areas and to conduct trust account inspections of all agencies operating in those areas.

Enforcement

Enforcement options

There are a number of enforcement options available to CBAV that it can use to promote compliance with the legislation it administers. In order from the least severe to the most severe outcomes, these options include:

- written warnings to traders
- voluntary undertakings from traders
- enforceable undertakings pursuant to section 146 of the *Fair Trading Act* 1999
- injunctions to restrain or eliminate conduct
- disciplinary action against licensed traders
- prosecution.

Investigation and prosecution

An investigation is only commenced if it appears that prosecution of an alleged breach is warranted. CBAV determines which matters are appropriate for investigation and prosecution in accordance with its Enforcement Policy. The Policy is applied to determine which complaints among the thousands received by CBAV are to be subject to further action. The Policy is designed to ensure that resources are committed to only the areas of most benefit to the community at large.

In deciding which matters are to be investigated, CBAV looks at 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 vulnerable consumers)

- the sufficiency and quality of the available evidence
- the availability of a more appropriate enforcement mechanism.

Once a matter has been determined as being appropriate for investigation, the progress of inquiries is monitored to ensure that the matter is one that is appropriate for prosecution. The 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 a prosecution (eg is the conduct prevalent; is the victim particularly vulnerable).

The application of the Enforcement Policy has led to CBAV taking on more substantial enforcement activities with significance to the community. Enforcement activities may be taken against traders in licensed and/or regulated occupations under the specific legislation governing that occupation, or against traders in general under the *Fair Trading Act 1999*.

Enforcement outcomes for 2000-2001

2000-2001 is the first year in which CBAV was able to make extensive use of enforceable undertakings under section 146 of the *Fair Trading Act 1999*. Enforceable undertakings are an intermediate enforcement measure. They are used when there has been a demonstrated breach of the Act, but it is considered that prosecution may be too harsh an option, or too resource-intensive to pursue. Twelve injunctions were obtained under section 33A of the *Motor Car Traders Act 1986*, which restrains unlicensed persons from trading in motor cars.

Infringement notices were also introduced for the first time in 2000-2001. Infringement notices allow CBAV to achieve positive enforcement outcomes without having to resort to resource-intensive prosecution. Infringement notices were used to address strict liability offences under the *Motor Car Traders Act 1986*, such as failing to enter particulars into the Dealings Book or failing to display a Form 7 disclosure notice on a used car. More positive enforcement outcomes were achieved using this method than by prosecution alone. The table below sets out the enforcement outcomes achieved by the Investigations Branch during the year.

Review of Dispute Resolution

CBAV commenced a review of its current dispute resolution service. The review will identify and recommend strategies to strengthen dispute resolution services and ensure an efficient and effective service for Victorian consumers, particularly disadvantaged consumers. The key objectives of the review are to assess whether the current service is:

- timely, cost-efficient for Government and consistent with best practice
- impartial, accessible, equitable and effective
- cost effective and minimises damage to all parties
- equipped to gather, monitor and analyse marketplace intelligence
- positioned to rapidly and effectively address serious and/or systemic marketplace issues.

Figure 8. Type of Enforcement Outcomes 2000-2001

Type of Enforcement Outcome	No. of Actions Taken	No. Successful
Written Warning Issued	264	Not applicable
Voluntary Written Undertaking	73	Not applicable
Enforceable Undertaking	88	88
Injunction	21	21
Disciplinary Action Against Regulated Trader	4	4
Prosecution	62	56

Licensed Motor Car Trader

The Sydney-based Chief Executive of an automotive dealership with car yards in both Victoria and NSW met with CBAV concerning the conduct of the Victorian arm of the dealership. CBAV had received complaints seeking dispute resolution concerning the trader's advertisements for vehicle finance, which targeted consumers with poor credit history.

A number of issues were brought to the trader's attention including its failure to advise consumers of transfer/stamp duty requirements on vehicles, and its practice of arranging credit over the phone with consumers without disclosing the interest rate or the fact that the loan involved a final balloon payment. The trader has replaced its Victorian management and entered into a detailed undertaking with CBAV that includes full compliance with the **Motor Car Traders Act 1986** and the **Consumer Credit (Victoria) Act 1995**.

Further, the trader has agreed to identify all vehicles sold since 1 July 2000 and where transfer has not occurred, has arranged to transfer the vehicle on behalf of the consumer, incurring both the transfer fee and stamp duty. This outcome has not only been beneficial for previous customers but will also encompass any future transactions with this trader.

Estate Agents Act 1980

For a person to be eligible for employment as an agent's representative under the the **Estate Agents Act 1980** they must: be over the age of 18 years; have passed the prescribed course, and not have any criminal history involving fraud, dishonesty, violence or drug trafficking.

On 5 July 2000, Mario D'Aloia of Roxburgh Park was fined \$1000, with costs of \$1280 awarded against him, for acting as an agent's representative when ineligible to do so.

Xu Zhi Feng of Box Hill North appeared in the Ringwood Magistrates' Court on 15 June 2000, and was convicted of acting as an agent's representative when ineligible to do so and intentionally misrepresenting that he was eligible to be so employed. He was fined \$3000 with costs of \$404 awarded against him.

In all, eight criminal prosecutions were conducted.

Maintaining an Effective Consumer Protection Framework

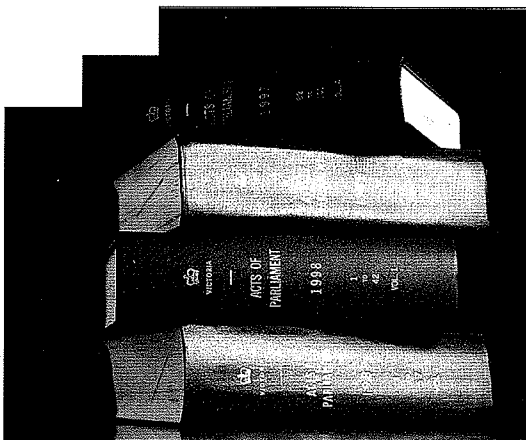
By monitoring and reviewing the current legislative framework, CBAV is able to ensure that the Government's consumer protection objectives are achieved.

Legislation and Regulations

The Minister of Consumer Affairs' legislative program traversed a variety of issues during 2000-2001, including petroleum terminal gate pricing and tightening up the circumstances in which an incorporated association can be wound up voluntarily.

The major achievements were:

- Providing that the police or other relevant persons can, in seeking to have a premises declared a proscribed brothel, introduce evidence that the business of a brothel was being carried on in the 14 days leading up to the filing of the application for the declaration at the Magistrates' Court.
- Providing that if the rules of an incorporated association include, or have included at any time within five years prior to a voluntary winding up, a rule that prevents the distribution of assets to members on a voluntary winding up, a special resolution will be of no effect if it purports to allow such a distribution.
- Implementing a rescue package for house owners whose builder's warranty insurance cover was adversely affected by the collapse of the HIH Insurance Group.
- Requiring declared fuel suppliers to set a terminal gate price for fuel.



Two Bills were introduced into the Autumn 2001 Parliamentary Sittings, to lie over for debate in the Spring 2001 Sittings. These were the Fundraising Appeals (Amendment) Bill 2001 and the Auction Sales (Repeal) Bill 2001. The Bills and the Minister's speeches regarding them can be viewed on the Victorian Parliamentary website at www.parliament.vic.gov.au.

Petroleum—terminal gate pricing

The *Petroleum Products (Terminal Gate Pricing) Act* 2000 was passed by Parliament in November 2000. The Act requires declared fuel suppliers to set a terminal gate price for fuel, and to provide access to resellers to purchase product from the terminal except in specified circumstances. Further details are provided in the section dealing with Fuel, see page 32.

Prostitution

The *Prostitution Control (Proscribed Brothels) Act* 2001 commenced on 30 May 2001. It amends the *Prostitution Control Act* 1994 with respect to the procedure for an application to the Magistrates' Court for premises to be declared a proscribed brothel. The Act amends section 80 of the Act so that an application may be made to the Magistrates' Court for premises to be declared a proscribed brothel if the business of a brothel has been carried on at the premises in question at any time during the 14 day period up to the date of the filing of the application.

