

The Consumer

Consumer Affairs

2/2012

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**CARAVAN PARK
LEGISLATION –
how will it affect you?**

**TRAVELLING CON MEN –
what to look out for**

**a safe
Territory**

A Territory Government initiative

From the Commissioner of Consumer Affairs

Consumer Affairs has now been in the new office, in the Met Building Casuarina, for almost 12 months and while this time has seemed to pass very quickly it's pleasing to reflect on the move and how it has supported our role in the community.

Our new location has placed our services in close proximity to consumers and traders and has improved accessibility for the many Territorians who seek assistance and advice from my staff. The new office has also provided improved facilities for Residential Tenancy Hearings, which number around 800 per year.

While the Australian Consumer Law is now firmly in place, the challenges of ensuring consumers and traders are aware of their rights and responsibilities under the legislation continue. We regularly deliver information sessions for a wide range of organisations and individuals and seek opportunities to deliver more



whenever possible. If you or your organisation would like to learn more about the legislation we administer, don't hesitate to contact the office and arrange a time for one of our staff members to visit your office.

The recent commencement of the *Caravan Parks Act*, which falls under the Consumer Affairs portfolio, sees improved protections for park owners and residents throughout the Northern Territory. Further information about what this means for permanent residents

and owners can be found within this edition and more thoroughly at the Consumer Affairs website.

I trust you will find the information in this edition interesting and informative. Don't hesitate to contact Consumer Affairs if you'd like more information on 1800 019 319, or email us at consumer@nt.gov.au

Gary Clements

New NT Caravan Parks Act

The *Caravan Parks Act 2012*, which commenced on 1 May 2012, is administered by Consumer Affairs. The Act provides for the rights and obligations of caravan park operators and long term residents under caravan park agreements.

The legislation will not affect current residents unless they are 'long term occupants', defined as a person who has been a continuous resident paying rent for five or more years (including time before 1 May 2012).

There are two types of long term occupants:

- People who, after commencement of the legislation, enter into formal arrangements of 12 or more months. These residents will have the benefit and obligations of all the provisions of the Act (including the termination provisions under part 16).

- People who, through a succession of short-term occupancies, pay rent to the park for a period of five or more years. These persons will only have the benefit and obligations set out in Part 16 of the Act.

People who commence residence on or after 1 May 2012 will only be affected by the legislation if they enter into an arrangement that is agreed as being intended to last 12 or more months.

For further information on the *Caravan Parks Act* visit: www.consumeraffairs.nt.gov.au or telephone 1800 019 319.

Motor vehicle rental – consumers beware

A consumer recently hired a motor vehicle in Alice Springs from a rental company. Before returning the vehicle to the hire company interstate, the consumer filled the fuel tank.

A few days later the consumer noticed a deduction of over \$100 from their credit card to the car hire company.

The consumer tried to contact the hire company without success. After lodging a complaint with Consumer Affairs, the matter was conciliated with a satisfactory result for both parties. The consumer received a full refund and apology.

Travelling con men *can you tell the difference?*



The dry season is upon us so be aware of travelling con men as they move throughout the Territory.

They usually travel in groups posing as tradespeople. They might offer cheap deals to carry out work like painting, roof repairs and other manual jobs.

They will typically ask for money up front, telling you it's a one-off deal and they may even offer to drive you to the bank.

Often they take the money and leave the job unfinished or poorly done.

If you are approached by travelling con men, help us put a stop to these rogue traders by calling the National Travelling Con Men Hotline on 1300 133 408 or Consumer Affairs on 1800 019 139.

A win for consumers on clear pricing

Consumer Affairs has received a number of complaints from consumers in Alice Springs and the surrounding areas who wanted to cancel expensive contracts for portrait photography.

These contracts allowed for periodic direct debits from consumers' bank accounts, in some cases in excess of \$1,000. Some consumers never realised the total amount of money they would be asked to pay before they received photos.

The photographers enticed customers into accepting a photographic session for their

children at Alice Springs shopping centres by using fun costumes and poses. Although customers were told the photo sessions were 'obligation free', once the photos were viewed, the consumers were often lured into the contract with 'emotional sale' techniques.

Consumer Affairs Fair Trading Officers in Alice Springs met with shopping centre management. After discussing the concerns of consumers, management agreed that a condition of any future casual leasing within the shopping centre will include a requirement to display clear pricing signs for their products.

Consumers should be acutely aware that despite what they may be told at the point of sale, attractive photos of their children may come at a very high cost. Before signing contracts, consumers should ensure they understand their total financial commitment, including any additional fees or charges.

REMEMBER, it is not illegal if a trader chooses not to display prices – but they may be in breach of Australian Consumer Law if pricing is false, misleading or multiple prices are used.

Consumer guide to building and renovating *and proposed new legislation*

Building or renovating your home can be a rewarding experience, but the process can be complex.

To assist home builders and renovators with their building project, the Department of Lands and Planning has developed a consumer guide called *Building and Renovating in the NT*.

