

Northern Territory Consumer Affairs



Annual Report 2018 - 2019

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The Hon Natasha Fyles
Attorney-General and Minister for Justice
Parliament House
DARWIN NT 0800



Dear Minister

Re: ANNUAL REPORT 2018-19

The Department of Attorney General and Justice 2018/19 Annual Report includes performance reporting on Consumer Affairs in conformity with requirements of the *Public Sector Employment and Management Act* and the *Financial Management Act*.

The Commissioner of Consumer Affairs is a statutory officer and is required to report to the Minister annually pursuant to:

Section 12 of the *Consumer Affairs and Fair Trading Act*;
Section 15 of the *Residential Tenancies Act*;
Section 11 of the *Retirement Villages Act*;
Section 14 of the *Business Tenancies (Fair Dealings) Act*;
Section 20 of the *Caravan Parks Act*; and
Part 5A of the *Building Act*.

I have pleasure in submitting to you the Commissioner's report for the year ended 30 June 2019.

Yours sincerely

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Sandy Otto

Deputy Commissioner
Northern Territory Consumer Affairs
19 September 2019

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DEPUTY COMMISSIONER'S COMMENTS

Firstly, I would like to acknowledge the hard work and dedication that the staff of Northern Territory Consumer Affairs continue to provide to our stakeholders and clients. This has ensured that all Territorians have been provided with a very high level of customer service to deliver consumer protection throughout the Northern Territory.

NT Consumer Affairs' role in the community is to ensure responsible business conduct occurs throughout the Territory by the education and regulation of businesses, and monitoring the marketplace. In cases where a business has an unacceptable level of complaint, our Compliance Unit will engage with traders and in need take appropriate enforcement action. Our officers visited many areas of the Territory as part of our ongoing community education program to ensure businesses and consumers alike are aware of their rights and responsibilities across the broad range of the legislation that we administer.



This past year has seen our Outreach Officer continue to visit remote communities to ensure that a consistent and regular approach builds relationships and trust. This approach has seen an increase in Indigenous consumers contacting our call centre for advice and assistance. Our suite of Aboriginal Consumer Educational videos continue to be promoted and viewed, with the majority of the videos being viewed in the Yolngu Matha version.

Our online social media presence on Facebook continues to be a very popular medium for our clients to learn about the latest scams, consumer information and other useful tips for consumers and other interested parties. Residential tenancy posts are always popular with our followers. This year we updated our website platform to make it clearer and easier to access our information. The website contains a raft of information on the legislation that we administer through a range of easy to read fact sheets and guides.

The dedicated call centre staff in Darwin and Alice Springs continue to provide excellent personal service to all Territorians. This year over 16,620 people contacted NT Consumer Affairs, by way of telephone, email or personally walking into our offices to speak face to face about their concerns. Residential tenancy matters continue to be the most prevalent topic representing 53% of all callers.

Participation by NT Consumer Affairs staff on a number of national committees and working groups ensures Territorians have a voice on nationally targeted activities, education and policy. The committees include bringing together the Ministers responsible for consumer protection as well as the heads of all Consumer Affairs and Fair Trading agencies to ensure consistency across the nation in legislative change, education, compliance and dispute resolution, research and policy.

In all, it has been a very busy year and thanks again to the staff in ensuring that our consumer protection messages, regulatory functions and appropriate assistance has been professionally delivered across the Territory.

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Sandy Otto
Deputy Commissioner

OUTPUT STATEMENT

Provision of a regulatory framework where the community is informed on consumer rights and responsibilities and responsible business conduct is promoted.

PROGRAMS

Promote and regulate responsible business and industry conduct through administration of a regulatory system that protects community interests.

Inform consumers of their rights while assisting conflict situations through dispute resolution processes.

REPORTING STRUCTURE

NT Consumer Affairs is an independent office within the Department of the Attorney-General and Justice and reports to the Chief Executive Officer in regard to compliance with the *Financial Management Act* and the *Public Sector Employment and Management Act*.

The Commissioner reports directly to the Attorney-General and Minister for Justice under statutory appointments pursuant to the following Acts:

Section 12 of the *Consumer Affairs and Fair Trading Act 1981*

Section 15 of the *Residential Tenancies Act 1999*

Section 11 of the *Retirement Villages Act 1995*

Section 14 of the *Business Tenancies (Fair Dealings) Act 2003*

Section 20 of the *Caravan Parks Act 2012*

Section 6 of the *Price Exploitation Prevention Act 1949*, and

Section 54F (3) of the *Building Act 1993*

LEGISLATIVE RESPONSIBILITIES

The following is a full listing of legislation that Northern Territory Consumer Affairs has responsibility for:

Accommodation Providers Act 1981

Building Act 1993 (Residential Building Dispute Function)

