



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

# *Consumer Protection*



*Year in Review*  
*Achievements 2008-2009*

## FROM THE COMMISSIONER



It's amazing what a difference a year makes, with change being the dominant theme. In the past year, a new State Government was elected and the economic fortunes for many consumers and businesses changed dramatically with the global financial crisis. Fortunately, Australia and Western Australia in particular, appears to have weathered this economic crisis better than most.

One of the first decisions of the new State Government and Minister for Commerce, Troy Buswell, was to create the Department of Commerce with Consumer Protection as one of its divisions. The new Department saw Science and Innovation and the Building Commission join with Consumer Protection, EnergySafety, Labour Relations and WorkSafe. The Building Commission Division has taken over responsibility for policy in relation to builder and painter registration as well as plumbers licensing from Consumer Protection.

The State Government has set an extensive agenda of policy reforms, with the Department needing to strike a balance between reducing red tape while maintaining proper protection for consumers and the business community with fair and effective laws.

The Minister has thrown his support behind the activities and the goals of Consumer Protection and given consumer issues a high priority. Our policy and legislation officers have had a busy schedule of legislative development covering health insurance companies, retail trading hours, motor vehicle repairers, retirement villages, co-operatives and associations as well as commercial and residential tenancies.

On top of this, Consumer Protection is heavily involved in the implementation of the Council of Australian Governments' (COAG) seamless national economy reform agenda. This agenda will see responsibility for credit, finance brokers, personal property securities (REVS), trade measurement and business names transfer to the Commonwealth. There will also be a new, nationally uniform Australian Consumer Law to replace the existing Consumer Affairs and Fair Trading Act.

COAG is also overseeing the development of a new national licensing regime that will include real estate agents, settlement agents and land valuers (amongst others) and is considering reforms to charitable fundraising and not-for-profit organisations.

This is an extensive reform agenda indeed, and one that will represent many challenges to Consumer Protection in the next four years. To oversee these changes we have set up a new Strategic Policy team that is navigating the complex transfer of State powers and responsibilities to the Commonwealth Government.

In the retail area, Consumer Protection continues to be proactive in making sure traders know their responsibilities and consumers are informed of their rights. We are particularly vigilant in the area of product safety with our investigations leading to the national recall of dangerous goods, in particular a number of children's toys and baby pacifiers or "dummies".

Investigating consumers' complaints and resolving disputes is also a major area of activity and our Contact Centre is well recognised for its excellent standard in responding to the vast number of enquiries we receive by phone and email from both consumers and traders.

Last year in this column I spoke about the problems brought about by the economic boom, and in this year we have had to deal with an economic slowdown which saw a number of businesses closing their doors and, in some cases, putting consumers' deposits at risk. On each occasion, we have responded quickly to advise those affected as well as warn consumers not to pay too much money up front for goods and services.

Reminding retailers of their after-sales responsibilities in honouring warranties is also a major focus of Consumer Protection, as well as ensuring consumers are not being duped by misleading and deceptive advertising and unethical sales tactics.

Despite the downturn, the rental market remains tight and we have conducted a new series of seminars and produced and circulated educational material for both landlords and tenants, informing them of their rights and responsibilities.

Fluctuating fuel prices in the past year have increased the importance of our FuelWatch service, arming consumers with knowledge that allows them to make wise choices and save money, particularly in the current economic climate. The results of several polls have proven its popularity, with community support running extremely high at 70-85 per cent.

In the past year, we have seen the continued proliferation of postal, email and internet scams, many now progressing to a new medium – text messaging – and presenting as more professional. Our WA ScamNet service does an excellent job in keeping pace with these scams and issuing warnings through the website and direct to media outlets around the State.

