



Government of **Western Australia**
Department of **Commerce**
Consumer Protection

Carers' guide to consumer protection



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This publication is available in other formats on request to assist people with special needs. Call the Consumer Protection Advice Line on 1300 30 40 54 to discuss your requirements.

If you require an interpreter, call the Translating and Interpreting Service (TIS) on 131 450 and ask for connection to 1300 30 40 54.

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Advice for carers and care workers

The signs that a person within your care may be the victim of a scam include:

- The person hiding his or her mail.
- Bank transactions for which the person cannot account.
- Toys or gifts of little or no value appearing around the house or being given away as gifts.
- The arrival of overseas mail from unknown sources.
- The arrival of bills or personal letters with incomplete or misspelt names and addresses.
- Demands for payment for work that has clearly not been done.

If you are a family carer or a care worker, it is important to know where to go for information and advice if you are concerned the person you care for may be the victim of unfair trading practices.

Consumer Protection is a division of the Department of Commerce. One of its roles is to provide assistance and advice about the rights and responsibilities of traders and consumers under Western Australia's consumer protection laws.

Consumer Protection has developed this brochure to help you protect the welfare of the people in your care.

Tips to ensure the privacy of information

To help you keep the personal information of those within your care private and secure:

- completely destroy all discarded personal information such as bills, bank statements and credit cards;
- if you have an Enduring Power of Attorney, order a credit report from www.mycreditfile.com.au on the person in your care to ensure that no one is using their name to borrow money or run up debts;

- keep their credit cards, ATM cards and PIN numbers safe;
- never send money or pay fees on behalf of a person for whom you care, especially to claim a prize or lottery win;
- look out for SMS and MMS numbers that start with 19 as these are charged at premium rates (sometimes even for receiving the message) and are expensive;
- never pay an invoice or bill unless you are sure the goods or services have been ordered and received;
- register their number with the 'Do not call register', a service provided by the Federal Government at www.donotcall.gov.au or telephone 1300 792 958; and
- you can also remove a person's name from a mailing list by using the letter template available on the WA Scamnet website www.commerce.wa.gov.au/wascamnet or by calling the Advice Line on 1300 30 40 54 to get a copy sent to you in the mail.

Dealing with another person's affairs

A Power of Attorney and an Enduring Power of Attorney are legal documents where one person gives another the legal authority to make financial and legal decisions on their behalf. The documents are the same apart from the following important difference:

- A Power of Attorney is **automatically cancelled** if the person who gave the power becomes of unsound mind; that is, becomes legally incapacitated.
- An Enduring Power of Attorney **remains legally in force** even if the person who gave the power becomes of unsound mind.

A person who holds an Enduring Power of Attorney has the same rights, on behalf of the incapable consumer, as any other consumer and can discuss private financial and legal issues with Consumer Protection.

Individuals can only make or revoke an Enduring Power of Attorney while they are still capable of making legal and financial decisions for themselves.

Even if you do not hold the Enduring Power of Attorney and suspect that a person in your care is the target of unfair trading practices, it is important you immediately advise whoever is responsible for their affairs.

Where a person is unable to give another person an Enduring Power of Attorney, the Public Trustee may be able to assist in the management of the person's financial affairs. The Public Trustee ensures its clients have access to any legal service they may require.

The Public Trustee employs specialist solicitors, accountants and trust officers to represent:

- the interests of the estates under administration;
- the beneficiaries of those estates; and
- the financial affairs of those for whom the Public Trustee is appointed as administrator

Non-legal advice can also be obtained by calling the Consumer Protection Advice Line on 1300 30 40 54. Consumer Protection staff offer free conciliation and complaint handling services, and will help you with any inquiries.

Making a contract

When any purchase is made, the parties involved enter into a contract of sale. A contract is a legal and binding promise, document or agreement between two or more people. Contracts can be verbal, written or implied by conduct.

In some circumstances the people you care for may not have the capacity to make informed decisions, particularly when purchasing goods and services. They can easily be misled or have little understanding of the documents they are asked to sign.

Although some contracts have a 'cooling off' period, it is still important to understand the contract before signing any documentation.

Adults are considered to have the capacity to enter into a contract if they can:

- understand the information given to them;
- make a decision based on this information, having weighed up the positive and negative consequences of the decision; and
- communicate that decision to another person.