Business Tenancies (Fair Dealings) Act 2003

Caravan Parks Act 2012

Consumer Affairs and Fair Trading Act 1990 (including the Australian Consumer Law)

Partnership Act 1997

Price Exploitation Prevention Act 1949

Residential Tenancies Act 1999

Retirement Villages Act 1995

Sale of Goods Act 1972

Uncollected Goods Act 2004

Warehousemen's Liens Act 1969

NATIONAL FORUMS, WORKING GROUPS AND MEETINGS

Consumer Affairs and Fair Trading agencies, the Australian Competition and Consumer Commission (ACCC) and the Australian Securities and Investments Commission (ASIC) administer the Australian Consumer Law (ACL) throughout Australia as well as a range of other differing legislation. To ensure consistent messages and advice is provided to all traders and consumers throughout Australia, Northern Territory Consumer Affairs (NTCA) officers participate with other state, territory and the Australian Government in a variety of national forums, working groups and teleconferences throughout the year.

This close collaboration ensures a national focus is maintained so that all Australians receive a similar level of protection, advice and guidance no matter where they live or which agency they approach. National conversations also ensure that all agency's staff have an understanding of matters affecting consumers across Australia as well as local market place issues.

Where there is a recognised need for focus on an area of concern, a working group is convened to address the matter. This can be an educational matter such as paper billing where members from all jurisdictions are instrumental in creating material to inform businesses and consumers nationally.

Face-to-face meetings and teleconferences undertaken this year included:

- Legislative and Governance Forum on Consumer Affairs (CAF). The Commissioner attended on behalf of the Minister at meetings held this reporting year;
- Consumer Affairs Australia and New Zealand (CAANZ); which is represented by each of the heads of Consumer Affairs and/or Fair Trading Agencies nationally, the Australian Competition and Consumer Commission, Australian Securities and Investments Commission and the Commonwealth Treasury as well as a representative from New Zealand;
- Compliance and Dispute Resolution Advisory Committee (CDRAC); inclusive of a number of working parties;
- Education and Information Advisory Committee (EIAC); inclusive of a number of working parties;
- Fair Trading Operations Group (FTOG);
- National Indigenous Consumer Strategy (NICS);

- National Tenancy Forum;
- Society of Consumer Affairs Professionals (SOCAP) Annual Symposium; and
- Scam Awareness Network (SAN).

NATIONAL COMMITTEES

LEGISLATIVE AND GOVERNANCE FORUM ON CONSUMER AFFAIRS (CAF)

All Commonwealth, state, territory and New Zealand Ministers responsible for fair trading and consumer protection laws comprise the Legislative and Governance Forum on Consumer Affairs (CAF).

The role of CAF is to consider and develop a consistent approach to consumer affairs and fair trading matters of national significance. The responsibility for hosting and chairing the CAF meetings is shared between CAF members with each holding the responsibility for a twelve-month period.



A meeting of all CAF Members was held in Melbourne in October 2018 and while the Northern Territory Minister could not be present, the NT Consumer Affairs Commissioner attended. The Commonwealth Minister, the Hon Stuart Robert MP, chaired this CAF meeting.

CONSUMER AFFAIRS AUSTRALIA AND NEW ZEALAND (CAANZ)

The heads of all state, territory and New Zealand fair trading and consumer affairs agencies as well as the Commonwealth Treasury, the Australian Competition and Consumer Commission (ACCC) and the Australian Securities and Investments Commission (ASIC) comprise the CAANZ membership.

This year CAANZ members met twice with the primary focus being the recommendations from the Australian Consumer Law (ACL) review and the implementation of those recommendations. Numerous teleconferences were held during the year with the NT Commissioner taking part as a member of the ACL Review Steering Committee.

NATIONAL INDIGENOUS CONSUMER STRATEGY (NICS)

The National Indigenous Consumer Strategy (NICS) includes members from the Commonwealth Treasury, the Australian Competition and Consumer Commission (ACCC), the Australian Securities and Investments Commission (ASIC) and all state and territory consumer protection and fair trading agencies as well as a number of independent members. The strategy has a formal action plan that ensures a shared responsibility for continually improving Australia's performance in Aboriginal consumer affairs matters. The current action plan for 2017-19 is 'taking action, gaining trust'.

Regular bi-monthly teleconferences chaired by the ACCC are held to discuss matters of national importance and to alert members of actions and activities occurring in each jurisdiction. These teleconferences and meetings are a forum to alert members of travelling conmen targeting Aboriginal communities, which provides jurisdictions an opportunity to issue warnings about the activities of these traders. It also has the benefit of identifying repeated poor behaviour by traders visiting these communities to help target those that may require education about their responsibilities under the Australian Consumer Law (ACL) or stronger compliance action.

