



Government of **Western Australia**
Department of **Commerce**

Your guide to **Consumer Protection**



A concise guide for consumers and traders
about consumer protection services

To obtain copies of this publication please call the Consumer Protection Advice Line on 1300 30 40 54 (for the cost of a local call).

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

If you require an interpreter, contact the Translating and Interpreting Service on 13 14 50 and ask for connection to 1300 30 40 54.

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How we can help you

Consumer rights are wide ranging. They are important to know in complex issues such as buying houses and cars, property rental and moving into a retirement village. They are also just as important in the more day-to-day issues such as internet purchases, calling in a tradesperson or simply buying groceries in the supermarket. We all need to consider our rights and responsibilities carefully when we are buying, selling, or agreeing to contracts.

Both consumers and traders have rights and responsibilities. Those rights and responsibilities extend to after-sales services such as guarantees, quality issues, maintenance and repairs. Some matters may arise well after a contract has been signed or a purchase has been made, so knowing your rights is important.

There may be times when we are not sure of our rights, or we feel cheated and need more information. That's where Consumer Protection, a division of the Department of Commerce, can help you.

Consumer Protection promotes fair trading and consumer protection in Western Australia by:

- providing information and advice to consumers and traders about their rights and responsibilities;
- helping consumers resolve disputes with traders;
- investigating complaints about unfair trading practices;
- prosecuting unscrupulous traders;
- regulating and licensing some business activities; and
- developing legislation that protects consumers.



Anne Driscoll, Commissioner for Consumer Protection, Department of Commerce

If you need information or advice on any consumer protection issue:

- contact our Consumer Protection Advice Line on 1300 30 40 54 from anywhere in Western Australia for the cost of a local call; or
- visit our website at www.commerce.wa.gov.au/consumerprotection.

Our website also contains a wealth of information specifically for Indigenous consumers. From Consumer Protection's homepage click 'Services' then 'Indigenous consumers program'. This information is provided as part of the National Indigenous Consumer Strategy.

We are aware of the unique issues faced by country consumers, particularly those living in remote areas. Our regional officers can assist you with Consumer Protection's full range of services.

We have offices in Perth, Albany, Broome, Bunbury, Geraldton, Kalgoorlie and Karratha, open from Monday to Friday between 8.30am and 5.00pm.

Our office locations are listed on the back of this booklet.

Other divisions of the Department of Commerce are:

- The Building Commission
1300 489 099;
- EnergySafety (08) 9422 5200;
- Labour Relations 1300 655 266;
- WorkSafe 1300 307 877; and
- Science, Innovation and Business
1300 136 237.

For information about the other divisions visit www.commerce.wa.gov.au.

Retail shopping and trading

It is important to know your rights when you buy goods and services, or seek after-sales service. We can help by providing some advice on what to look for before you buy such as warranties and guarantees and what your rights are for after-sales service. Shop owners can also contact us to find out about their legal responsibilities.

As a guide, Consumer Protection will ensure consumers' interests are looked after in the following areas.

Price scanning

Shopping for your family can be an expensive business, and we know you do not always have time to check your docket – that is why Consumer Protection goes shopping for you!

Our mystery shoppers will buy a basket of goods from different stores, such as pharmacies, supermarkets, service stations and variety stores, throughout the year in the Perth metropolitan and regional areas.

Then we will check our docket against the goods' advertised prices. If the prices do not tally, we will let the retailers know. We will also revisit them to make sure they have lifted their

game. If they have not they risk being issued with an infringement notice or prosecuted.

Advertising

Who wants to pay a premium for a so called 'eco-friendly' product that turns out to be no better for the environment than a similar product half its price? And why make a snap decision for a 'limited time offer' when the item may still be around months later?

Misleading advertising costs consumers and also hinders market competition. Consumer Protection is determined to stamp out this unfair practice. That is why our mystery shoppers also scrutinise discount claims and look for misleading advertising.

Every year we take unscrupulous traders to court for false and misleading claims about products and services.

It is important to be aware of your rights when shopping, whether at a store, online, door to door or by mail or phone order. Under the *Fair Trading Act 1987*, Western Australian consumers have certain statutory entitlements including warranties and 'cooling off' periods for particular transactions.