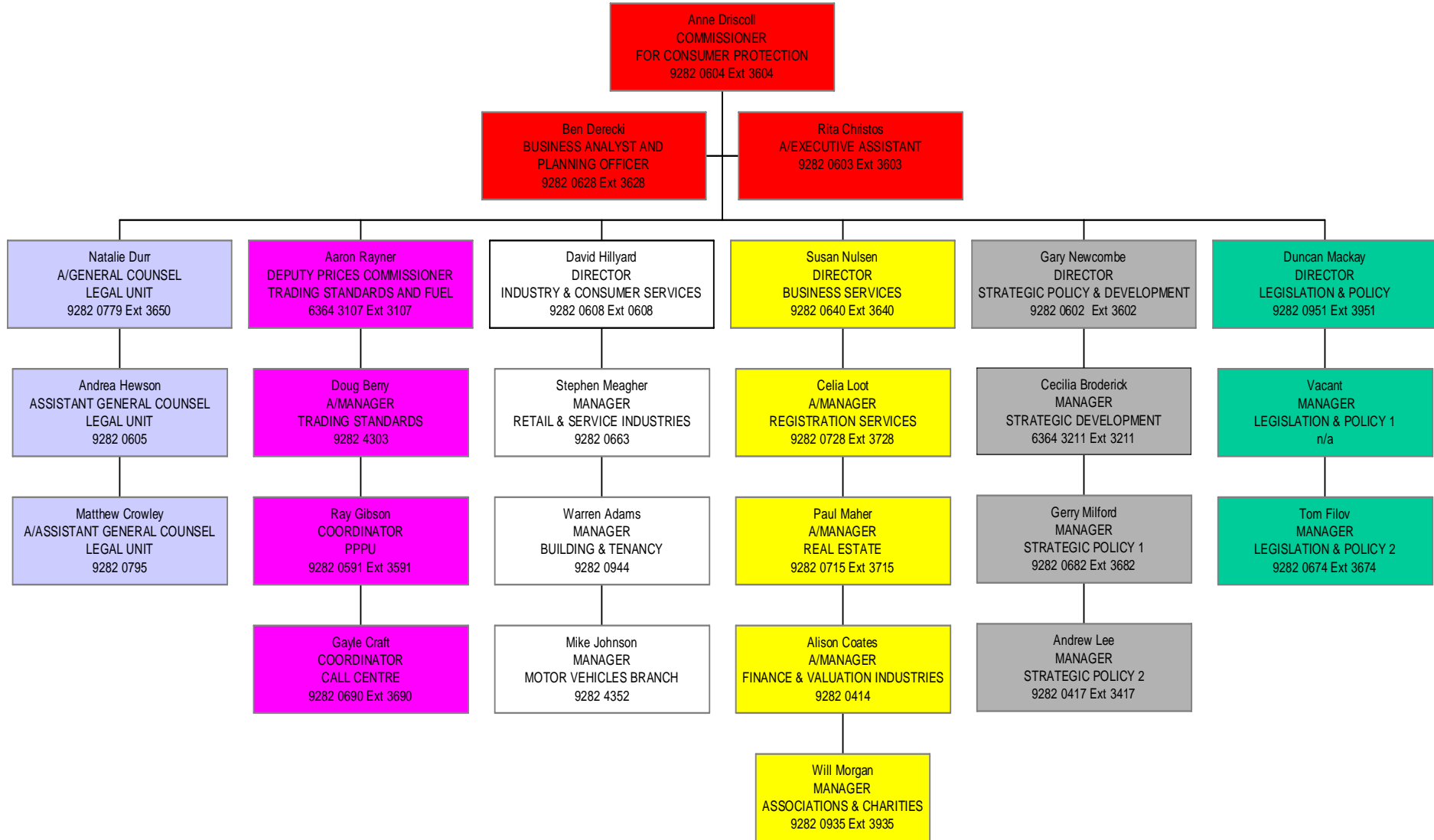
Cyberspace is just one of many areas in which Consumer Protection is prepared to go to ensure consumers' rights are protected and conditions in the marketplace are conducive to a fair and level playing field.

We are looking forward to meeting the challenges that changing circumstances present for the coming year from the behind-the-scenes of legislative and policy changes to the front-line of finding new ways to better inform consumers and protect their rights, wherever they may live throughout our vast State.



**Anne Driscoll**  
**Commissioner for Consumer Protection**

# CONSUMER PROTECTION ORGANISATIONAL CHART AS AT 26 OCTOBER 2009



## HIGHLIGHTS 2008-2009

The highlights in 2008/2009 for Consumer Protection included:

- The transition to the new Department of Commerce in which Consumer Protection is a division.
- Progressing new legislation covering health insurance companies, retail trading hours, retirement villages, co-operatives and associations and commercial and residential tenancies.
- The ongoing implementation of the Council of Australian Governments (COAG) reform agenda. Individual areas affected included registration of business names, the regulation of credit providers and finance brokers, trade measurements and some occupational licensing.
- The Retail and Services conciliation service provided by Consumer Protection was successful in 70 per cent of the cases received in 2008 – 2009 with Consumer Protection recovering \$1,121,294.00 on behalf of consumers.
- \$1.7 million drawn from the Rental Accommodation Account, which is the interest accrued on tenants' bond monies, was allocated to support the WA Tenancy Network.
- The Consumer Protection Building and Tenancy Branch lodged 60,076 bonds worth \$89,538,566.00 and paid out 53,542 bonds worth \$65,683,999.00.
- Prosecution continuing as and when required, with 14 of the 16 prosecutions being successful.
- The Consumer Protection Contact Centre received approximately 150,000 calls, mainly consumer complaints and queries from consumers and enquiries from traders. The Contact Centre also responded to 7,500 emails.
- The Retail and Service Industries Branch received 3,500 enquiries or complaints for response and investigation.
- The introduction of new online search facilities for incorporated associations was one of the major initiatives of the Associations and Charities Branch in the 2008/2009 financial year.
- Product safety officers visited 900 outlets, inspected 10,000 products and recalled 11 dangerous goods.
- The fight against cyber criminals continued, with WA ScamNet receiving 275,000 visitors to its dedicated website, which provides alerts and information on a variety of postal, internet, email and SMS scams.