This year the annual face-to-face meeting was held in late July on Gunggandji country in Yarrabah in Northern Queensland to meet with local community members. The meeting in Yarrabah provided an opportunity for residents in the community to advise the NICS members how they perceived agencies, such as the fair trading regulators, visiting their community. The big take away from the meeting is that they believe that everyone just talks at them and visitors do not listen. The community members outlined it was very important to build relationships and to listen to what they actually want and need. The following day, a planning meeting was held at the Indigenous Consumer Assistance Network (ICAN) offices in Cairns to discuss and agree on actions for the following year.



EDUCATION AND INFORMATION ADVISORY COMMITTEE (EIAC)

The Education and Information Advisory Committee (EIAC) consists of representatives from the Australian Competition and Consumer Commission (ACCC), and all state and territory consumer protection and fair trading agencies. The role of the committee is to develop educational resources and material in a consistent format to be used across Australia on matters of consumer interest with a strong focus on the Australian Consumer Law (ACL). EIAC develops educational material that benefits both traders and consumers throughout Australia.

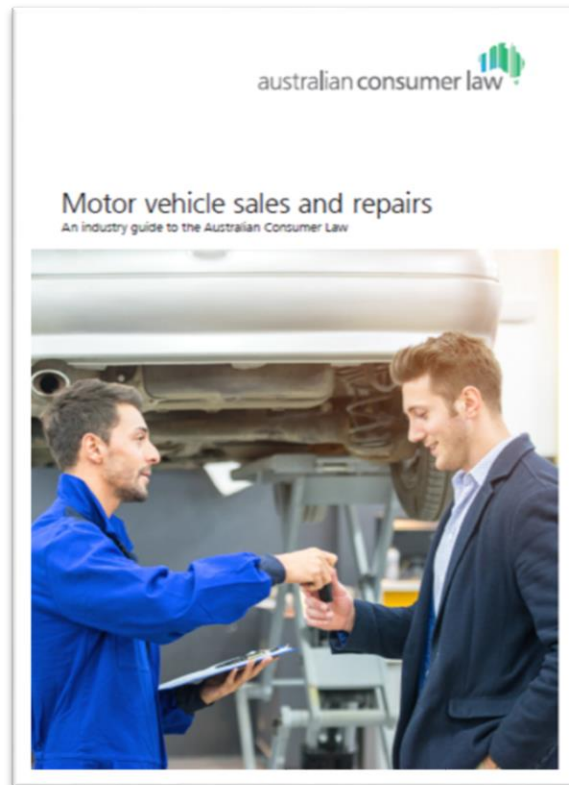
Participation by the NT Consumer Affairs representative on this committee ensures the unique demographics of the Northern Territory and its multicultural aspects are taken into consideration when developing educational materials. One of the important aspects for the Northern Territory is the need for hard copy material due to the remoteness of our Aboriginal communities that have a lack of access to digital material.

Several educational communication kits and targeted educational programs on a variety of themes and topics were created to enhance national consumer awareness throughout the course of the year. Some of these topics included warning people about the dangers of romance scams, highlighting consumer rights for the sharing economy (e.g. Uber, Airbnb), warranties against defects and portable pool safety.

This year an EIAC working group that included NT Consumer Affairs representation, reviewed the ACL Motor Vehicle Guide. The new guide was released in September 2018 and contains updated advice and case stories based on legal outcomes from court actions. The new examples provide clearer guidance for traders that sell motor vehicles or repair them. The guide provides advice such as when a purchased vehicle is covered by consumer guarantees of the ACL provisions and when it is not. For example, a vehicle that is purchased by private sale is not covered. Clearer examples are provided as to when a fault may be considered major, such as multiple failures over a short period of time.



Some of the promotional material used in the Don't Duck Out portable pool safety material used in a campaign this year.



COMPLIANCE AND DISPUTE RESOLUTION ADVISORY COMMITTEE (CDRAC)

This committee consists of representatives from all state and territory consumer protection and fair trading agencies, New Zealand and the Australian Government. Members of the committee meet once a month by teleconference or more often in need, and face-to-face at least once a year. CDRAC members discuss matters relating to compliance, enforcement and dispute resolution, with the primary focus being the Australian Consumer Law (ACL). These regular meetings allow consistent, cross jurisdictional enforcement by all Australian regulators.

The committee operates under agreed terms of reference ensuring issues are dealt with in a uniform manner. For example, where there are matters of significant national consumer detriment occurring, a larger jurisdiction will often take the lead in the collection of national data on the issue. This allows the national trader activities to be addressed in one action by one regulator in an agreed manner, instead of a number of jurisdictions undertaking the same action.

Similarly, if there is a spike in the number of complaints relating to a particular business model, a national working group is formed to collate data and information to tackle the problem at a national level. NT Consumer Affairs is an active member of this committee to ensure the unique perspective of the Northern Territory is considered.