To view a copy of this guide, go to www.dlp.nt.gov.au and follow the links or go to www.consumeraffairs.nt.gov.au

New legislation delivering the residential building consumer package will commence on 1 January 2013. To assist the community to understand these changes, the next edition of *The Consumer* will highlight some information about the protections provided.



Do Not Call Register

The Do Not Call Register, an initiative of the Australian Government, was introduced in response to community concern about the growth in unsolicited telemarketing calls in Australia and overseas.

The Australian Communications and Media Authority (ACMA) administers the *Do Not Call Register Act 2006*.

To protect yourself from unsolicited calls, register with ACMA. There are three different ways you can register: telephone 1300 792 958 from the telephone you want registered; visit www.donotcall.gov.au and fill in the form online; or collect a pamphlet from Consumer Affairs, complete the application form and send it to the nominated address.

Exemptions to the Do Not Call Register include:

- charities or charitable institutions
- educational institutions
- religious organisations
- government bodies
- registered political parties
- independent members of parliament
- political candidates.

About lay-by

A lay-by agreement is when a shop allows you to pay for goods in two or more instalments, on the condition that you receive the goods once you have paid in full. Lay-by agreements must:

- be in writing
- specify all the terms and conditions including the termination charge, if one applies
- be given to the consumer in the form of a copy of the agreement.

The trader may charge you a termination fee if you decide to cancel the lay-by, but the amount of the fee must not be more than is considered to be reasonable costs, and the trader must refund all other balances.

A trader must not cancel a lay-by agreement unless the consumer has breached the terms of the lay-by agreement, the goods are no longer available due to circumstances outside of the trader's control or the company is no longer trading.

TERRITORY SENIORS

Pre-paid funeral plans

A pre-paid funeral is where funeral arrangements are decided before a person dies, a contract is signed and money paid in advance to cater for the specific plans agreed to. Some pre-paid funerals are paid for in periodic instalments and others involve an up-front payment in full.

The aim is to ease the emotional and financial burden on families at the time of a funeral. But if you are thinking about entering into a pre-paid funeral plan, there are some things you need to consider.

Be aware that some pre-paid funeral plans are limited and cover only the personal service and coffin expenses; they do not cover the costs of cremation and burial. Make sure you are clear about whether you are pre-paying for all, or only some of the costs.

If you have any concerns regarding a funeral director or plan, contact Consumer Affairs on 1800 019 319 for further advice.

Seniors Forum



Consumer Affairs was invited to attend this year's Palmerston Seniors Forum.

Around 85 seniors attended the Gray Community Hall and learnt about their rights under the Australian Consumer Law.

Two topics that received a lot of interest were door-to-door selling and scams. This event was well received by the seniors' community, and Consumer Affairs looks forward to working with them in the future.

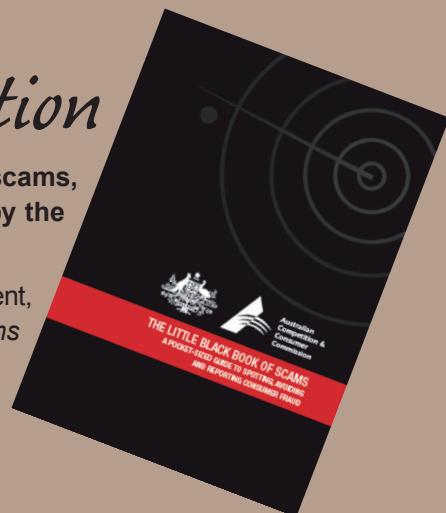
Image compliments of City of Palmerston

Little Black Book of Scams *New edition*

To help the community, and especially seniors, keep abreast of current scams, a new edition of *The Little Black Book of Scams* has been published by the Australian Competition & Consumer Commission (ACCC).

This book is substantially smaller in size than the previous version, but not in content, and can fit easily into a pocket or purse. The new *Little Black Book of Scams* also includes Golden Rules – the top ten tips to protect yourself from scams.

To receive a free copy contact Consumer Affairs on 1800 019 319



FAIR TRADING

When you buy goods or services and they break too easily, don't work or don't perform as generally expected, you have rights under law. The Australian Consumer Law creates a basic set of guarantees for consumers who acquire goods and services from Australian traders, suppliers, importers and manufacturers. These laws are intended to ensure you receive the goods and services you have paid for.

When you have a problem with your purchase and one of your guarantees has not been met, you may be entitled to a remedy. During the first six months of 2012, our Fair Trading Officers resolved a number of complaints relating to consumer guarantees. Here are just a few of them.



Reasonable time

A consumer purchased a pressure cleaner, only to have the unit break down within a few hours of first use. The trader advised the consumer that the unit would need to be sent to an authorised repairer for inspection.

The consumer repeatedly contacted the trader, but after some time had lapsed without a response, the consumer lodged

If a product is faulty and the trader wants to send it for an inspection, this must be done within a reasonable time.

a complaint with Consumer Affairs. Once Consumer Affairs became involved, the trader gave the consumer a full refund. The refund was provided as the trader had not sent the pressure cleaner to the authorised repairer for inspection within a reasonable time.

