

The Consumer

Consumer Affairs

2/2009



Part of your everyday life



From the Commissioner of Consumer Affairs



Consumer Affairs is an important part of your every day life. If you're buying a car, renting a house, using your mobile phone, emailing on your computer or shopping for vegetables – it pays to know your rights, responsibilities and to be on the lookout for everyday traps and scams that seek to take your hard-earned cash from you. With the ever-increasing costs of housing, food and essential needs, we must all ensure we maximise our spending to gain the most for every dollar spent.

In this issue of 'The Consumer' we highlight some scams to watch out for, discuss tenancy issues, provide tips on being careful when spending your money on everyday items especially as Christmas approaches, and emphasise safety issues for young children, as well as providing an update on what our staff have been doing to help protect consumers.

My staff are here to assist and advise Territory consumers. Please contact us if you are concerned about a consumer issue.

Gary Clements

Blind cord dangers can be prevented

Children can injure or strangle themselves on blind and curtain cords. Blind cords are often a hidden hazard and most people would not be aware of the dangers.

Thirteen children have died from blind cord strangulation in Australia in the last nine years. Children up to six years of age have been victims of these tragic accidents. Consumer Affairs is urging parents and carers to help prevent this happening again. Any blind or curtain cords that have a looped device pose a safety hazard to children.

The supply of new window blinds without appropriate warning tags and safety devices has been banned throughout the Northern Territory. However there are potential dangers involved with unsafe blind and curtain cords still in homes and businesses.

Parents and carers are advised to check the safety of blind cords in their own homes. Remember these simple steps to reduce the chance of another casualty.

Make sure:

- Children can't reach blind or curtain cords
- Cots, high chairs and other baby furniture are kept away from blind cords
- Children can't climb up to reach blind or curtain cords
- Cords are wrapped around a cleat on the wall
- Vertical blinds have a cord tensioning device
- Cords are 1600mm above the bottom of the blind



Kids and cords don't mix!

SMS Consumer Affairs on 0401 116 801 and we will contact you.

Getting your car or motorcycle repaired

Help protect the resale value and safety of your car or motorcycle and keep it roadworthy.

Give your vehicle repairer as much information about the problems as you can. Perhaps take the car for a test-drive.

Ask for a written quote or at least a cost estimate to fix the problem, so there are no surprises at the end. This should include:

- Work to be done,
- Parts supplied (new, reconditioned or second-hand),
- Time of completion,
- Method of payment (cash, cheque or credit card), and
- Cost.

A written quote signed by both parties is a binding contract. Relying on an estimate means that, providing the work is satisfactory, you will have to pay the account even if it is a lot higher than the estimate you were given.

Leave a contact number with the repairer in case they need to do extra work. Make sure they know that no further work is to be carried out unless you give permission. Include this in the quote. Ask how long the repairs will take.



Remember to ask about the manufacturer's warranty on the parts used and the repairer's warranty on work done, and that they are noted on your invoice.

Before you pay, obtain an itemised account listing the repairs that were done and the cost calculations. Get a receipt and keep it safe in case of future problems.

What if you are unhappy with the repairs?

Talk to the repairer and advise that you are not satisfied with the work done. Explain the problem and offer solutions that will satisfy you. This will give the repairer an opportunity to fix the problem to your satisfaction.

If you are not successful, put the problem and your solutions in writing to the repairer (addressed to the Manager), and ask for a written response within a reasonable timeframe.

Keep copies of all letters and records of your dealings, particularly names of people you spoke to, dates and advice received.

In the Territory there is no requirement for repairers to be licensed to work on your vehicle, or for them to have specified equipment in the workshop or to employ qualified tradespeople.

However, the NT's *Consumer Affairs and Fair Trading Act* provides that services must be carried out with due care and skill and any materials supplied in connection with the services must be fit for the purpose for which they are supplied. That is, they should achieve the result that the consumer made known to the repairer.

If the problem is unresolved, you can call Consumer Affairs on 1800 019 319.

Contracts worth \$720,000 cancelled

Earlier this year, Consumer Affairs became aware of a group of itinerant traders targeting Indigenous communities in the NT. The company was called Supa Cheap Rentals Pty Ltd.

They were signing consumers up to rental agreements for TVs, DVD players, air conditioners, washers, dryers, laptops and music players at a high cost. As they were breaching door to door trading provisions, Consumer Affairs staff investigated.

As a result, the company ceased trading in the NT and has now been wound up. Consumer Affairs officers worked with financial institutions to cancel direct debits for contracts worth a total of over \$720,000. A great result for Territory consumers.



Show bags *in safe hands*

Going to the Show is meant to be a great day out for the whole family. One of the highlights is buying a show bag for the kids.

Consumer Affairs staff inspected show bags prior to them going on sale, to ensure they were safe for the hundreds of young consumers who buy one.