Consumer Protection also offers information and advice about faulty goods, lay-bys, refunds, and retail trading hours.

To learn about your rights and obtain shopping tips, visit our website or call Consumer Protection's Advice Line on 1300 30 40 54 for a free copy of our booklet *Your rights when shopping*.

Scams

Each year Australians lose nearly one billion dollars to scams and frauds. If you, or someone you know, receive an

unsolicited offer and think you're being targeted by a scammer let us know. You can contact the WA ScamNet team by using any of the following methods:

- email:
wascamnet@commerce.wa.gov.au;
- fax: (08) 9282 0862;
- call us on 1300 30 40 54; or
- post it to (no stamp required):
WA ScamNet
Consumer Protection
Reply Paid 64772
Locked Bag 14
Cloisters Square
Western Australia 6850

If you want to find out the latest scams, Consumer Protection can help. The Fair Trading Act prohibits 'misleading or deceptive conduct' so if you are not sure about supposed money making schemes, business offers or letters, check our WA ScamNet service for information about:

- international mail scams;
- internet scams;
- pyramid schemes; as well as
- hints to avoid being scammed.

WA ScamNet is at www.commerce.wa.gov.au/wascamnet.

Remember, if something sounds too good to be true... it probably is!

Product safety

Consumer Protection enforces the safety standards for a wide range of products such as cots, children's toys, candles and cigarette lighters among others.

Each year our officers visit hundreds of retailers and inspect thousands of

products to make sure any banned or unsafe items are removed from sale. Infringement notices and formal warnings are issued to retailers and suppliers who fail to comply with product safety standards.

If you have any questions, please call our Consumer Protection Advice Line on 1300 30 40 54. You can register to be notified about bans or recalls on the Product Safety Australia website at www.productsafety.gov.au.

Resolving complaints – conciliation

Consumer Protection plays a key role in helping consumers obtain a fair result when they have a dispute with a trader. If you have made an effort to resolve the complaint yourself, but have not had any success, contact us.

We may be able to deal with your dispute or, if not, may suggest another course of action, such as taking your dispute to the civil courts, or applying through a relevant tribunal or industry complaint body (such as the Telecommunications Industry Ombudsman).

To find out if we can help to resolve your dispute through conciliation contact the Consumer Protection Advice Line on 1300 30 40 54.

The Consumer Protection website provides sample letters of complaint and a step-by-step guide to help your complaint be heard and resolved. Visit www.commerce.wa.gov.au/consumerprotection, click 'Shopping', then click on 'Making a complaint or enquiry' and follow the steps.

Service industries

If you have a problem with a service provider, call the Consumer Protection Advice Line on 1300 30 40 54. We can provide advice and assistance when you deal with traders such as:

- debt collectors;
- drycleaners;
- employment agents;
- furniture removalists;
- health/fitness clubs;
- motor vehicle repairers;
- pest control operators; and
- travel agents.

Our service is not limited to consumers. We provide assistance to traders working in all industries by helping them to set up complaint handling procedures and establish voluntary industry codes of practice.

FuelWatch

Thanks to Western Australia's unique laws you can benefit from being a day ahead of any price hikes and consistent prices throughout the day.

Western Australian fuel retailers are required to notify FuelWatch of their fuel prices for the following day by 2.00pm and to sell at these prices for a fixed 24 hour period.

FuelWatch helps you to find the cheapest fuel in Perth and most country areas (we cover 80 per cent of the state).

The next day's fuel prices are available from FuelWatch after 2.30pm, and if you subscribe you will receive a personalised daily FuelWatch update.

To find out the lowest prices on any given day and to save money visit:

- the FuelWatch website at www.fuelwatch.wa.gov.au;
- call 1300 55 08 08 (available 24 hours a day for the cost of a local call); or
- email consumer@commerce.wa.gov.au.

Motor vehicles and boats

Buying a motor vehicle or recreational boat can be a major expense, but it is possible to avoid potential problems by getting advice from Consumer Protection before you buy. We can provide ideas on what to look out for and who is responsible for fixing any problems.