There are a number of projects that CDRAC is involved with, including collaboration with EIAC on an educational program and material for the changes to gift card provisions under the ACL that are due to come into effect later in 2019.

FAIR TRADING OPERATIONS GROUP (FTOG)

The Fair Trading Operations Group (FTOG), which collaborates across jurisdictions to encourage fair, trading by businesses, acts to directly support the work of the Compliance and Dispute Resolution Advisory Committee (CDRAC), which coordinates national cooperation on compliance, dispute resolution, and enforcement activities relating to the Australian Consumer Law (ACL).

NT Consumer Affairs, along with other state and territory ACL regulators, participated in national compliance projects and joint compliance activities set by CDRAC, which included those carried out by FTOG. In the past year, this included the Collaboration in Training and Professional Development Project, which explored opportunities for coordinated training, resource sharing and capacity building across jurisdictions.



The Fair Trading Operations Group (FTOG) meeting in Sydney on 30 April 2019

MEDIA

Ensuring the public are aware of their consumer rights is a strong focus for the Commissioner to ensure consumers and businesses alike have the knowledge to understand their rights and responsibilities and to protect themselves from scammers and rogue traders. Likewise providing regular advice on the provisions of the *Residential Tenancies Act* to ensure landlords and tenants understand their residential tenancy rights and responsibilities is also a priority. Many of the statutory responsibilities under the *Consumer Affairs and Fair Trading Act* relate to informing and educating the public; the media is an important element in achieving these statutory obligations.

The Commissioner and Deputy Commissioner work closely with a range of media organisations in both a proactive and reactive way to ensure Territorians are aware of a wide range of current issues.

Over the reporting year, the Commissioner and/or Deputy Commissioner undertook 53 media interviews for radio, television and print media.

The Commissioner and Deputy Commissioner continued their participation with monthly morning talkback sessions with the local ABC radio hosts, which provided a platform to offer information on the latest scams, general consumer and residential tenancy information as well as answering questions, live on air. A number of text messages are usually received as well as callers, who often use this opportunity to ask questions directly of the Commissioner or Deputy Commissioner.



The NT Consumer Affairs Commissioner or Deputy Commissioner conduct a 30-minute radio talk back segment with ABC Darwin 105.7 on a monthly basis.

EDUCATIONAL ACTIVITIES

During this financial year, NT Consumer Affairs staff provided information sessions and briefings to business and community groups while also attending expos and open days to inform and educate the community about the legislation we administer.

NT Consumer Affairs received regular requests from community groups, businesses, real estate agencies or non-government organisations to provide information sessions to their members. Not only was the ever popular, Australian Consumer Law (ACL) guarantee provisions highlighted, but also of particular interest was residential tenancies.

Below is an overview of some of the larger events that NT Consumer Affairs was involved with this year.

Darwin Defence Day Expo

The Defence Community Organisation, as part of the Department of Defence, conducts annual 'welcome expo' events in the main towns and cities that host large numbers of Australian Defence Force members. The aim is to provide an opportunity for Defence families to engage with local agencies and community groups to ensure they quickly become part of the local community. This annual event in Darwin was held at the Darwin Convention Centre on Saturday, 9 February 2019 from 9.00am to 1.00pm.

This event is always well attended, with several thousand service personnel and family members attending. The expo is a cost effective way for NT Consumer Affairs to engage with a large number of newly arrived Territorians to provide a wide range of consumer protection information and allows them to become familiar with our services.



The Australian Defence Force coat of arms, NT Consumer Affairs expo display and the Defence Community Organisation logo.

Council of the Ageing NT (COTA NT) Seniors Expo



The annual Council of the Ageing NT (COTA NT) Seniors Expo was held on Friday, 31 May 2019 at the Palmerston Recreation Centre from 10:00am to 2:00pm. Like previous years, this annual expo was very well attended, attracting approximately 2,000 senior Territorians from across the greater Darwin region. It was a special expo, celebrating 50 years of COTA in the Northern Territory.

Over 70 service providers attended along with other associated groups. NT Consumer Affairs attended the expo with two staff members at a stand with a variety of merchandise and information pamphlets.



The COTA 2019 Seniors Expo and the NT Consumer Affairs officer with senior Territorians at the Council of the Ageing NT (COTA NT) Seniors Expo.