Some items were removed after the inspections, including:

- Expanding dinosaur egg toy which is banned in the NT
- A toggle on a drawstring hat as it was a choking hazard
- Skateboard key rings as the wheels and axle came off, making them a choking hazard.

Staff also requested labels be included to warn consumers of:

- Keys to a chest which were a choking hazard
- Ingredients of temporary tattoos.

The Commissioner of Consumer Affairs, Gary Clements, said "It is essential that these inspections are carried out each year."

"As well as reassuring parents about the products their children are buying – it also sends a strong message to those breaching product safety laws."



Senior Compliance Officer Elizabeth Farquhar inspects show bags at the Alice Springs Show. Photo: Justin Brierty, Centralian Advocate.

Got a 'smartphone'? Watch your bills

I'm sure we'd all like to avoid a \$1000 mobile phone bill! Recent reports estimate that consumers are making up to 350 complaints a day to authorities about the high cost of owning new generation smartphones and they often have "bill shock".

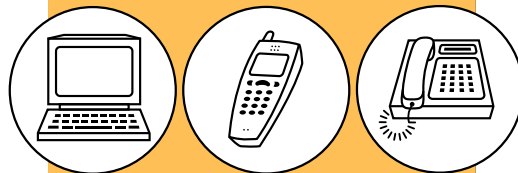
For example, looking up FaceBook or UTube pages, downloading emails and data can lead to additional charges. Using premium services, international roaming, horoscopes, television voting and ringtones can also lead to higher bills.

Data downloading caps can cause confusion as they are labelled in terms of megabytes or gigabytes. Plans typically include caps set at 25 megabytes, 200 megabytes, 500 megabytes or one gigabyte.

Ask your service provider about how different data downloads will affect the total cost of your phone. As a guide, checking emails should cost you far less than downloading music or videos.

As a rule, the cheaper the plan, the higher the rate at which calls and downloads are charged, so you need to think carefully about this, estimate your monthly usage, then choose a plan accordingly.

Problem with your telephone, mobile phone or internet service?



The TIO may be able to help.

The Telecommunications Industry Ombudsman is a free and independent dispute resolution service for people with complaints about telecommunications or internet services.

If you have tried to resolve a complaint with your phone or internet service provider, but are not making any progress then contact the TIO.

Website www.tio.com.au
Freecall 1800 062 058
Freefax 1800 630 614
TTY 1800 675 692
Interpreter service 131 450



Tenant Troubles?

Having trouble with your tenant? A tenant has rights and responsibilities when they enter into a Tenancy Agreement (Contract). This contract is governed by the Residential Tenancies Act.

It is a term of the tenancy agreement that a tenant:

- Must pay rent as specified in the agreement.
- Will not maintain the property in an unreasonably dirty condition.
- Will notify the landlord of any damage to the property.
- Must not intentionally or negligently cause damage to the premises or ancillary property.
- Will return the property at the end of the lease in a reasonable state of repair and in a reasonably clean condition, allowing for wear and tear.
- Will not alter, remove or add a lock or security device without the landlord's permission.
- Will not carry out or allow any illegal conduct, or cause or permit any nuisance on the premises.
- Will not conduct any alterations to the premises without the landlord's consent.
- Will advise the landlord of any repairs required.



WIKIANG

If a tenant is more than 14 days in arrears in rent, a landlord may issue the tenant with a notice to remedy the unpaid rent.

If a tenant does not pay the full amount of unpaid rent as specified in the notice, the landlord may apply to the Commissioner of Tenancies for possession of the premises and compensation for unpaid rent.

If a tenant is in breach of the Act or the Tenancy Agreement, the landlord may issue the tenant with a notice to remedy the breach.

If a tenant does not remedy the breach, the landlord may make application to the Commissioner of Tenancies to terminate the agreement.



WIKIANG

Phishing. WHAT IS IT?

A 'phish' is an email (or a telephone call) that asks for personal details. It may appear to be from a legitimate source, but is in fact part of a money-making hoax. While Phishing isn't new, it is becoming more sneaky and sophisticated.

These days scammers are even sending emails which look like they are from FaceBook, saying someone has tagged a person in a photo.

'Phishing' scams are designed to lure people into disclosing personal data such as credit card numbers, PINS and passwords, by inviting them to click on a link which not only uploads dangerous code to computers, but also captures personal information.

The best protection against scammers is to hit the delete key or just hang up.

TIPS TO PROTECT YOURSELF

- Stay calm. Resist your urge to hit the 'reply' button. Never follow the instructions in the email.
- Keep your computer secure.
- Only go to the official website for your financial institution using your 'favourites' or by typing the URL in the address bar of your browser.
- Avoid using computers at public places, such as internet cafes, for any online banking.
- Suspect a scam if you're asked for your account details or passwords by email.
- For Australian sites, look for the '.au' domain such as 'com.au' or 'net.au', but still be suspicious of any link given to you in an email. Your website browser may not read all parts of the link and take you to a false site.