Consumer Protection offers information and advice on:

- buying and selling a new or used car or boat;
- buying privately or from a dealer;
- handling disputes and complaints;
- finding licensed dealers and repairers;
- obtaining a dealer's or repairer's licence;
- servicing or repairing your vehicle; and
- warranties, quotes and estimates.

As of 1 July 2009, anyone carrying on the business of a motor vehicle repairer is required to be licensed. The business must also employ certified repair staff for each class of repair work that they carry out.

The new laws are designed to:

- improve repair standards;
- enhance consumer confidence; and
- ensure that businesses are accountable for the repair work that they do.

Improving the standard of repair work within the motor vehicle repair industry will ultimately increase safety on our roads.

The new legislation now allows the Motor Vehicle Industry Board (the Board), through Consumer Protection, to:

- conciliate between motor vehicle owners and repairers if complaints arise;
- take appropriate disciplinary action against repair businesses and individual repairers; and
- assess claims by vehicle owners who suffer a loss as a result of a repairer's incompetence or insolvency (once all other legal avenues have been exhausted).

The department's Motor Vehicles Branch continues to offer administrative support to the Board in the licensing of motor vehicle dealers, yard managers, salespersons and now repair businesses and individual repairers.

There is still a continued focus by the Compliance and Investigations area in targeting unlicensed dealing and repairers.

For further information contact the Motor Vehicles Branch on (08) 9282 4361 or motorvehicles@commerce.wa.gov.au.

REVs (Register of Encumbered Vehicles)

If you want to know if any money is owed on a car, motor cycle, boat or licensed farm implement before you buy privately, REVs can help.

A REVs check can help you avoid the risk of having your new purchase repossessed because the previous owner has done the wrong thing.

A REVs search can also tell you if the vehicle is recognised as a West Australian licensed motor vehicle, stolen or has been recorded as written off.

For a small fee, you can buy a REVs certificate, which confirms your enquiry and offers protection against the vehicle being repossessed by a creditor.

To do a REVs check, get the vehicle's registration, engine and VIN/ chassis number, then call REVs on 1300 30 40 24.

For a REVs check on a boat you will need the vessel's Hull Identification Number (HIN), the engine number and the boat's registration number.

REVs is open during normal office hours as well as on weekends between 9.00am and 4.00pm.

At the time of publication, an announcement on the establishment of a new national Personal Property Securities Register (PPSR) to record securities over all forms of personal property was being planned. Personal property is any form of property other than land, buildings or fixtures. It includes tangibles (cars, boats, machinery, crops, etc) and intangibles (shares and intellectual property, etc).

When this transition to the PPSR has been finalised (expected in mid 2011) you will be able to find out whether there is any debt or other interest on a qualifying item by visiting www.ppsr.gov.au.

Renting a home

If you rent a home, flat, unit, park home or on-site caravan, make sure you are aware of your rights and responsibilities. We can help by providing information on:

- starting and ending a tenancy;
- lodging a bond;
- rent increases;
- the notice required to vacate; and
- getting your bond back.

Consumer Protection also provides advice for owners and agents on managing rental properties.

To request publications or seek information about renting, call the Consumer Protection Advice Line on 1300 30 40 54 or visit the website at www.commerce.wa.gov.au/consumerprotection.

Bond lodgement

A free bond lodgement service is available through Consumer Protection. Bonds are lodged on the day they are received, with bond payments and receipts mailed directly to the tenant, owner and/or agent.

Retirement villages

The housing options available to Western Australian retirees are increasing, and as our population continues to age there's little doubt that this sector will continue to be one of the State's growth industries.

If you are planning to move into a retirement village, or if you already live in one, Consumer Protection can help you to understand your rights and responsibilities. We can provide advice and support on the many important issues associated with retirement village living. We can even help you to resolve disputes.

Contact the Consumer Protection Advice Line on 1300 30 40 54 for further information.

Holiday accommodation

If you're booking short-term accommodation then consider choosing an accredited holiday accommodation manager to ensure peace of mind.