The amendment applies to applications by the Police and authorised officers of responsible authorities under the *Planning and Environment Act* 1987. The need for amendment arose from a decision of the Magistrates' Court in which it was held that it had to be demonstrated that the premises were being used as a brothel at the time of the application and that any earlier period of investigation could not be relied upon.

Voluntary winding up of associations

The *Associations Incorporation (Amendment) Act* 2000 overcomes technical oversights in the *Associations Incorporation Act* 1981, that were highlighted by the winding up in late 1999 of a non-profit association, the sale of its premises to a developer for \$1,305,000, and the distribution of the proceeds to its members.

Non-profit, community associations have rules preventing the distribution of assets to members and, on their dissolution, requiring surplus assets to be distributed to another non-profit body.

However, the Associations Incorporation Act provided that on a voluntary winding up of an incorporated association, surplus assets may be distributed according to a special resolution. It therefore allowed for a distribution by a special resolution that was contrary to the rule against the distribution of assets to members.

Figure 9. Regulations Made or Revoked during 2000-2001

Regulations Made	Date Commenced
Business Names (Prescribed Particulars) Regulations	11 December 2000
Motor Car Traders (Fees Amendment) Regulations	1 December 2000
Regulations Revoked	
None	

The other technical problem was the possibility that charitable associations could use the voluntary winding up provisions of the Associations Incorporation Act to circumvent other provisions of that Act requiring them to have a rule distributing surplus assets to another charity on their winding up, as a condition of their ability to trade.

The amending Act fixes these technical flaws by:

- firstly, providing that if the rules of an incorporated association include, or have included at any time within five years prior to a voluntary winding up, a rule that prevents the distribution of assets to members on a voluntary winding up, a special resolution will be of no effect if it allows such a distribution
- secondly, providing that in the situation where no special resolution is passed dealing with surplus assets, the Act does not allow a distribution to members by default, if the rules of the association include, or have included at any time within five years prior to a voluntary winding up, a rule that prevents the distribution of assets to members on a voluntary winding up
- thirdly, providing that if a charity that has been given permission to trade has the required rule providing for distribution of surplus assets to another charity, the members cannot resolve under the winding up provisions to distribute assets in a contrary way, and
- fourthly, providing that if the Minister does, in fact, approve of a trading charity changing that rule, the winding up provisions do not fetter that power.

HIH collapse

The *House Contracts Guarantee (HIH) Act 2001* implemented the Government's rescue package for house owners whose builder's warranty insurance cover was adversely affected by the collapse of the HIH Insurance Group.

The Act:

- establishes an indemnity scheme to take over HIH claims
- provides for the Housing Guarantee Fund Ltd (HGFL) to manage the scheme on the State's behalf
- establishes a separate fund into which all receipts relating to the scheme must be placed, and from which all expenses and claims relating to the scheme must be paid
- allows for the making of claims, subject to claimants' rights of recovery against HIH being assigned to the State
- provides for an additional building permit levy to meet part of the cost of the scheme
- enables HGFL to recover costs from builders to the extent that HIH could have done so, and to take action against builders who do not contribute as required
- enables the Building Practitioners Board not to impose the mandatory suspension on builders who do not have the required insurance at the time of their registration, provided that delays consequent on the HIH collapse are the only reason for their not having insurance
- permits home owners to appeal to the Victorian Civil and Administrative Tribunal (VCAT) against decisions made by HGFL in respect of claims, and
- overcomes concerns about the validity of HIH Insurance cover in relation to vendors' insurance disclosure obligations under the *Sale of Land Act 1962*.

Consumer and Business Affairs Victoria (CBAV) worked closely with other government departments in developing a Victorian Government response to the HIH Insurance collapse. In relation to domestic building warranty insurance in particular, CBAV worked together with the Department of Treasury and Finance to develop the detail of the rescue package, and contributed information on the position for consumers. The Building Control Commission also assisted in the development of the rescue package, providing input on the concerns of builders.

Corporations (Victoria) Act 1990

Responsibility for the administration of the *Corporations (Victoria) Act 1990* was transferred to the Attorney-General in October 2000. Following this the responsibility for the incorporation of corporations was referred to the Commonwealth Government.

Fuel

High fuel prices continued to be of concern to consumers. In response to this and other concerns, action was taken on a number of fuel issues.

Price monitoring

Under the Victorian Fuel Price Monitoring Initiative, fuel prices were monitored and published from May to September 2000. The publication *Information on Fuel Price Trends in Victoria* was released in October 2000. The data analysis provided evidence of the impact of international price movements, the changing exchange rate, excise rates, and the impact of the introduction of GST. The analysis supported the Victorian Government's case to the Commonwealth Government to take action on prices.

Advocacy on excise changes

At the Council of Australian Governments meeting in November 2000, the Victorian Government advocated Commonwealth Government action on fuel prices, particularly excise. In March 2001, the Commonwealth reversed its earlier position and announced a package that included the:

- abolition of the automatic indexation of excise on fuel
- immediate reduction of 1.5 cents per litre off the price of fuel
- establishment of an inquiry into fuel price fluctuations, conducted by the Australian Competition and Consumer Commission
- conduct of an inquiry into the total structure of fuel taxation in Australia.

Terminal gate pricing

In November 2000, the Parliament passed the *Petroleum Products (Terminal Gate Pricing) Act 2000*.

The Act takes effect from 1 August 2001. The Act is designed to achieve transparency in pricing, and access to product from the terminal at reasonable prices.

The Act requires:

- Declared suppliers to publicly advertise a Terminal Gate Price (TGP) for declared petroleum products. The TGP is defined as landed international product price, plus excise, plus terminal operating margin, plus GST.
- Contracts between suppliers and distributors or retailers to be based on TGP, plus additional services, less discounts or rebates.
- Invoices to identify the TGP, plus the price of additional services that relate to the load, less discounts or rebates.
- Declared suppliers to provide access to product from the terminal at the TGP. Access can only be denied in specified circumstances.

The Act does not place any obligations on distributors and retailers. However, it will change the structure of prices and contracts from a top down pricing structure, based on discounts from a wholesale list price, to a bottom up pricing structure based on TGP. This should provide greater transparency in the components of the price of fuel. The Act provides opportunities for distributors and retailers to purchase petrol and diesel directly from the terminal at a reasonable price.

Benefits from the introduction of TGP are likely to be realised in the long term.

Consumers are not directly affected by the Act. Prices are not expected to fall when the Act commences, but consumers will be able to access the price of supply from the terminal on the Internet and thereby determine the additional costs that have been added before they buy. In the longer term, the potential benefits for fuel resellers may produce benefits to the consumer.

Fuel temperature compensation

The issue of hot fuel was investigated in response to complaints from resellers.

Fuel expands when it is hot and contracts to a smaller volume when it cools. Retailers can experience substantial losses if fuel is delivered hot and then cools to a smaller volume before it is sold. The problem of hot fuel has become more common because of just-in-time production from refineries, and more direct deliveries to retailers rather than fuel being stored and double handled before delivery to retailers.

Independent wholesalers and retailers particularly have reported substantial losses and have been unable to negotiate satisfactory resolution from the oil companies. Some oil companies do make allowance for losses, but independents have found this to be insufficient to cover losses when fuel is delivered very hot.

Fuel is already temperature compensated to the Australian Standard of 15°C when oil companies exchange product between themselves, and when excise is paid on petrol and diesel.

Victoria has proposed a national approach to temperature compensation through amendment of the Uniform Trade Measurement Legislation, to require that when fuel is supplied directly from terminals, it must be temperature compensated to the Australian Standard of 15°C.

The proposal will be discussed by the Ministerial Council on Consumer Affairs during July 2001.

The decision to adopt a national approach to this issue will improve transparency and certainty within the petroleum industry, and enhance the competitiveness of independent wholesalers and retailers compared to major oil companies.

The cost of implementing this decision should be low because volume is already temperature compensated from terminals for excise purposes and therefore measurement equipment is already in place.

Fuel that has been stored in depots before delivery to retailers will not be required to be temperature compensated because it has had time to cool. Also, the cost of requiring temperature compensation from the depots would be substantial.