Set up a file where you keep:

- Receipts
- Bank statements
- Credit card statements
- Pay slips
- Warranties

Out & About



Consumer Affairs visited Palmerston High School and the CAAPS Open Day Celebrations recently. Staff presented to Indigenous church leaders and clergy at Nungalingya College.

Hosting an event? Teaching a class? Holding an expo?

Consumer Affairs staff are happy to:

- Talk to groups at schools, university or events
- Provide free promotional and educational material
- Set up a display or information booth

Call us on 1800 019 319 to discuss

Checking your fuel

Trade Measurement staff have been out checking fuel stations in the Top End ready for the wet season rains. They were assessing the potential for water to enter the storage tanks through faulty fills and dips.

Their inspections included fuel stations at Coolalinga, Humpty Doo, Palmerston, Berrimah, Virginia, Howard Springs, Noonamah, Darwin City, Ludmilla, the northern suburbs and other regional areas.

The results were generally good and the faults found will be checked again to ensure compliance. Only 4% of fills and 12% of dips were faulty. Water is in most storage tanks at services stations, however the petrol will float on top as it is lighter than water. The tanks and pumping systems are manufactured to take the petrol from the top of the tank. Therefore the water does not enter individual motor vehicle petrol tanks.



Log onto our website:

consumeraffairs.nt.gov.au

Would you like someone moving in with you? Know your tenancy rights!

Our office has recently received some complaints from tenants reporting that their landlords have told them that new tenants will be moving in with them – whether they like it or not!

They contacted our office to clarify what their rights are as they were worried about accepting other tenants into a property that they are paying rent for.

If you are in a fixed term lease and you are the only tenant listed on the lease, you have the right to say no to any other tenant moving into the property.

The landlord cannot terminate your tenancy early if you refuse to accept other tenants into the property.

If you are in a periodic tenancy agreement you also have the right to refuse other tenants moving into the property.

Be aware however, that under the *Residential Tenancies Act*, a landlord can terminate a periodic tenancy providing they give 42 days written notice.

Please contact Consumer Affairs on 1800 019 319 if you find yourself in a similar situation.

Tips to remember:

- The person listed as the tenant on the lease is responsible for all rent payments and any cleaning required at the end of a tenancy or any damages caused.
- If new tenants are joining you mid-tenancy, ensure their names are added to the lease agreement so that responsibility is shared.
- You do not have to agree to new tenants moving into a property mid-agreement.

Veggie prices *under scrutiny*

Keep an eye on your veggie prices, especially if you are checking out at the new self-serve outlets at supermarkets.

Consumer Affairs recently received a complaint from a local shopper who had been overcharged for a pre-packaged vegetable item. The shopper wanted to buy two pieces of pumpkin. The pumpkin selected was already cut up, plastic wrapped and priced ready go to the checkout.

The pumpkin was weighed at the self-serve checkout and came in at a higher price than marked on the price tag. When the shopper queried the price the assistant did not seem to understand the issue and indicated that while a price may have been detailed on the product it still needed to be weighed and the weighed price paid for.

After receiving the complaint, Consumer Affairs staff spoke with the supermarket management, which resulted in staff training for the entire Northern Territory team to ensure that this would not happen to other shoppers.

Consumer Affairs staff also visited a large number of supermarkets in the greater Darwin area to check pricing and packaging on a range of fruits and vegetables. The audit results showed a high level of accuracy across all supermarkets.

The message however remains that as a consumer you are entitled to receive goods at the advertised price and you should stand up for your rights, unless there is a very obvious error. Remember, a supermarket or store can make significant profits from overpriced products, even if it is only a few cents per item.



Consumer Affairs visits the Garma Festival

Consumer Affairs Indigenous Liaison Officer, Greg Smith, recently attended the Garma Festival of Traditional Culture, along with other staff from various legal and consumer organisations.

The Garma Festival draws in clan groups and representatives from north-east Arnhem Land and neighbouring areas, and both Indigenous and non-Indigenous people from around Australia.

An information tent was set up for consumers in collaboration with the NT Legal Aid Commission, North Australian Aboriginal Justice Agency (NAAJA),

Anti-Discrimination Commission, Australian Competition and Consumer Commission (ACCC) and both NT and Commonwealth Ombudsman's offices. It offered a relaxed and informal environment for people from the local Arnhem region to seek advice and assistance from staff.

Greg also made a presentation to academics and professionals attending the festival. This was part of a series of forums on the theme of Indigenous Creative Industries: Opportunities, Culture and Knowledge.



Pictured: Greg Smith, Consumer Affairs' Indigenous Liaison Officer at the Garma Festival. Photographs © Yothu Yindi Foundation/Garma Festival.



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