There are many types of short-term accommodation including:

- hotels and motels;
- caravan parks and chalets;
- serviced apartments;
- guest houses;
- holiday units;
- resorts and retreats; and
- private properties.

In fact anywhere that ordinarily offers holiday accommodation for stays less than three consecutive months is considered to be short-term accommodation. If a problem arises between you and an accredited holiday accommodation manager, and it can't be resolved even with the help of a Consumer Protection Conciliation Officer, then an independent Dispute Resolution Panel (DRP) can deal with the matter. The DRP service is free. They have the power to fine, suspend or revoke the accreditation of the accommodation provider.

For a list of accredited holiday accommodation managers, or further information about this scheme, phone (08) 9416 0700 or email accreditation@tourismcouncilwa.com.au.

Fitness industry

The Fitness Industry Code of Practice gives consumers significant rights when dealing with fitness centres and other fitness providers. The Code includes:

- a 48 hour cooling-off period for all membership agreements;

- requirements for truth in advertising;
- the selling of membership agreements;
- full disclosure of fees and services; and
- a limit of 12 months payment in advance.

For more information, or if you have a problem and can't resolve it with your fitness supplier, call us on 1300 30 40 54.

Residential parks

For many Western Australians, moving into a caravan park or lifestyle village is also becoming an increasingly popular housing option that offers a unique lifestyle.

The responsibilities of park operators and their tenants are outlined in the *Residential Parks (Long-stay Tenants) Act 2006* and the accompanying regulations.

When tenancy issues cannot be resolved, Consumer Protection may be able to assist with further information on what is expected of you and others. Contact the Consumer Protection Advice Line on 1300 30 40 54.

Buying or selling a home

Buying or selling a house is a complex and expensive business. Consumer Protection can provide you with advice on all aspects of buying and selling a property, from dealing with real estate agents and contracts of sale to transfer duty and termite inspections.

Working in partnership with Consumer Protection, the Real Estate and Business Agents Supervisory Board (REBA) and the Settlement Agents Supervisory Board (SASB) regulate the real estate, business broking

and settlement industries in Western Australia and are responsible for:

- licensing real estate and settlement agents;
- registering sales representatives; and
- investigating complaints about real estate, settlement agents and sales representatives.

Consumer Protection assists these boards and can accept complaints on their behalf. Call us if you need information or advice about:

- dealing with an agent;
- the Home Buyers Assistance Account;
- owner builders;
- property settlements; and
- resolving disputes.

If you are buying your first home, you may be entitled to a subsidy under the REBA Home Buyers Assistance Account (HBAA). The HBAA staff can assist you with information about the fees and charges involved in buying a home. Please note that this grant can be provided in addition to the federal First Home Owner Grant.

For more information call (08) 9282 0836, or the Real Estate and Settlement Advice Line on 1300 30 40 64.

Home building

If you are thinking of building, renovating or extending your home, call Consumer Protection on 1300 30 40 54. We can provide handy advice so you can avoid many of the hassles you could experience being involved in such a complex process.

We offer information and assistance on home building contracts, roof restoration, tiling, plastering, landscaping, pools and driveways.

If you have a problem with a builder or tradesperson for work up to \$7,500, we can help you resolve the dispute. The building industry is regulated by a separate division of the Department of Commerce called the Building Commission which provides advice to customers on 1300 489 099.

For more information visit www.buildingcommission.wa.gov.au.

Incorporated associations, charities, co-operatives and limited partnerships

Many social, sporting and community groups incorporate under the *Associations Incorporation Act 1987*. This Act provides an inexpensive and simple way to set up a legal entity with the capacity to carry on business in its own right.

We can help your organisation or club become incorporated. It is not compulsory, but there are important benefits for members, including the protection of limited liability. To find out more call (08) 9282 0764 (or 1300 30 40 74 for country callers) or visit www.commerce.wa.gov.au/associations.

Any organisation or club collecting money or goods from the public for charitable purposes must be registered with Consumer Protection. There is no cost to register and you can check our website to see if a charity is registered. Visit www.commerce.wa.gov.au/consumerprotection, click 'Business' then 'Charities' and use the link to the 'Licensed Charities Register'.