Motorists will continue to buy fuel at ambient temperature from retailers.

Fuel quality testing

Since March 2000, 124 tests for fuel contamination have been performed by CBAV on products taken from 65 fuel outlets across Victoria, either in response to complaints or as part of the random testing program. Of these, 45 samples were found to be substandard or contaminated, and appropriate action has been taken, such as issuing warnings, re-testing of fuel and a prosecution.

Testing fuel as a result of consumer complaints will be an ongoing program to ensure that Victorian motorists are not buying substandard fuel that might cause costly damage to their vehicles or even accidents due to poor performance.

Other Policy Issues and Reviews Women as Consumers—Motor Vehicle Project

The Project is a national initiative designed to address discrimination and improve the level of service provided to women by the motor vehicle purchase, service and repair industries.

The Project is supported by all State and Territory consumer affairs and women's policy Ministers. A working group, comprising representatives from State and Territory consumer affairs and women's policy agencies, has been established to guide the project. CBAV is represented on this working party.

The working party has developed a three-stage approach to the project. The first stage, involving preparation of a report discussing women's experience in dealing with the motor vehicle industry, has been completed. The Report, entitled *The Way Ahead: Women and the Motor Vehicle Industry*, was launched in January 2001. The Report includes Victorian and national research into the nature and extent of discrimination that women are exposed to when purchasing, servicing or repairing a car. Minister Thomson discussed the report during her keynote address at the International Women's Day Luncheon at the Melbourne International Motor Show on 8 March 2001.

The Report recommended that States and Territories, in partnership with industry and other relevant organisations, conduct a stocktake of resources and initiatives and develop an action plan drawing on the options raised in the paper. In order to progress this recommendation and commence Stage 2 of the project, CBAV has convened a steering committee.

The steering committee has 14 members and is comprised of consumer advocates, industry representatives, government representatives and women's policy agencies. The steering committee is in the process of mapping existing resources and initiatives in three key areas:

- changing the perceptions and attitudes of the motor vehicle industry towards women
- enhancing women's capacity to deal equitably with the motor vehicle industry
- processes to protect consumers of the motor vehicle industry.

Once the mapping process has been completed, the steering committee will identify areas of unmet need, and develop policies and strategies to address these areas.

Stage 3 of the project will involve implementation of the policies and strategies developed in Stage 2.

Inquiry into marketplace discrimination against women consumers

In April 2000, the Parliament of Victoria requested the Family and Community Development Committee, a joint investigatory committee of the Victorian Parliament, to inquire into, and report on, marketplace discrimination against women consumers. In particular, the Committee was requested to:

- identify and examine the incidence and impact of price discrimination (where the price of a good or service is determined by the gender of the purchaser, not the quality of the good or service) on women consumers in the purchase of goods and services
- identify and examine the incidence and impact of discrimination based on stereotyping of women consumers as lacking technical knowledge, lacking financial independence and unable to make big purchase decisions in the purchase of goods and services and related enquiries and complaints
- consider whether existing anti-discrimination legislation (both Victorian and Commonwealth) is adequate to address marketplace discrimination against women
- consider whether intervention is necessary to reduce the incidence of discrimination against women consumers and, if so, what form that intervention should take and whether it would be best undertaken by government agencies, industry bodies or a combination of the two.

The Committee was specifically asked to examine the dry cleaning, motor vehicle repair, clothing, domestic building, banking and credit industries.

Representatives from CBAV appeared before the Committee in October 2000 to discuss the Inquiry, provide the Committee with statistical and other data, and outline CBAV projects addressing issues of discrimination. CBAV also made a written submission to the Inquiry. After the Committee has tabled its report, CBAV will consider the Committee's recommendations and assist in preparing the Government response.

CBAV submission to the Review of Code of Banking Practice

CBAV made an extensive submission in response to the interim report arising from the Review of the Code of Banking Practice. The submission supported the interim recommendations made by the Review, as the proposed changes would significantly improve current banking practices. Further comments were provided by CBAV on a range of areas.

CBAV supported protocols for branch closures, and suggested further enhancements to the recommendations made in the Review. The submission highlighted the need for the Code to incorporate better access to basic banking services, including the need for a safety-net account, and the introduction of enforceable obligations protecting the interests of vulnerable people. Further suggestions highlighted consumer credit issues and information disclosure.

CBAV's submission made more detailed discussion on the issue of monitoring and administering the Code. In particular, CBAV strongly supported the need for ongoing consumer consultation regarding the effectiveness of the Code, and recommended developing a consultative structure through State and Territory consumer affairs agencies and the Ministerial Council on Consumer Affairs.

Estate Agents Act National Competition Policy Review

Independent consultants engaged by CBAV completed a review of the Estate Agents Act under National Competition Policy towards the end of 2000. The report was subsequently released for public comment. The Government is now considering its final response to the recommendations, which include proposals to make it easier for some individuals and companies to begin operating as estate agents, particularly outside the residential sales sector.

Building

During the 2000-2001 period, the Building Control Commission and CBAV have met to discuss a number of concerns affecting both builders and consumers. These include:

- complaint handling and the capacity of CBAV to refer some limited matters to the Building Appeals Board
- enhancing the exchange of market intelligence in respect of builders and consumers
- the regulation of owner/builders, and
- the Ministerial Insurance Order (made by the Minister for Planning).

Presentations by each agency have assisted in appreciating the very particular roles each has to play in the regulation of domestic building.

Case Study

Fundraising Appeals Act 1998

A person who intends to conduct a fundraising appeal must give the Minister written notice of her or his intention at least 28 days before the date she or he intends to start conducting the appeal. In the event of a person conducting a fundraising appeal not complying with any provision of the Act, application may be made to the Court to order that person to stop conducting the appeal. During 2000-2001 CBAV obtained orders against eight fundraisers, either preventing them from conducting fundraising appeals altogether, or allowing them to proceed only if they complied with the **Fundraising Appeals Act 1998**.

Victorian consumers need to know which fundraiser is receiving their money, so they can feel confident when donating.

Fundraising review

A review of the *Fundraising Appeals Act 1998* was undertaken in 2000. A discussion paper was released in November 2000, identifying two main areas of concern with the Act. These were: the width of the Act's operation, which had imposed a significant administrative burden on many groups (including small community based volunteer groups), and the need to tighten enforcement powers to make it more difficult for unscrupulous fundraisers to operate.

The review concluded that the Act's requirement that a person notify the Minister of every appeal they intended to conduct imposed a burden on many fundraising bodies. It recommended that this requirement be replaced by a system of registration of fundraisers, under which every person intending to conduct a fundraising appeal in Victoria would be required to register as a fundraiser unless otherwise exempt. It also recommended that some fundraising organisations be exempted from the requirement to register, in particular those comprised of volunteers and raising only small sums, and those that are accountable to the Victorian Parliament for their fundraising activities in other ways.

The review also recommended a range of measures to enhance CBAV's ability to keep unscrupulous operators out of fundraising, and the development of a public register of fundraisers, accessible on the Internet.

A Fundraising Appeals (Amendment) Bill was introduced into Parliament in the Autumn 2001 Parliamentary Session in order to address these concerns. It is anticipated that the range of proposals contained in the Bill will come into force at the start of 2002, subject to its successful passage through Parliament.

Consumer credit issues

Pay day lending

When the Consumer Credit Code came into force in 1996, pay day lending in Australia did not exist. The pay day lending industry has grown rapidly over the last 18 months. Typically, pay day loans are short-term loans for relatively small amounts, offered by some financiers to consumers for repayment on the consumer's next pay day. The cost of these loans to the consumer is very high, with an overall charge of between 20% and 30% of the amount borrowed not being unusual.

Victoria supported the introduction in May 2001 of an amendment designed to extend the operation of the Code to cover pay day loans. Currently pay day loans are outside the coverage of the Code because they fall within the short-term exemption that applies to credit provided for a total period of no more than 62 days. The amendment will mean that the Code will apply to pay day loans if one or both of the following criteria apply:

- (a) the total fees and charges payable (including application fees and any late fees) exceeds 5% of the amount of credit; or
- (b) the interest charged exceeds 24% per annum.