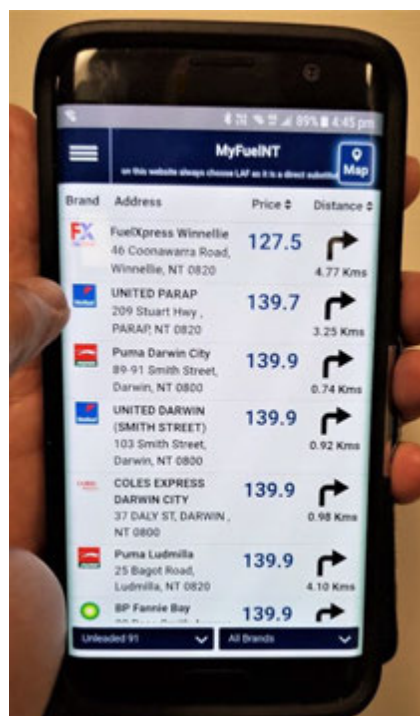
Over 300 senior Territorians attended the NT Consumer Affairs stand and asked a variety of specific consumer affairs questions of our staff. In the past NT Consumer Affairs has put considerable effort into engaging with COTA so many of the seniors were already very familiar with the role of NT Consumer Affairs. These events provide a great opportunity for valuable face-to-face engagement with the local community.

Merchandise such as the 'Do Not Knock' stickers were very popular with those that stopped to chat to our Outreach Officer. Often the seniors would take several stickers away for their friends. These stickers are produced to ward off unwanted door-to-door salespeople from knocking on your door. If the sticker is displayed the salesperson is not permitted by law to even knock.



The NT Consumer Affairs 'Do Not Knock' stickers, always popular at all of our outreach activities.

Another popular topic that senior Territorians were interested in discussing was the MyFuel NT web app. The MyFuel NT app gives Territorians the ability to compare fuel prices and find the cheapest fuel, whether in their local area or in any suburb or region across the NT. Many MyFuel NT pamphlets and other information was distributed.



OUTREACH

One the most important roles of NT Consumer Affairs is reaching out to Territorians living in remote and regional parts of the Northern Territory. Our social media presence and our website only goes so far to communicate complex consumer affairs issues. Therefore, our Outreach Officer attends events on request and has a schedule of remote trips to the larger Aboriginal communities in the Darwin and Katherine regions. Our staff in Alice Springs also contribute to our outreach program by visiting communities in Central Australia.



NT Consumer Affairs Outreach Officer conducting an outreach event at Bagot Community in Darwin.

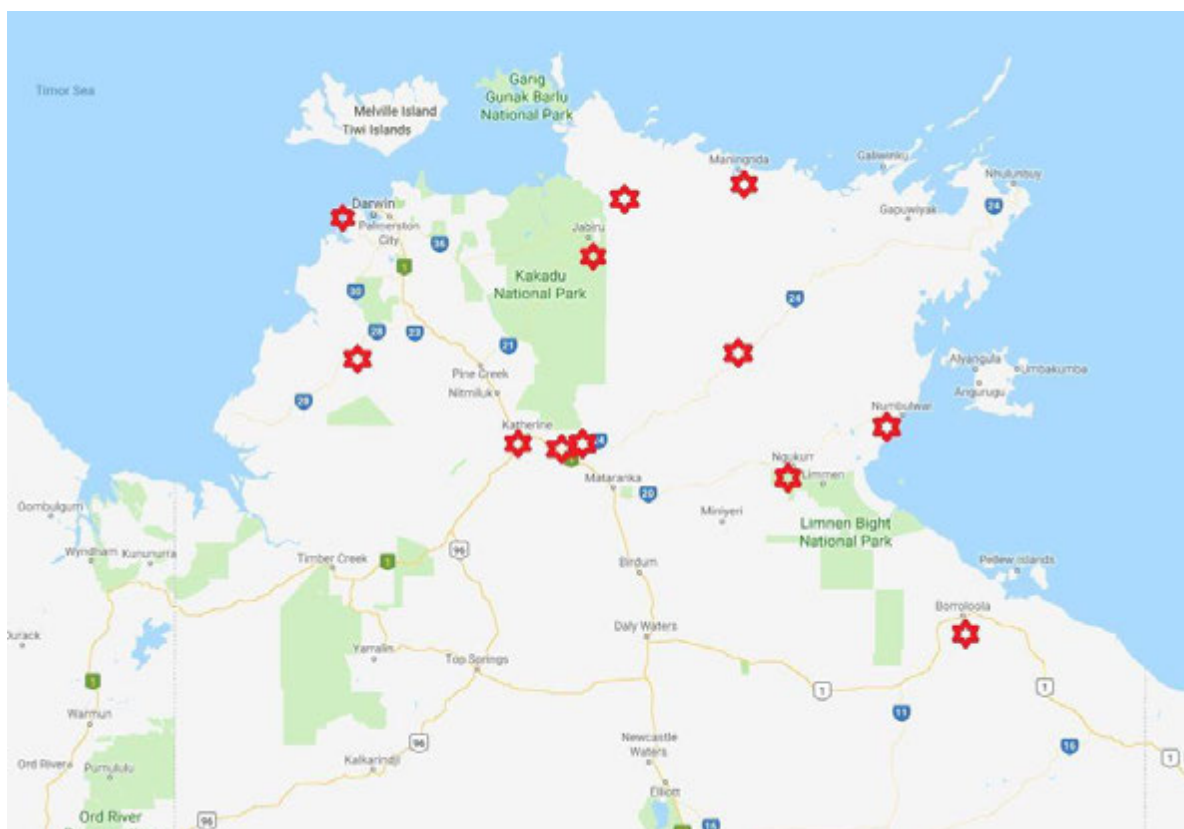
The Northern Territory population includes around 30% Aboriginal people, many of which live in remote communities, far from the larger towns and Darwin. These residents are often multilingual and may not have English as their first or even second language. Face-to-face engagement is critical in communicating our messages and ensuring all Territorians, irrespective of where they live, have the same opportunities to become informed consumers.