Not so cold fridge

A senior consumer purchased a fridge from a second-hand dealer which, when delivered to her home, wouldn't cool down. The consumer asked the trader for a refund, but the trader was not willing to assist.

The consumer lodged a complaint with Consumer Affairs, which conciliated the complaint between the parties, with the consumer receiving a full refund for the fridge.

Removalists

Recently a consumer relocated interstate from Darwin and used a local removalist company to transport their belongings. During transit, the consumer's motorbike was damaged.

The consumer approached an industry professional to assess the damage, who in turn advised that it would cost the consumer a substantial amount to repair the bike.

Prior to contacting Consumer Affairs, the consumer approached the removalist company to resolve the matter. However, the trader refused to compensate for the damage, citing the consumer's lack of insurance.

The consumer then lodged a complaint with Consumer Affairs. In accordance with the consumer guarantee laws, the trader was advised that services must be carried out with due care and skill, regardless of whether or not the consumer had insurance.

This matter was conciliated, resulting in the removalist company compensating the consumer for the motor bike repairs.



Report a scam
to Consumer Affairs

RESIDENTIAL TENANCY

Tenancy advice

When a tenant enters into a contract (signed lease or tenancy agreement) with a landlord to rent a property, the landlord is effectively granting the tenant the right to occupy the property for the period of the tenancy. The tenant should expect the right to quiet enjoyment of the property during the tenancy. The landlord retains the right to enter the property only in compliance with the *Residential Tenancies Act* (the Act).

If the landlord or agent enters the property without complying with the legislation or without the tenant's permission, the tenant may lodge an application with the Commissioner of Tenancies, as the landlord may be in breach of the Act or the tenancy agreement.

A couple of examples:

1. The agent or landlord sends out a letter to the tenant advising a three month inspection is due and includes a date and time for the inspection. Even though the landlord or agent has sent out a letter requesting an inspection, the agent or landlord does not have the right to attend or enter the premises unless the tenant has acknowledged the letter and agrees with a date and time for the agent or landlord to carry out the inspection.
2. A landlord lives interstate and is coming to Darwin and wants to view the property. The only way this can occur is either for the tenant to give permission or the landlord to attend the premises during the scheduled quarterly or periodical inspection.



Repairs

Landlords are obliged to ensure that premises are in a reasonable state of repair at the beginning of a tenancy and to maintain the property during the period of the tenancy.

The tenant must notify the landlord or his agent verbally or in writing if repairs are required. Notification should be given as soon as practicable after the tenant becomes aware that repairs are needed.

On receipt of written notice the landlord or agent has seven business days to either carry out the repair or

If the repairs are not carried out, don't stop paying rent as you may be in breach of contract. Continue paying your rent and contact Consumer Affairs on 1800 019 319.

notify the tenant of arrangements made to carry out the repairs.

If the landlord has not notified the tenant within the seven days, or if the repairs have not been carried out after 21 days, the tenant may have other options under the Act to get the repair work carried out.

For more information, speak to the Tenancy Officers at Consumer Affairs or collect your free copy of *A Guide to Renting in the Northern Territory* from the Consumer Affairs office.

For good advice contact Consumer Affairs on
www.consumeraffairs.nt.gov.au

Know Your Rights

In the first half of 2012, Consumer Affairs visited many remote communities and organisations throughout the Territory to raise awareness of peoples' rights under the Australian Consumer Law.

Some communities also enjoyed a screening of a short film on consumer rights, together with a popular new release movie.

Other government organisations attended these events with Consumer Affairs to provide valuable information on rights under the various laws they administer. Consumer Affairs wishes to acknowledge the Office of the Children's Commissioner, the Health and Community Services Complaints Commission and the Anti-Discrimination Commission for their participation. Without their assistance, these events would not have taken place.

Consumer Affairs also participated in the Defence Force Day held in Palmerston, to help raise awareness of rights under the Australian Consumer Law and the *Residential Tenancies Act*. This event was well received by the community, with many consumers receiving information about scams and consumer and tenancy rights.

Consumer Affairs also had an information stall at the Charles Darwin University open day. Many young consumers attended and sought information about tenancies and other general consumer issues.



'THE CONSUMER'

How to get your copy or a copy for a friend!

To receive your free electronic or paper copy of 'The Consumer' please contact Consumer Affairs. Email consumer@nt.gov.au or SMS 0401 116 801 and ask to be placed on the mailing list. You can also telephone 08 8935 7722 or 1800 019 319 or write to The Consumer Editor, Consumer Affairs PO Box 40946 Casuarina NT 0811.

'The Consumer' is available free online at www.consumeraffairs.nt.gov.au

You can also collect a copy personally by calling into Consumer Affairs on the 1st Floor of The Met Building, 13 Scaturchio Street, Casuarina. If you live in Alice Springs you can visit us on Level 1 Belvedere House, corner Bath Street and Parsons Street, Alice Springs.



For further information log onto our website: www.consumeraffairs.nt.gov.au, email consumer@nt.gov.au or write to Consumer Affairs, PO Box 40946 Casuarina NT 0811