The Code will ensure that those taking out a pay day loan are aware in advance of the key features of the loan, such as the amount of fees and charges, the annual interest rate (which cannot exceed 48% in Victoria), details of any security required, and any default charges. Consumers will also be entitled to a written copy of the contract, and to be given standardised information about options when repayment cannot be made.

Finance Problems

CBAV made urgent representations to a finance company on behalf of a consumer following information that a family with three children was left with only \$15 to live on for the week, as a consequence of a recent automatic withdrawal by the finance company of a monthly repayment due on a loan. CBAV's prompt involvement in this matter resulted in the company immediately depositing the sum of \$150 into the consumer's account on compassionate grounds.

Comparison rates

Until now the provision of a comparison rate has been at the discretion of the credit provider. Experience has demonstrated that comparison rates have not been widely provided. In November 2000 the Ministerial Council on Consumer Affairs agreed to the preparation of an amendment to the Consumer Credit Code to make the provision of comparison rates mandatory.

A comparison rate is a nominal percentage rate per annum that takes into account not only the interest levied but also the fees and charges connected with the credit. The aim is to enable consumers to identify the true cost of credit, and hence be in a position to compare the products of various credit providers. Comparison rates are particularly helpful where credit providers package their credit products in many different ways.

In March 2001, a draft amending Bill was released for public consultation. The Bill imposes two main requirements on credit providers. First, it requires that whenever an annual percentage interest rate is mentioned in a credit advertisement, the relevant comparison rate must also be given. Secondly, it requires credit providers, finance brokers and linked suppliers to supply consumers with schedules of comparison rates for the various credit products on offer.

Residential Tenancies Act Review

CBAV has been an active participant on the Residential Tenancies Legislation Working Group, chaired by the Member for Bendigo East, Ms Jacinta Allen MP. Following public consultations in April-May 2001, the Working Group is to report in September 2001. Issues under consideration include: notice periods for rent increases and notice to vacate without a specified reason; procedures for claiming the bond, and the rights of people in supported community accommodation.

E-commerce

On 18 April 2001, the Victorian Government launched its e-commerce strategy—Victoria's E-commerce Advantage—designed to fast-track the uptake of e-commerce across Victoria. As part of the whole-of-Government approach to e-commerce, CBAV has commenced implementation of an E-commerce Consumer Protection Strategy. The objective of the Strategy is to contribute to the development of consumer confidence in the use of business to consumer (B2C) e-commerce.

CBAV aims to contribute to consumer confidence by informing and protecting consumers who choose to purchase goods and services online. CBAV's Strategy will be implemented through discrete projects, including:

- Contributing to the national agenda on e-commerce consumer protection. The Commonwealth Government has set the regulatory framework for e-commerce, including consumer protection principles articulated in the E-commerce Best Practice Mode. This project is aimed at achieving improved regulatory arrangements at the Commonwealth level contributing to consumer confidence in national consumer protection arrangements.
- Ensuring Victorian e-commerce consumer protection legislation is effective. This project is designed to ensure that Victorian fair trading legislation offers consumers an appropriate level of consumer protection with regard to e-commerce—contributing to consumer confidence in State consumer protection arrangements. The effectiveness and adequacy of e-commerce consumer protection will be a major focus of the review in 2001-2002 of the Fair Trading Act.
- Contributing to consumer and small business awareness of e-commerce issues. This project aims to provide consumers and small business with clear guidelines on the wise use of e-commerce—give consumers the knowledge and confidence to make informed decisions.

- Monitoring trends in e-commerce. This project is designed to monitor trends in e-commerce complaints to ensure that CBAV's message to consumers remains relevant and related to their concerns.
- Conducting compliance activity and prosecutions as appropriate. Compliance and prosecutions activity are the community's ultimate safeguard that the regulatory framework set for e-commerce is followed.

Food safety and consumer affairs

Under a new national scheme for food regulation, the Australian Ministerial Council responsible for food regulation has been expanded beyond health portfolios to include the Victorian Minister for Consumer Affairs, as well as a local government representative. This has provided the opportunity to consider food safety in the broader consumer context. Labelling, relevant to fair trading generally, is also a key to an effective food safety framework.

Under the joint (Australian and New Zealand) Food Standards Code (Volume Two), domestic labelling in general relates to genetically-modified food, percentage labelling, nutritional labelling, and sensitivity or allergy labelling. (Previously the food standard has emphasised an ingredients-based standard rather than a compositional one).

A whole-of-Government approach has been adopted in relation to both food safety generally and the risk management of gene technology. CBAV has had input in both these areas of regulation.

Pawnbroking

In late 2000, a review of the *Second-Hand Dealers and Pawnbrokers Act* 1989 was initiated as part of the Victorian Government's commitment to consumer justice. The review built on work by the Good Shepherd Youth and Family Service which undertook a study funded by the Consumer Credit Fund to consider the impact of deregulation of the pawnbroking industry. The focus of the review was the regulation of pawnbrokers.

Extensive consultation took place with industry and consumer representatives as part of the review, which canvassed such issues as: the separate registration of pawnbrokers to enable closer scrutiny of their activities; the enhancement of enforcement powers, and more stringent penalties, to encourage pawnbroker compliance with the requirements of the Act; the reinstatement of the entitlement to residual equity for persons pawning goods, and enhanced consumer protection for claims of entitlement to pawned goods.

Legislation as a result of this review is under development.

Estate agent dispute resolution

In November 2000, Logie-Smith Lanyon in conjunction with Nicole Cullen and Jon Kenfield were commissioned to review complaint handling and dispute resolution systems in the real estate industry.

The review was overseen by a Steering Committee comprised of representatives of CBAV, the Estate Agents Council and The Real Estate Institute of Victoria (REIV).

The review recommended that a single independent system be established to handle real estate complaints. This would replace the existing systems in place at both CBAV and the REIV. The consultants also made a number of practical suggestions to improve the resolution of disputes which are currently being considered and implemented.

Avonwood Homes

In May 2000 Avonwood Homes Pty Ltd was placed in provisional liquidation with some 785 building contracts at various stages of commencement or completion. The administration was made more difficult as home owners had obtained domestic building insurance with two groups of insurers FAI General Insurance Co Ltd and HIH General Casualty Insurance Ltd, and the Dexta Corporation Ltd.

CBAV worked with the provisional liquidator and Dexta Corporation Ltd to ensure that home owners were provided with enough information on their

A collaborative effort by staff from diverse parts of the Department together with third party specialists completed this project, meeting the above

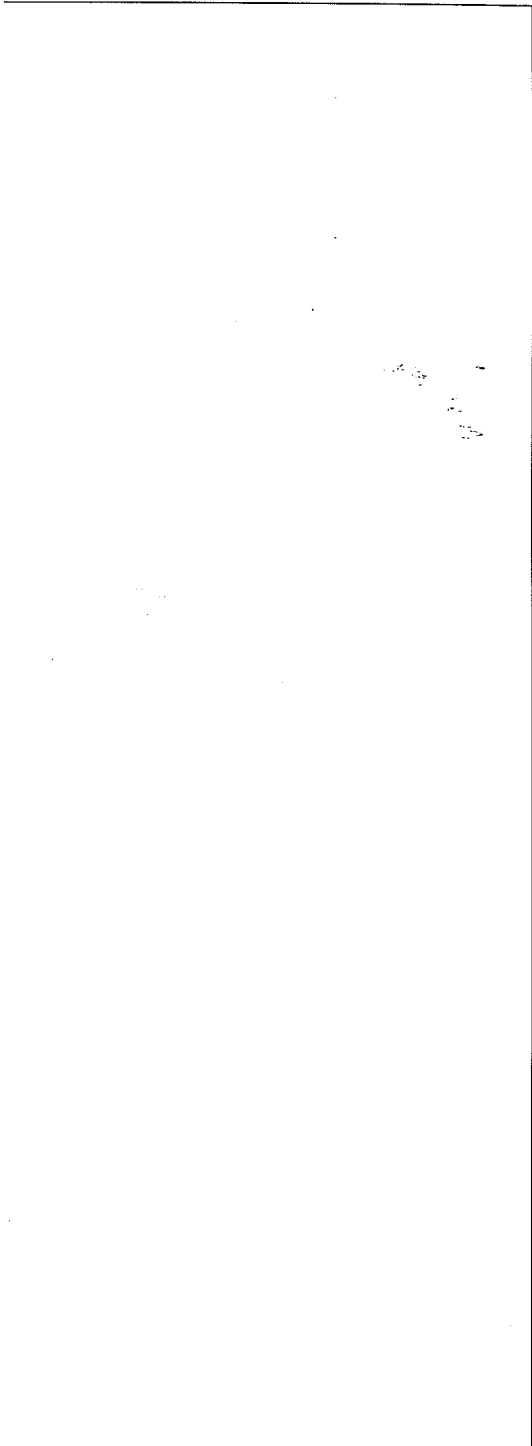
In particular, the Committee was requested to:

- examine the nature and extent of labour hire agency involvement in employment relationships between licensed prostitution service providers

Community sector forums

The Director meets quarterly with representatives from funded-community agencies to discuss current policy developments. The meetings also provide an

Appendices



Appendix 1 Making a Consumer Complaint

Write to us at:

Consumer and Business Affairs Victoria
GPO Box 123A
Melbourne 3001
Email: consumer@justice.vic.gov.au
Website: www.consumer.vic.gov.au

Consumers can also email enquiries or submit complaints via forms available on the CBAV website.

CBAV is open for enquiries Monday to Friday between the hours of 8.30am and 4.00pm at Level 2, 452 Flinders Street, Melbourne. (Consumer enquiries commence at 9.00am)

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

General enquiries	(03) 9627 6000 or 1800 678 328
Building enquiries	(03) 9627 6100 or 1800 067 320
Business names enquiries	(03) 9627 6200 or 1800 240 251
Business licensing enquiries	(03) 9627 6299 or 1800 133 105
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 that 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. It is responsible for a Civil Claims List and a Residential Tenancies List. Determinations made at VCAT are legally binding and enforceable.

VCAT Civil Claims List

Telephone	(03) 9628 9830
Freecall	1800 133 055
Fax	(03) 9628 9988

VCAT Residential Tenancies List

Telephone	(03) 9628 9800
Freecall	1800 133 055
Fax	(03) 9628 9822

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 2000-2001

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
5 Jul 00	Graeme Frank McNiece of Oak Park	MCTA	42A(1)	1	750	520	Conviction.	Fail to give a copy of the roadworthy certificate to the purchaser of a motor car.
5 Jul 00	Mario D'Aloia of Roxburgh Park	EAA	16(2)	1	1000	1280	Conviction.	Acting as an estate agent's representative while ineligible to do so.
12 Jul 00	Southgate Motor Brokers Pty Ltd of Murrumbidgee (ACN 058 176 140)	MCTA	7(1)	1	250	500		Unlicensed motor car trading.
25 Jul 00	David Goldberg of Caulfield	MCTA	7(1)				Appeal to Court of Appeal Supreme Court dismissed. (Appeal on injunction imposed by Magistrates' Court on 3/2/00).	Unlicensed motor car trading.
8 Aug 00	Ahmet Ozcoban of Dallas	RTA	264	1	600	275		Re-letting premises within six months of issuing a 60 day notice to vacate.
24 Aug 00	Michael McDonough of Nunawading	DBCA	31(1)(f) 31(1)(g) 31(1)(h) 32(1) 32(2) BA	1 1 1 1 1 1		164	12-months good behaviour bond. Ordered to pay \$500 into the Court Fund.	A builder who failed to include the contract price, insurance details, registration number and any delays expected to complete a domestic building contract. Also failed to take out the required insurance until five weeks after building work had commenced.

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
25 Aug 00	Kerrinya Pty Ltd of Kealba (ACN 082 865 183)	DBCA	29	1	8000	788	Conviction.	An unregistered builder arranging, managing and carrying out the erection of a kit home without the required insurance.
			31(1)(g)	1				
			31(1)(f)	1				
			31(1)(n)	1				
		BA	136(2)	1				
25 Aug 00	Yie Cun Zhang of Campbellfield	DBCA	29	1	4000		Conviction.	A director of Kerrinya Pty Ltd charged with the same offences as the company.
			31(1)(g)	1				
			31(1)(f)	1				
			31(1)(n)	1				
		BA	136(2)	1				
30 Aug 00	Ferrante Nominees Pty Ltd of Pascoe Vale (ACN 005 839 770)	BNA	5(1)	1		12-months good behaviour bond. Ordered to pay \$100 into the Court Fund.	Carrying on business under an unregistered business name.	
30 Aug 00	Adrian Ferrante of Pascoe Vale	BNA	5(1)	1		12-months good behaviour bond. Ordered to pay \$100 into the Court Fund.	A director of Ferrante Nominees Pty Ltd charged with the same offences as the company.	
5 Sep 00	Robert Ord of Brunswick	MCTA	33A			Injunction not to trade in motor cars.	Unlicensed motor car trading.	
22 Sep 00	Colin Ernest Kiesey of Kilmore	MCTA	48(1)	1	500	500	Selling a motor car without first procuring the cancellation of a security interest.	
5 Oct 00	Kevin Barry Seamer of Upper Ferntree Gully	MCTA	35(2)	18	10,600	1418	Appeal to the County Court. Decision of the Magistrates' Court on 4 May 2000 confirmed. Appellant to pay further costs of \$480.	Fail to enter prescribed details in a Dealings Book. Fail to attach notice to motor car displayed for sale. Fail to include details on a notice attached to motor cars displayed for sale.
			52(1)	6				
			52(2)(b)(i)	64				

Date of Hearing Defendant Act Section No. of Offences Fines \$ Costs \$ Other Orders Breach Summary

10 Oct 00	Malcolm McClure of Glenburn	FAA	44	1	200			Fail to comply with a notice.
16 Oct 00	Elizabeth Louise Bai Yang of Kew	IAA	64				Injunction not to act as an Introduction Agent.	Acting as an Introduction Agent without notifying the Authority of that intention.
17 Oct 00	David James Donald of Reservoir	FTA	61	4	800	568	Conviction.	Fail to comply with requirements relating to cooling-off and cancellation notices.
17 Oct 00	Palmer Baker Evans (Foster) Pty Ltd of Foster (ACN 006 574 376)	EAA	59(1)(a) 63(1)(b)	10 10	1200	595		Fail to bank monies within the required time. Fail to enter required details into accounting records. Fail to lodge security bonds with Bond Authority.
24 Oct 00	Bill's Camera House Pty Ltd of Brunswick (ACN 092 895 095)	FTA SHDPA	12(n) 17	3 2	10,000		Conviction.	Misrepresentations and bait advertising in connection with the offer to sell Canon cameras. Unregistered second-hand dealer.
24 Oct 00	William Murnane of Armadale	FTA SHDPA	2(n) 17 5	3 2 1	8000	563.60	Conviction.	A director of Bill's Camera House Pty Ltd charged with the same offences as the company.
26 Oct 00	Mulachay (aka Malcolm) Quinn of Port Melbourne	RTA	273(1)(b)	1		600	Six-months good behaviour bond.	Take or attempt to take possession of a room in which a resident resides.