Aboriginal communities are sometimes specifically targeted by unscrupulous traders, so the need to have this communication can be even greater than in the larger towns.

Our Outreach Officer starred in the Aboriginal Consumer Educational videos that were developed three years ago to ensure he is recognised as the trusted face of NT Consumer Affairs in these remote communities. This is vitally important as culturally, Aboriginal people have a great tendency to not complain and often say 'yes' to rogue traders or telephone scammers when it may not be in their favour. Our outreach program empowers Aboriginal people to have the confidence to contact our call centre staff when they are faced with a consumer affairs issue.

Our Outreach Officer regularly travels to the larger remote communities where he sets up a display table in a prominent location and engages with locals. This is often with the support of the Arnhem Land Progress Aboriginal Corporation (ALPA), one of the primary managers for the outback community based stores. Having a table set up outside of the store, was an ideal location for the community members to liaise with him.

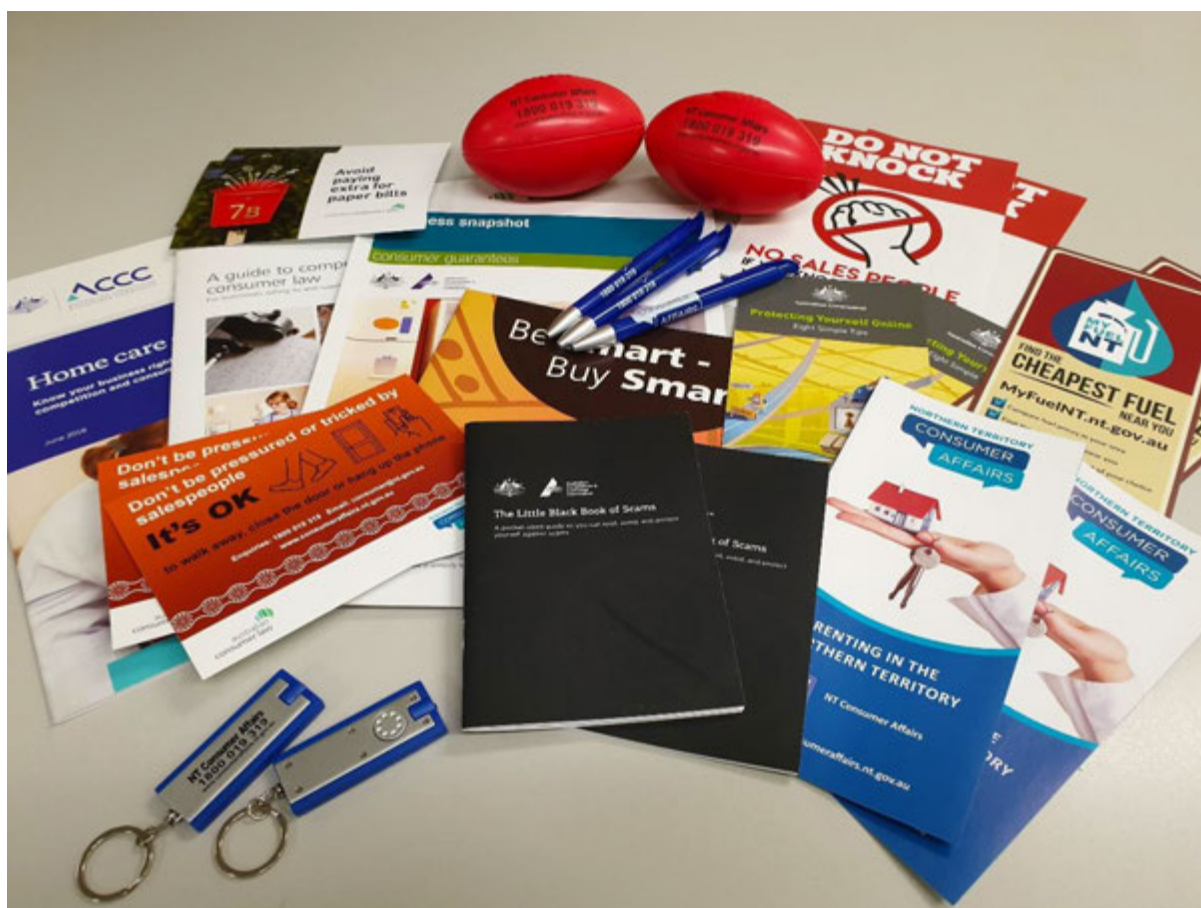
This year the Outreach Officer travelled to a multitude of Aboriginal communities including Kalano Community (in Katherine), Borroloola, Gunbalunya, Maningrida, Jabiru, Ngukurr, Numbulwar, Bulman, Beswick, Barunga, Bagot Community (in Darwin), Yilli Rreung Community (in Darwin) and Nauiyu.