## HIGHLIGHTS 2008-2009

- FuelWatch increased in popularity with WA motorists with 2.7 million visits to its website, giving consumers information on fuel prices to help them save money.
- Stage two of the new laws requiring the licensing of motor vehicle repairers was introduced.
- The Building and Tenancy Branch received and responded to over 50,000 calls regarding tenant/landlord disputes and held almost \$90 million in security bonds.
- A compulsory professional development program was extended to real estate and business sales representatives.
- A record number of grants were awarded to first home buyers in Western Australia from the Home Buyers Assistance Account to help with home purchase expenses.
- Community Education and Media staff continued to provide vital information to consumers, including Indigenous, culturally-diverse, older and young consumers with a variety of programs, seminars and publications resulting in 27,897 media appearances for the year.
- In May, compliance and education officers, along with the Commissioner, conducted a visit to the Esperance area visiting traders and community groups.

## AT A GLANCE COMPARATIVE DATA 2008/2009 & 2007/2008

	2008/2009	2007/2008
<b>COMPLIANCE RELATED ACTIVITIES</b>		
Infringement notices issued	49	83
Prohibition notices issued	831	654
Traders named	38	41
Prosecutions	16	36
Successful prosecutions	14	23
“Orders to remedy” defects	102	102
Matters referred to State Administrative Tribunal	5	5
<b>GENERAL PUBLIC ENQUIRIES HANDLED</b>		
All calls from general public	372,996	405,000
Calls to the Consumer Protection Advice Line	143,137	141,689
Counter enquiries handled	20,898	18,298
Email/website queries answered	12,137	8,400
Conciliation provided	7,105	6,675
<b>SERVICES TO THE PUBLIC</b>		
Number of responses to customer enquiries	851,266	851,924
Consumer Protection website visitor sessions	806,461	2,857,781
		<small>(Note: figures for 07/08 is for the whole of Dept of Commerce)</small>
<b>REGIONAL OFFICERS</b>		
Regional counter enquiries handled by regional offices	9,481	10,000
Regional calls from the public	18,575	n/a
Regional media appearances	287	n/a
Regional syndicated columns in local newspapers	158	n/a
Conciliation provided by regional offices	542	550
<b>TRANSACTIONS COMPLETED</b>		
Rental bond transactions	128,498	109,241
Total occupational licences on register	35,395	6,378
Business names new businesses	25,412	30,000
Registered business names	185,381	180,000

	2008/2009	2007/2008
Indemnity certificates	771	798
<b>TRANSACTIONS COMPLETED CONT'D</b>		
Total co-operatives on register	65	72
<b>WA SCAMNET</b>		
WA ScamNet site visitors	274,580	357,781
Scam-related calls to the Advice Line	4,283	n/a
ScamNet Alerts issued	53	n/a
Scam-related emails received by the Advice Line	33,076	n/a
Scam-related letters received by the Retail and Service Industries Branch	4,012	n/a
<b>FUELWATCH</b>		
Subscribers to daily FuelWatch alert	42,298	38,564
FuelWatch website visits	2.7 million	2.5 million
<b>ASSOCIATIONS, CHARITIES AND CO-OPERATIVES</b>		
Registered Incorporated Associations	15,606	n/a
Registered Charities	777	n/a
Registered Co-operatives	65	n/a
<b>MOTOR VEHICLES</b>		
Dealer licences	805	659
Yard Managers licences	1,065	
Salespersons licences	1,953	
Repair business licences	669	n/a
Repairers certificated	5,125	3,550
Disputes for which Consumer Protection provided conciliation	1,067	1,028
Prosecutions before the courts	4	4
New dealers visited	68	77
Dealerships inspected	540	676
Vehicles inspected	7,203	13,443
"Order to remedy defects" issued	87	102
<b>REAL ESTATE AND SETTLEMENT AGENTS</b>		
Calls received from the public	5,882	n/a
Investigations completed	480	n/a
Fidelity Guarantee Account Claims	197	n/a