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
2 Nov 00	Maurice Ray of Greensborough	MCTA	7(1)	1	200	400		A director of Southgate Motor Brokers Pty Ltd charged with the same offence as the company.
17 Nov 00	Petula Stacey Griffin of Ballarat	FAA	25(1)(a)			410	Proven and dismissed.	Fail to comply with conditions of permit to fundraise.
20 Nov 00	Ferrante Nominees Pty Ltd of Pascoe Vale (ACN 005 839 770)	DBCA	29	1	750	1130		A company carrying on domestic building work without at least one of directors being registered with the Building Practitioners Board.
21 Nov 00	Copytech (Aust) Pty Ltd of Elsternwick (ACN 059 668 254)	MCTA	48(1)	1	1000	645	Conviction.	Fail to procure the cancellation of a security interest before disposing a motor car.
21 Nov 00	Mario Federico Spadafora of Northcote	MCTA	48(1)	1	1000		Conviction.	A director of Copytech (Aust) Pty Ltd charged with same offence as the company.
29 Nov 00	Patrick McGegan of Hurstbridge	CC(MA) FTA BNA	37L 12(n) 5(1)	1 2 3	1800	1139	Conviction.	A person who took a finance broking fee to which he was not entitled, used misleading and deceptive conduct in describing his business as a company and used unregistered business names.
30 Nov 00	Tim White of Bittern	MCTA	33A			660.50	Injunction not to trade in motor cars.	Unlicensed motor car trading.
1 Dec 00	Osman Sukur Sabir of Campbellfield	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
12 Dec 00	Helen Stephenson of Bendigo	COA	415(a) 416(1)(b) 452(1)	1 2 3	600	1500	12-months good behaviour bond and ordered to pay \$800 into the Court Fund.	Making false statements, mis-applying the property of a co-operative and making false entries in accounts.
4 Jan 01	James Richard Pollard of Warrandyte	MCTA	33A			622.60	Injunction not to trade in motor cars.	Unlicensed motor car trading.
17 Jan 01	Supreme Textile Pty Ltd of Thomastown (ACN 070 307 381)	FAA	34			980	Ordered to stop fundraising appeal.	Fundraising on behalf of a beneficiary who had not granted permission for the activity.
31 Jan 01	Dynasty Falls Pty Ltd of Carlton (ACN 055 510 720)	BA	137B(2)(b)	1	800	150		Selling a domestic building, constructed by the company, which did not have the required insurance.
1 Feb 01	John Paul Marziale of Coburg	EAA FTA	12(1)(a) 12(1)(b) 12(f)	1 2 2	500	1374.95	With conviction sentenced to one months jail suspended for 12 months. Ordered to pay \$3000 restitution.	Carrying on the business of an estate agent whilst not licensed and making false representations regarding a proposed property purchase.
5 Feb 01	El Mortgage Centre Pty Ltd of South Melbourne (ACN 062 722 632)	FTA	61(1)(c)	1		1282.30	12-months good behaviour bond and ordered to pay \$1000 into Court Fund.	In connection with a contact sales agreement fail to provide a notice containing details which may be used by the purchaser to cancel an agreement.
6 Feb 01	Al-Mugotir Gazi of Shepparton	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
19 Feb 01	Cerebal Palsy/ Australian Sport and Recreation Federation of Goodwood SA	FAA	34				Ordered to stop fundraising appeal.	Conducting fundraising without approval and using incorrectly labelled bins.
20 Feb 01	Club Autosport Pty Ltd of Sunbury (ACN 064 259 301)	MCTA	33A				Injunction not to trade in motor cars.	Unlicensed motor car trading.
20 Feb 01	Wayne Kenneth Davies of Sunbury	MCTA	33A				Injunction not to trade in motor cars.	Unlicensed motor car trading.
20 Feb 01	Michael Wise of Moorabbin	FAA	34				Ordered to stop fundraising appeal.	A fundraising appeal, using clothing bins which were not properly labelled, conducted contrary to the conditions permitting its operation.
26 Feb 01	Tennille Gulliver of Campbellfield	DBCA	29 31(1)(g) 31(1)(i) 31(1)(n)	1 1 1 1	4000	488	Conviction.	Enter into a major domestic building contract whilst an unregistered builder; fail to comply with contract requirements and fail to obtain required insurance cover.
26 Feb 01	Emmanuel Young of Campbellfield	DBCA	29 31(1)(g) 31(1)(i) 31(1)(n) 136(2)	1 1 1 1 1	5000	488	Conviction.	Enter into a major domestic building contract whilst an unregistered builder; fail to comply with contract requirements and fail to obtain required insurance cover.
28 Feb 01	Liensel Pty Ltd of Dandenong (ACN 050 031 288)	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
28 Feb 01	Neil Andrew Hopwood of Narre Warren North	MCTA	33A				Injunction not to trade in motor cars.	Unlicensed motor car trading.
28 Feb 01	Knights of Ivanhoe Pty Ltd of Alphington (ACN 005 778 521)	FTA MCTA	12(a) 35(2) 35(3)	1 2 1	1500	386.80		Misrepresentation of the distance travelled by a motor car. Misleading entries in a Dealings Book and fail to obtain the signature of the person from whom a vehicle was obtain.
28 Feb 01	Russell William Owen of North Melbourne	FTA MCTA	12(a) 35(2) 35(3)	1 2 1	750	316		A director of Knights of Ivanhoe Pty Ltd charged with the same offences as the company.
2 Mar 01	Blue Spring Lake Pty Ltd of Richmond (ACN 086 400 295)	IAA FTA	24(1) 25(1) 27(1) 31(4) 12(n)	9 3 7 5 3	65,000	907.40	Conviction.	An introduction agency which failed to provide refunds on cancelled contracts; received more than 30% of the contract price before any service was provided; failed to provide agreements in writing; failed to provide clear and legible descriptions of the service to be provided and, made false representations about the availability of introductions.
16 Mar 01	Russian House Victims of Chernobyl Relief Fund Inc	FAA	34			1200	Ordered to stop fundraising appeal.	Fundraising without Ministerial consent.

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
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22 Mar 01	Comp-Nova Pty Ltd of Fitzroy (ACN 080 478 539)	IAA	14(2)	1	200,000	1080	Conviction.	Trade as an introduction agent when one of its director had been disqualified; fail to notify Business Licensing Authority of the intention to trade; make false representations to clients; make false statement in an application to the Business Licensing Authority.
			15(1)	1				
			16(2)	54				
			37(1)	1				

22 Mar 01	Custom Kitchen & Shopfittings Pty Ltd of Dandenong (ACN 085 523 182)	DBCA	11(1)(b)	1		294	12-months good behaviour bond.	Demand excessive deposit; fail to include a cooling-off provision in a contract; fail to take out job specific insurance.
			31(1)	1				
			136(2)	1				

22 Mar 01	Harry Ram Dip of Cranbourne	DBCA	11(1)(b)	1		294	12-months good behaviour bond.	A director of Custom Kitchen & Shopfittings Pty Ltd charged with the same offences as the company.
			31(1)	1				
			136(2)	1				

2 Apr 01	Peter Krasulak of Newport	DBCA	29	1	6000	800		An unregistered builder who entered into a domestic building contract; failed to state start and finishing dates or how either were to be calculated; failed to provide notice of the cooling-off period; failed to set out implied warranties; and failed to take out required insurance.
			31(1)(g)	1				
			31(1)(i)	1				
			31(1)(n)	1				
			31(1)(q)	1				
		BA	136(2)	1				

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
4 Apr 01	Trimble Construction & Design Services Pty Ltd of Ashwood (ACN 005 374 274)	DBCA	31(1)(g) 31(1)(i) 31(1)(q)	1 1 1			See Orders made against company director.	A builder who entered into a domestic building contract; failed to state start and finish dates or how either were calculated and failed to set out implied warranties.
4 Apr 01	Alistair Keith McClure Trimble of Ashwood	DBCA	31(1)(g) 31(1)(i) 31(1)(q)	1 1 1		480	12-months good behaviour bond. Ordered to pay \$350 into Court Fund.	A director of Trimble Construction & Design Services Pty Ltd charged with the same offences as the company.
5 Apr 01	Park Trent Investments EAA Pty Ltd of Kiama NSW (ACN 003 760 325)	EAA	12(2)	1	1500	597		Acting as an estate agent in Victoria without a license.
6 Apr 01	Community Care Victoria Australia Trust Inc of Ballarat	FAA	34			689.10	Ordered to stop fundraising appeal.	Fail to conform to conditions set down for fundraising activities.
12 Apr 01	J & D Collins Pty Ltd of Mornington (ACN 055 505 078)	MCTA	48(1)	2	250	320		Fail to cancel the security interest in motor cars before selling them.
12 Apr 01	Darren Geoffrey Collins of Mount Eliza	MCTA	48(1)	2	250	320		A director of J & D Collins Pty Ltd charged with the same offences as the company.
19 Apr 01	Michael Portelli of Hoppers Crossing	FTA	12(a)	2	6000	1957.57	Conviction.	Misrepresentations in connection with the retail sale of petrol.
20 Apr 01	Gary Raymond Ayre of Clayton	MCTA	35(2)	5	1000	1643.40	Conviction.	Fail to enter prescribed details into the Dealings Book.