Map of the northern part of the Northern Territory showing the location of remote Aboriginal engagement conducted during 2018-19.

During these outreach trips the Officer dealt with 540 enquiries from local consumers and businesses. These enquiries covered a wide variety of consumer issues. Purchasing faulty vehicles without adequate support from the trader remains the most common. Other issues raised included, general warranties, mobile phone plans, faulty phones, returning faulty goods, door-to-door traders, residential tenancy and various scams.

Repeated visits from our Outreach Officer has also seen communities becoming more aware of their consumer rights. Locals have felt empowered to tackle door-to-door salespeople that charge high prices for family photos, ensuring they receive little or no business. Another positive sign is community members dropping by for a chat about specific concerns and leaving with a range of fact sheets and advice that they wish to distribute to others in the community.



Some of the many fact sheets, merchandise, stickers and information NT Consumer Affairs regularly uses in its outreach program.

Community Engagement

Staff were also invited to the Karama Library to provide education sessions with information relating to scams being the main talking point among the eight participants.

The Salvation Army in Darwin manages the Sunrise Centre, an important program that helps the homeless find long-term accommodation, identify participant finance concerns, organise government income entitlements and identify a local medical practice they can rely on, among many other things, such as advocacy and referrals. NT Consumer Affairs' Outreach Officer helps to support their understanding of residential tenancies by offering three presentations during the year. These presentations attracted 26 participants. The Outreach Officer also presented an additional three presentations about the Australian Consumer Law (ACL) where 30 people attended.

Other community events involved information sessions for the Yilli Rreung Housing Corporation, Bagot Community and a morning breakfast session with the Melaleuca Refugee Centre. Through these sessions, 39 people interacted and received direct advice from our Outreach Officer.

Remote Community Visits

Remote community visits were also undertaken to provide our most vulnerable consumers with resources and information to help prevent them falling victim to substandard goods and services and a variety of scams. The Kalano Community specifically requested our Outreach Officer, Brian Kelleher, attend their Family Day on the Oval during NAIDOC Week, which was a great opportunity for our office to build relationships and support the community with over 40 community members engaging with Brian.

Priority Working Group Meetings

Part of the role of the Outreach Officer is to attend a range of meetings that include various other service providers, community legal education groups and other various government and non-government agencies.

These meetings include the Darwin Priority Working Group (Department of the Prime Minister and Cabinet), the Community Legal Education Network (CLE) and the Northern Australia Aboriginal Justice Agency (NAAJA). These meetings provide NT Consumer Affairs with an opportunity to liaise and network with groups that offer services to remote Aboriginal communities. They are an opportunity for all the agencies to work closer and gain a better understanding of their different roles.

RESIDENTIAL TENANCIES INFORMATION SESSIONS

The Outreach Officer also does considerable work informing and educating people about the *Residential Tenancies Act* and offers support to the more complex call centre enquiries, as well as providing training to NT Consumer Affairs call centre staff. Part of the role is to reach out to local real estate agencies and provide workshops. During the year 20 such agencies were visited, with 93 agents attending the presentations.



NT Consumer Affairs' Outreach Officer conducting residential tenancy training in Darwin.

Two additional presentations were held for the Real Estate Institute of the Northern Territory Inc. (REINT) where 135 agents attended, including agents from Katherine and Alice Springs via teleconferencing. Another two presentations were held for Public Safety Housing Officers at the NT Police Peter McAulay Centre in Berrimah where five persons attended.

Tenancy training is also important for private landlords that manage their own tenancies. A series of training sessions were offered with 21 private landlords attending.