We also offer information and advice about organising collections. For more information call (08) 9282 4373.

Co-operative organisations are registered entities formed to promote co-operative philosophies, principles, practices and objectives. The organisations encourage and facilitate self-management basis on the legal structure of one member one vote, regardless of the member's individual share holding. To find out more call (08) 6364 3070 or visit www.commerce.wa.gov.au/co-ops.

A limited partnership is one formed by up to 20 people (or, in the case of a partnership carrying on the business of banking, up to 10 people), at least one of whom must be a general partner and at least one a limited partner. The general partner(s) is liable for all of the debts and obligations of the partnership or firm whereas the limited partner(s) contributes a defined amount of capital to the partnership, but is not otherwise liable for its debts or obligations. To find out more call (08) 9282 0764 (or 1300 30 40 74 for country callers) or visit www.commerce.wa.gov.au/consumerprotection, click 'Business' then 'Limited partnerships'.

Business names

If you want to run a business in Western Australia under any name other than your own or that of a company, you must register the name with Consumer Protection.

Registering your business name ensures no one else can trade under that name in Western Australia, protecting the integrity of your organisation and helping consumers identify legitimate businesses operating across the State.

Registration forms are available from our offices or can be downloaded from our website at www.commerce.wa.gov.au/consumerprotection (click 'Business' then the link to 'Business names registration').

For advice about how to register your business name or how to search a business name, call us on 1300 30 40 14.

Please note that it is likely the Australian Securities and Investment Commission (ASIC) will take responsibility for registration in 2011 and already manages the National Names Index at www.search.asic.gov.au.

If you are looking for programs and services to help you run your small business the Small Business Development Corporation (SBDC) can help you. SBDC is a Western Australian Government agency focused on the development of the small business sector.

You can contact SBDC on (08) 9220 0222 (country callers can call 1800 199 125 for free) or find more information at www.sbdc.com.au.

Commercial tenancy

Unconscionable conduct is more than just hard bargaining in the cut and thrust of day-to-day business. Unconscionable conduct includes harsh, oppressive and unreasonable behaviour. Landlords of small businesses, particularly those in larger shopping centres, are not allowed to use their power to intimidate, place undue pressure on or use unfair tactics against shop owners.

The *Commercial Tenancy (Retail Shops) Agreements Act 1985* regulates commercial tenancy. The Act provides a balanced negotiating base between

owners and tenants and outlaws unconscionable conduct in retail shop tenancies and in business-to-business transactions. This Act also protects sole traders and partnerships, which were previously excluded from the *Trade Practices Act 1987*.

Under the reforms, small retail businesses can freely form or join tenants' associations to protect themselves and their rights. A retail shop lease will be void if it prevents or restricts tenants from forming or joining a tenants' association.

To find out more or for advice on the policy, content and review aspects of the retail/commercial shop tenancy laws, contact the Small Business Development Corporation on (08) 9220 0222. SBDC provides a specialist small business guidance, awareness and education service on all aspects of commercial and retail tenancy lease negotiations and operations.

The State Administrative Tribunal 1300 306 017 is responsible for providing a mediation service and determining disputes in relation to retail and commercial shop lease matters.

Licensing and registration services

People working in the following industries must be licensed or registered with Consumer Protection:

- debt collectors;
- employment agents;
- land valuers;
- motor vehicle dealers;
- some motor vehicle repairers;
- salespersons and yard managers;
- plumbers; and
- travel agents.

By requiring certain occupations to be registered or licensed, Consumer Protection ensures only fit and proper persons, with appropriate qualifications and skill levels, can operate in Western Australia.

Licensing and registration also helps protect consumers from suffering financial loss as a result of defective workmanship, non-completion of work, or the insolvency of the trader by providing a structured dispute resolution system, which helps resolve consumer complaints without the need to go before the courts.

If you want to know how to become licensed or registered in any of these occupations, we can help you. Consumer Protection may also be of assistance if you have a question or complaint about a person or business operating in one of these industries.