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
24 Apr 01	Cedric Desmond Raymond Collinson of Hallam	CC(V)C	14(1)(a)	4	19,000	1245	Conviction. Ordered to pay restitution of \$1500.	Fail to provide a pre-contractual statement.
			14(1)(b)	3				Fail to provide statement of debtors rights and obligations.
			15D	5				Fail to state method and frequency of interest charges.
			15E	5				Fail to state the total amount of interest charges payable.
			21(1)(c)	5				Impose an excessive interest charge.
			12(i)	5				False or misleading representation as to origin of goods.
27 Apr 01	Moresby Avenue Pty Ltd of Bayswater (ACN 062 053 696)	CC(V)A	26	1				Fail to comply with an undertaking.
			34			749	Ordered to stop fundraising appeal.	Refuse to remove clothing bins that were incorrectly labelled.
1 May 01	Michael Giuffre of Hawthorn	RTA	96	1	1400	7157	Conviction.	Require a tenant to pay one months rent in advance; require a bond that exceeded 14 day's rent; fail to provide copies of condition report; fail to provide statement of rights and duties; fail to provide a written notice showing contact details for service of documents and emergency contact; fail to complete and give to a tenant a bond lodgement form; and, fail to hand the bond to the Authority.
			97	1				
			99	1				
			124	1				
			125(1)	1				
			405	1				
406	1							

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
2 May 01	Karen Anne Vosper of Woodend	EAA	16(2) 16(3)	1 1		685.20	Conviction. 12-months good behaviour bond.	Working as a real estate agent's representative without possession of the proscribed qualifications and intentionally misrepresenting to an employer that the necessary qualifications had been obtained.
14 May 01	Kerry Margaret Stotten of Anglesea	EAA	55(3)	1		475	Six-months good behaviour bond. Ordered to pay \$200 to the Court Fund.	An employee of a real estate agent concerned in the purchase of real estate that the agent is commissioned to sell.
16 May 01	Paul Leeburn of Sunbury	EAA	16(4) 16B 35(6)	1 1 1		735	12-months good behaviour bond. Ordered to pay \$300 to Court Fund.	Aid and abet a person to work as an estate agent's representative without ensuring that the person was eligible to be so employed. Fail to notify the Authority of the cessation of employment of an estate agent's representative.
18 May 01	Loanmaster Australia Pty Ltd of Ballarat (ACN 089 247 012)	FTA BNA	62(1) 12(8)	1 1	700	500		Fail to comply with the requirements of a contact sales agreement. Fail to notify the change of registered proprietor of a business name.
18 May 01	Barry Nunn of Ballarat	FTA BNA	62(1) 12(8)	1 1	400	400		A director of Loanmaster Australia Pty Ltd charged with the same offences as the company.
25 May 01	Debra Watson of Thomastown	FAA	34			900	Ordered to stop fundraising appeal.	Fundraising without Ministerial approval.

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
29 May 01	Craig Lawes of Keilor	DBCA	29 31(1)(g) 31(1)(f) 31(1)(n) 31(1)(q) 136(2)	1 1 1 1 1 1	10,000	480	Conviction.	An unregistered builder who entered into a domestic building contract, failed to state start and finishing dates or how either were to be calculated; failed to provide notice of cooling-off period; failed to set out implied warranties; and failed to take out required insurance.
29 May 01	Gary Lawes of Strathmore	DBCA	29 31(1)(g) 31(1)(f) 31(1)(n) 31(1)(q) 136(2)	1 1 1 1 1	10,000	480	Conviction.	An unregistered builder who entered into a domestic building contract, failed to state start and finishing dates or how either were to be calculated; failed to provide notice of cooling-off period; failed to set out implied warranties; and failed to take out required insurance.
6 Jun 01	Emrah Sen of Coburg	MCTA	33A				Injunction not to trade in motor cars.	Unlicensed motor car trading.
6 Jun 01	Brayden Grubb of Lower Templestowe	MCTA	33A				Injunction not to trade in motor cars.	Unlicensed motor car trading.
7 Jun 01	National Foundation for Children's Cancer of North Carlton (ACN 085 934 425)	FAA	34				Ordered to stop fundraising appeal.	Irregularities in notices including a false statutory declaration, using paid collectors when notified that no paid collectors were to be used and improper collector identification.
8 Jun 01	Min (Michael) Hu of Box Hill	EAA	16(4) 35(6) 16B	1 1 1	600	360		Employing an estate agents representative who was ineligible to be so engaged. Fail to notify the Business Licensing Authority of such appointment.

Date of Hearing	Defendant	Act	Section	No. of Offences	Fines \$	Costs \$	Other Orders	Breach Summary
14 Jun 01	Shaban Korcarevski of South Dandenong	RTA	Schedule 1-8(5)	1	100	1000		Fail to lodge a bond with the Residential Tenancies Bond Authority.
15 Jun 01	Zhi Feng Xu of Box Hill	EAA	16(2) 16(3)	2 1	3000	404	Conviction.	Working as a real estate agent's representative without possession of the proscribed qualifications and intentionally misrepresenting to an employer that the necessary qualifications had been obtained.
21 Jun 01	Megan Elizabeth Cooper of Romsey	MCTA	33A				Injunction not to trade in motor cars.	Unlicensed motor car trading.
22 Jun 01	David Goldberg of Caulfield	MCTA	33A				Application for Leave to Appeal to the High Court against an injunction not to trade in motor cars. Application dismissed.	Unlicensed motor car trading.
28 Jun 01	Graham Douglas Kettleton of Castlemaine	MCTA	84A(1)(d)	1	2500	1234.20	Conviction.	Make a false statement to the Business Licensing Authority.

Abbreviations:

- AIA Associations Incorporation Act 1981
- BA Building Act 1993
- BNA Business Names Act 1962
- CCMA Consumer Credit (Victoria) Act 1995
- CCVC Consumer Credit (Victoria) Code
- COA Co-operatives Act 1996
- DBCA Domestic Building Contracts Act 1995
- EAA Estate Agents Act 1980
- EA(GAA) Regs Estate Agents (General, Accounts and Audit) Regulations 1997
- FPM/A Funerals (Pre-paid Money) Act 1993
- FTA Fair Trading Act 1999
- HCGA House Contracts Guarantee Act 1987
- IAA Introduction Agents Act 1997
- MCTA Motor Car Traders Act 1986
- RTA Residential Tenancies Act 1997
- SHDPA Second-Hand Dealers and Pawnbrokers Act 1989
- TAA Travel Agents Act 1986
- FAA Fundraising Appeals Act 1998

Appendix 3

Grants to Community-Based Agencies

CBAV's Community Program provides funding to regional community-based agencies to provide information and education services to consumers, tenants and landlords. The program 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 the Community Program—Regional Services, 2000-2001

Funded Agency	Value of Grant	Purpose of Grant
Jindara Community Program Inc 202 Myer Street, GEELONG 3220	\$199,299	Barwon Region
Anglicare Gippsland 53-55 Buckley Street, MORWELL 3840	\$142,941	Central Gippsland Region
Child and Family Services Ballarat Inc 115 Lydiard Street North, BALLARAT 3350 AND 12 Grant Street, BACCHUS MARSH 3340	\$134,893	Central Highlands Region
Kilmany Family Care 113 Cunningham Street, SALE 3850 AND 49 McCulloch Street, BAIRNSDALE 3875	\$137,548	East Gippsland Region
Community Connections (Victoria) Ltd 26 Fairy Street, WARRNAMBOOL 3280 AND 33 Otway Street, PORTLAND 3305 AND Currawong Family Services 92 Thompson Street, HAMILTON 3300	\$170,723	Glenelg Region
Consumer and Tenancy Advice Service Inc 162 Maude Street, SHEPPARTON 3630	\$180,353	Goulburn Region
St Lukes Anglicare 175-187 Hargreaves Street, BENDIGO 3550	\$163,316	Loddon Campaspe Region
Mallee Tenancy Advice Service Inc 1/152 Pine Avenue, MILDURA 3500 AND 300 Campbell Street, SWAN HILL 3585	\$219,667	Mallee Region
Consumer and Tenant Advice Service Northern Tenants' Union of Victoria Ltd 251 High Street, PRESTON 3072 AND 175 Glenroy Road, GLENROY 3046	\$256,560	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	\$147,389	Outer East Region
Consumer and Tenancy Advice Service Inc 110 Hume Street, WODONGA 3690 AND 32 Ford Street, WANGARATTA 3677	\$161,343	Upper Murray Region
Brimbank Community Centre Inc 822 Ballarat Road, DEER PARK 3023	\$220,002	Western Region
Springvale Community Aid & Advice Bureau Inc 5 Osborne Avenue, SPRINGVALE 3171	\$167,034	Westernport Region LGA of Greater Dandenong
Peninsula Community Legal Centre Inc Chatsworth House Suite 2-4, 431 Nepean Highway, FRANKSTON 3199	\$229,004	Westernport Region LGAs of Mornington Peninsula, Frankston, Kingston, Casey and Cardinia
Wimmera Community Care 185 Baillie Street, HORSHAM 3400	\$110,758	Wimmera Region