The law presumes adults are of sound mind and have the capacity to enter into a contract, unless there is evidence this is not the case.

If a person's capacity to enter into a contract is in question, medical and/or other evidence may be needed for a ruling to be made on the validity of a contract.

Scams

Scams, rip-offs and frauds often target the most vulnerable members of our community.

Scams can surface over the internet, by phone, through unsolicited mail or door to door soliciting.

There are many types of scams. The most common are:

- fake lotteries and prize draws;
- pyramid schemes;
- advance-fee frauds;
- psychics, clairvoyants and other lucky charms; and
- email scams, in particular phishing.*

As a carer or care worker, you are encouraged to forward to Consumer Protection any suspicious emails, letters, phone calls, or dubious door to door encounters that you, or those for whom you care, receive. With your information, Consumer Protection can send an alert to other members of the public.

WA ScamNet

WA ScamNet is a service provided by Consumer Protection to help fight the growing problem of scams. The WA ScamNet website:

www.commerce.wa.gov.au/wascamnet

provides details of many different types of scams and has a list of those currently targeting people in Western Australia.

The website can help you recognise scams and let you know what to do if you suspect that you, or somebody for whom you care, is the target of a scam. It also provides links to other useful websites.

* Phishing is the attempt to gather private information with the intent of using it fraudulently. Do not provide information to unsolicited requests.

How to report a scam

You can report a scam to WA ScamNet by:

- phoning the Advice Line on 1300 30 40 54 for the cost of a local call anywhere in WA or by;
- email to wascamnet@commerce.wa.gov.au
- fax to (08) 9282 0862; or
- post (no stamp required) to:
WA ScamNet – Consumer Protection
Reply Paid 64772
Locked Bag 14
Cloisters Square
Western Australia 6850

Door to door trading

There are laws that protect you and those you care for when buying goods or services from door to door salespeople.

The Door to Door Trading Act 1987 provides a 10 day cooling off period on goods or services worth more than \$50.00. It allows door to door salespeople to visit only during certain times, unless they have an appointment, and they are prohibited from visiting you on Sundays or public holidays.

Door to Door Trading Act. Permitted hours are:

Weekdays: 9am to 8pm

Saturdays: 9am to 5pm

Sundays and public holidays: not at all.

To find out more about the laws on door to door selling call our Advice Line on 1300 30 40 54.

Useful publications and contact numbers

The Department of Commerce produces a range of publications, educational material and guides for consumers and traders. Copies are available on Consumer Protection's website

www.commerce.wa.gov.au/ConsumerProtection
or by calling the Advice Line on 1300 30 40 54.

Smart Choice: A consumer guide for Western Australians 50+

The publication *Smart Choice 50+* contains a community directory to help place older Western Australians in touch with the support services they may need.

It contains a list of government agencies and peak-body community organisations that provide information, publications, advice, referrals and/or support services.

For a free copy of *Smart Choice 50+* visit www.commerce.wa.gov.au/ConsumerProtection or call the Advice Line on 1300 40 30 54.

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Office of the Public Advocate

The Public Advocate promotes and protects the rights, dignity and autonomy of people with decision-making disabilities to reduce their risk of neglect, exploitation and abuse.

Office of the Public Advocate

Level 1, 30 Terrace Road

East Perth WA 6004

Telephone: 1300 858 455

www.justice.wa.gov.au/publicadvocate

TTY: 1300 859 955

For an interpreter phone: 131 450

Public Trustee

565 Hay Street

Perth WA 6000

Phone: (08) 9222 6777

Freecall: 1800 642 777

www.justice.wa.gov.au/publictrustee

Department of Commerce

Consumer Protection Division

Advice Line 1300 30 40 54

(for the cost of a local call statewide)

8.30 – 5.00pm weekdays

Forrest Centre
219 St Georges Terrace
Perth Western Australia 6000

Locked Bag 14 Cloisters Square
Western Australia 6850

Administration: (08) 9282 0777

Facsimile: (08) 9282 0850

National Relay Service: 13 36 77

Website: www.commerce.wa.gov.au

Email: online@commerce.wa.gov.au

Regional offices

Goldfields/Esperance	(08) 9026 3250
Great Southern	(08) 9842 8366
Kimberley	(08) 9169 2811
Mid-West	(08) 9964 5644
North-West	(08) 9185 0900
South-West	(08) 9722 2888

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