Services Consumer Protection no longer provides

Credit and finance brokers

The Australian Securities and Investments Commission now handles all enquiries, complaints and licensing for credit, credit providers and finance brokers. You can contact ASIC on 1300 300 630, or go to their website at www.asic.gov.au.

Weights and measures

The National Measurement Institute is now responsible for trade measurement regulation. You can contact the NMI's Perth office on (08) 9368 8400, or go to their website at www.measurement.gov.au.

Other sources of information

If you need information about any of the following topics please contact the agency listed below:

- food quality and health aspects of food (Department of Health or local government authorities if the problem relates to cleanliness, food handling, hand washing or the sale of out-of-date or contaminated foodstuffs);
- toys which could be used as weapons (Western Australia Police);
- vehicle defect notices (Department of Transport);
- complaints about the standard of work carried out by a builder (Building Commission);
- complaints about the standard of work carried out by a plumber (Plumbers Licensing Board);
- complaints about the standard of work carried out by a painter (Painters' Registration Board);
- complaints from residential and small business customers about electricity and gas providers (Energy Ombudsman); and
- disputes with a water service provider (Department of Water).

For more information on these services visit www.wa.gov.au.

For telephone and internet contract disputes contact the Telecommunications Industry Ombudsman (www.tio.com.au).

For financial service or product disputes (banking, insurance, investments, superannuation, etc) contact the Financial Ombudsman Service (www.fos.org.au).

Department of Commerce

Consumer Protection Division

219 St Georges Terrace
Perth Western Australia
Locked Bag 14
CLOISTERS SQUARE WA 6850

Consumer Protection Advice Line

Tel: 1300 30 40 54
(for the cost of a local call)

National Relay Service

Tel: 13 36 77

Website

[www.commerce.wa.gov.au /
consumerprotection](http://www.commerce.wa.gov.au/consumerprotection)

Administration

Tel: (08) 9282 0777
Fax: (08) 9282 0850

Bills of Sale (08) 9282 0631

Bond Administrator 1300 30 40 54

Business Names 1300 30 40 14

(for the cost of a local call)
Fax: (08) 9282 0851

Motor Vehicles Branch

Unit 4, 321 (rear) Selby Street
Osborne Park WA 6017
Tel: (08) 9282 4361

**Real Estate and Settlement Advice
Line** 1300 30 40 64

Register of Encumbered Vehicles (REVs)

Tel: 1300 30 40 24
(for the cost of a local call)
Fax: (08) 9282 0860

Regional offices

Great Southern

Unit 2/129 Aberdeen Street, Albany
PO Box 832
Albany WA 6330
Tel: (08) 9842 8366
Fax: (08) 9842 8377

South-West

8th Floor Bunbury Tower
61 Victoria Street, Bunbury
PO Box 1747
Bunbury WA 6231
Tel: (08) 9722 2888
Fax: (08) 9791 2263

Mid-West

Shop 3 Post Office Plaza
50-52 Durlacher Street, Geraldton
PO Box 1447
Geraldton WA 6531
Tel: (08) 9964 5644
Fax: (08) 9964 5678

Goldfields

Suite 4, 37 Brookman Street
Kalgoorlie
PO Box 10154
Kalgoorlie WA 6433
Tel: (08) 9026 3250
Fax: (08) 9021 8648

North-West

Unit 9
Karratha Village Shopping Centre
Sharpe Avenue, Karratha
PO Box 5 Karratha WA 6714
Tel: (08) 9185 0900
Fax: (08) 9185 1234

Kimberley

Woody's Arcade, 7/15 Dampier Terrace
Broome
PO Box 1449
Broome WA 6725
Tel: (08) 9191 8400
Fax: (08) 9191 8410

Department of Commerce

Consumer Protection Division

Advice Line 1300 30 40 54

(for the cost of a local call from anywhere in the state)

8.30am - 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/consumerprotection

Email: consumer@commerce.wa.gov.au

Great Southern	(08) 9842 8366
South-West	(08) 9722 2888
Mid-West	(08) 9964 5644
Goldfields	(08) 9026 3250
North-West	(08) 9185 0900
Kimberley	(08) 9191 8400