	2008/2009	2007/2008
Home Buyers Assistance Grants	4,948	n/a
<b>FINANCIAL SERVICES</b>		
Finance broker licences granted	486	558
Total finance broker licences	3,159	n/a
Credit provider licences granted	24	12
Total credit provider licences	185	n/a
Debt collector licences granted	14	11
Total debt collector licences	74	n/a
Land valuer licences granted	62	36
Total land valuer licences	706	n/a
Total number of licences renewed	1,217	967
Proactive compliance visits conducted	87	67
Reverse mortgage seminars held	7	4
Complaints lodged and investigated	115	141
Matters conciliated	188	159
Agreement between parties following conciliation	51	71
<b>PLUMBING</b>		
Licence renewals	1,650	3,681
Plumbing contractor's licences issued	1,176	261
Tradespersons licences issued	1,150	609
Total number of complaints	122	159
Complaints conciliated	8	68
Complaints investigated	114	91
Compliance inspections (includes Water, Sanitary, Pre-Lay and Drainage)	3,148	4,828
Rectification notices issued by the Plumbers Licensing Branch	111	84
Prosecutions	5	11
Notified the commencement of plumbing work jobs	47,093	47,000
Verification of completion of plumbing work jobs	46,199	26,000
<b>MYSTERY SHOPPER</b>		
Retail outlets audited for electronic scanning accuracy	82	31
Items audited	1,068	450
Items that scanned incorrectly	82	27

	2008/2009	2007/2008
Fines/infringement notices issued	0	1
<b>RESOLVING DISPUTES</b>		
Amount recovered on behalf of consumers	\$1,121,294.00	n/a
<b>MISLEADING MARKETING</b>		
Traders investigated	297	215
Traders prosecuted	5	3
Successful prosecutions	3	3
<b>EMPLOYMENT AND TRAVEL AGENTS</b>		
Number of employment agents licensed	632	619
Number of employment agent investigations	2	29
Number of travel agents licensed	403	422
Number of travel agent investigations	37	62
<b>PRODUCT SAFETY</b>		
Outlets visited	916	355
Items checked for safety compliance	10,178	3,762
Unsafe or non-compliant products detected and withdrawn from sale	229	109
Product bans and mandatory standards introduced during the year 3 mandatory standards upgraded.	3 new bans	6 new bans
Product recalls	11	10
Successful prosecutions	1 prosecution, 8 infringements	1 prosecution, 24 infringements
<b>TRADE MEASUREMENT</b>		
Infringements for non-compliance of FuelWatch	22	15
Metro and regional compliance inspections for FuelWatch	463	n/a
Inspected pre-packed articles	12,582	11,143
Infringement notices for short weight pre-packaged articles	13	5
<b>BUILDING AND TENANCY</b>		
Phone enquiries received involving residential tenancy disputes	49,696	51,748
Conciliation files dealing with residential tenancies	629	532
Compliance-related actions	153	384
Prosecutions	4	7

	<b>2008/2009</b>	<b>2007/2008</b>
Bonds lodged	60,076, worth \$89,538,566.00	57,128, worth \$76,396,774
<b>BUILDING AND TENANCY CONT'D</b>		
Bonds paid out	53,542, worth \$65,683,999.00	77,373, worth \$50,445,177
Bonds varied	14,820	11,450
Tenancy Advice and Education Program Funding	3 % increase	40 % increase
<b>COMMUNITY EDUCATION INITIATIVES</b>		
Participation at public seminars and information sessions	5,825	6,723
Community participation at shows and expos	2,028	4,342
<b>BUSINESS NAMES</b>		
Current number of business registered	185,381	n/a
New business names registered	25,412	n/a
<b>REGISTER OF ENCUMBERED VEHICLES</b>		
Enquiries (REVS checks)	202,850	206,944
Encumbrances on register	347,879	330,000
Number of new encumbrances registered	113,664	120,000
<b>WEBSITE</b>		
Consumer Protection website visitor sessions	806,461	2,857,781 <small>(Note: figures for 07/08 is for the whole of Dept of Commerce)</small>
<b>CONSUMER PROTECTION STAFF</b>		
Total employees	403	334
Consumer Protection offices	8 (2 metro, 6 regional)	8 (2 metro, 6 regional)
Employees in the metropolitan area	395	327
Employees in the regional areas	8	7
<b>POLICY DEVELOPMENT AND REGULATORY REVIEW</b>		
Acts administered	58	57
Acts and regulations amended	46	38