Grants for Consumer Specialist Services, 2000-2001

Funded Agency	Value of Grant	Purpose of Grant
Consumer Credit Legal Service 1st Floor, Bank House 11-19 Bank Place MELBOURNE 3000	\$136,534	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 Level 13, 227 Collins Street MELBOURNE 3000	\$67,219	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, 2000-2001

Funded Agency	Value of Grant	Purpose of Grant
Family Access Network 1030 Whitehorse Road BOX HILL 3128	\$87,554	Inner East Regional Services
Tenants' Union of Victoria Ltd 55 Johnston Street FITZROY 3065	\$230,786	Inner Urban Regional Services
Housing for the Aged Action Group Inc 2nd Floor, Ross House 247-251 Flinders Lane MELBOURNE 3000	\$72,953	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	\$94,749	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	\$132,664	Provision of rooming house resident information, advice, complaint resolution and advocacy services. Contribution to policy development and legislative change on rooming house issues.

Appendix 4

Grants from Consumer Credit Fund

The Consumer Credit Fund was established to provide grants to non-profit making persons or organisations for:

- the provision of educational services, advice and assistance to people who have been provided with credit
- research into the use of credit.

The availability of grants for 2000-2001 was advertised in September 2000 in metropolitan, ethnic and regional press.

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.

Thirteen projects received grants this financial year totalling \$148,555.

Grant Recipient	Value of Grant	Description of Funded Activity
Bendigo FM Educational Broadcasters	\$7750	Research, record and produce on a CD a series of short items on credit for broadcast by community radio stations.
Broadmeadows Uniting Care	\$12,356	Development of a curriculum on consumer and financial management for secondary students in the Hume and Moreland Shires.
Cambodian Association of Victoria Inc	\$9900	Credit educational services to members of the Cambodian, Chinese Cambodian and Kymer Krom (Vietnamese of Cambodian ethnic origin) community.
Communications Law Centre	\$17,500	Research on the impact, both legal and financial on consumers of the increase in consumer use of communication commodities and services.
Consumer and Tenancy Advice Service	\$30,474	Develop a program of five short plays explaining consumer credit issues and travelling across North East Victoria.
Consumer and Tenant Resource Centre Outer East	\$6604	Art work and printing of a brochure aimed at youth dealing with credit.
Consumer Law Centre Victoria	\$18,044	Research into the pay day lending industry in Victoria.

Grant Recipient	Value of Grant	Description of Funded Activity
Financial and Consumer Rights Council	\$10,000	Production of a regular radio program on consumer issues on 3CR.
Financial and Consumer Rights Council	\$3000	Reprinting of <i>Don't Get Stuck with Joint Debt</i> brochure.
Mental Health Foundation Australia (Victoria)	\$13,120	Research on problems encountered by consumers who suffer from mental illness.
Peninsula Community Legal Centre Inc	\$14,162	Update and reprint of <i>Buyer Beware</i> booklet.
St Lukes Anglicare	\$2845	Development of a guide and awareness in the use of credit for the Koori community.
Westgate Indo-Chinese Community Association	\$2800	Series of information sessions about credit to Indo-Chinese community in cities of Wyndham, Hobsons Bay and Brimbank.

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 2000-2001, are detailed below.

Applicant	Value of Grant Approved	Description of Funded Program
The Real Estate Institute of Victoria	\$564,749	Conduct of subsidised professional development program for estate agents.
The Real Estate Institute of Victoria	\$40,015	Conduct of free homebuyer seminars for the general public.
The Real Estate Institute of Victoria	\$186,506	Conduct of an information service for the general public during 2000-2001.
The Real Estate Institute of Victoria	\$1,127,600	Establishment of a variety of flexible methods of delivery of professional development programs.
Department of Natural Resources & Energy	\$6,600,000	Development over three years of systems for provision of online supply of information required for preparation of sale of land vendor statements.
Credit Helpline	\$43,560	Contribution to funding of the operation of telephone advice service relating to credit and bankruptcy for 12 months from February 2001.
Northern Metropolitan Institute of TAFE	\$14,308	Development and delivery of seminars for prospective property purchasers during 2000-2001.
Total	\$8,576,738	

Appendix 6

Legislation Administered by CBAV

Acts of Parliament assigned to the Minister for Consumer Affairs as at 30 June 2001.

- *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 (Except Part 3, which is administered by the Minister for Transport)
- *Collusive Practices Act* 1965
- *Companies (Administration) Act* 1981
- *Consumer Credit (Victoria) Act* 1995
- *Co-operatives Act* 1996
- *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
- *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 Products (Terminal Gate Pricing) Act* 2000
- *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 and Local Government)
- *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 eight distinct funds established by Acts of Parliament. Two of these funds relate to the Residential Tenancies Bond Authority.

The purposes of these funds is shown in the following table. Financial information for each fund is also shown.

Fund	Act of Parliament	Balance at 30 June 2001	Source of Income	Expenditure Purposes
Consumer Credit Fund	<i>Credit (Administration) Act 1984</i>	\$1,576,796	Credit provider contributions. Interest on investments.	Grants permitted by s.86AB of the Act. Consumer Credit Advisory Committee costs.
Domestic Building Fund	<i>Domestic Building Contracts and Tribunal Act 1995</i>	\$842,442	Building registration fees collected by the Building Control Commission. Income on investments. Tribunal fees. Fines.	Administration of the Act. Tribunal costs. Grants permitted by s.124(3)(d) of the Act.
Estate Agents Guarantee Fund	<i>Estate Agents Act 1980</i>	\$125,786,333	Interest on estate agents' trust accounts. Interest on investments. Licensing fees. Fines.	Administration of the Act. Grants permitted by s.76(3) of the Act. Operation of the Estate Agents Council. Tribunal costs. Guarantee claims.
Motor Car Traders Guarantee Fund	<i>Motor Car Traders Act 1986</i>	\$1,371,073	Interest on investments. Licensing fees. Fines. Recovery of claims paid.	Administration of the Act. Guarantee claims.
Prostitution Control Board Fund	<i>Prostitution Control Act 1994</i>	\$403,946	Licensing fees. Fines.	Administration of the Act.

Fund	Act of Parliament	Balance at 30 June 2001	Source of Income	Expenditure Purposes
Residential Tenancies Fund	<i>Residential Tenancies Act 1997</i>	\$19,223,403	Transfers from Residential Bonds Investment Income Account. Interest on investments. Tribunal fees. Interest on individual bond trust accounts.	Administration of the Act. Tribunal costs. Payments for research and education permitted by s.495 of the Act.
Residential Bonds Account	<i>Residential Tenancies Act 1997</i>	\$218,458,204	Bonds lodged with the Residential Tenancies Bond Authority.	Repayment of bonds.
Residential Bonds Investment Income Account	<i>Residential Tenancies Act 1997</i>	\$968,369	Interest received from the Residential Bonds Account and Residential Bonds Investment Income Account.	Administration of the Residential Tenancies Bond Authority. Any amount declared as an additional amount to be added to the bond upon repayment (none yet declared). Transfers to the Residential Tenancies Fund.