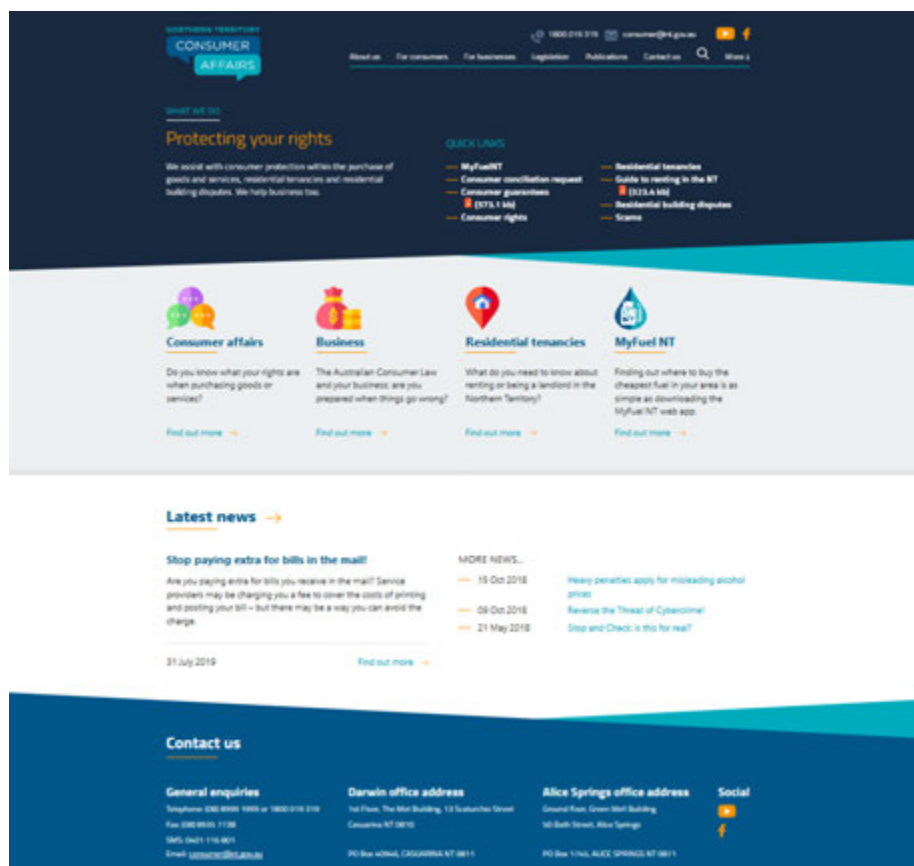
Tenancy training is an important part of the work of NT Consumer Affairs as a significant proportion of Territorians rent.

NT Consumer Affairs is always striving to identify and reach out to groups in the community that are particularly susceptible to unconscionable traders. New migrants to Australia are one of these groups so the Outreach Officer attended a breakfast and presented at the Melaleuca Refugee Centre in Darwin, where 25 refugees attended. General consumer affairs information and the role of NT Consumer Affairs was discussed and attendees were encouraged to contact us for any support in the future.

WEBSITE

The NT Consumer Affairs website was moved from its original SharePoint platform to a new Squiz platform in line with other NTG agencies. During this transfer, the opportunity was taken to comprehensively update and refresh the home page, allowing for better engagement and navigation by the public.

The website includes resource documents and information across the broad range of legislation that we administer. The website remains an important source of consumer information, allowing our call centre staff to direct people to more detailed information and resources. Our Facebook page also directs people to the website for further information. The website allows the public to learn more about their consumer rights as well as providing detailed information regarding residential and business tenancies. The website remains a stand-alone resource, answering people's questions without having to call us.



The newly developed NT Consumer Affairs website: <http://www.consumeraffairs.nt.gov.au>

The main aim of our website is to help empower and educate Territorians about their consumer rights.

The website covers 22 broad topics for consumers and nine broad topics for businesses. Each of these topics has their own webpage, which details the possible issue and provides specific advice to help the visitor. Most of our pages have multiple links to a variety of fact and information sheets developed by NT Consumer Affairs and other resources from similar agencies interstate. The goal is to provide definitive, one-stop information on each subject.

The major components of our website include topics such as Residential Tenancies, Consumer Rights, Scams, Motor Vehicles, and Complaints and Disputes, which have been developed after determining which issues resonate strongly in the Northern Territory. We also offer a webpage for targeted audiences like Aboriginal Territorians and younger and senior Territorians. These groups are often susceptible to and specifically targeted by dodgy traders.

The website is ever evolving to mirror the changes to consumer law in Australia. The information and fact sheets are also updated regularly, often to clarify issues that have arisen through calls into our call centre. These changes are ongoing to ensure that the website answers any consumer affairs questions that may arise.

Our social media presence on Facebook is used to drive Territorians to our website for more information, as well as to contact our call centre staff if they wish. Any website can only go so far to explain sometimes complex consumer issues, therefore we use our call centre to help our clients understand how the consumer law applies in their situation.

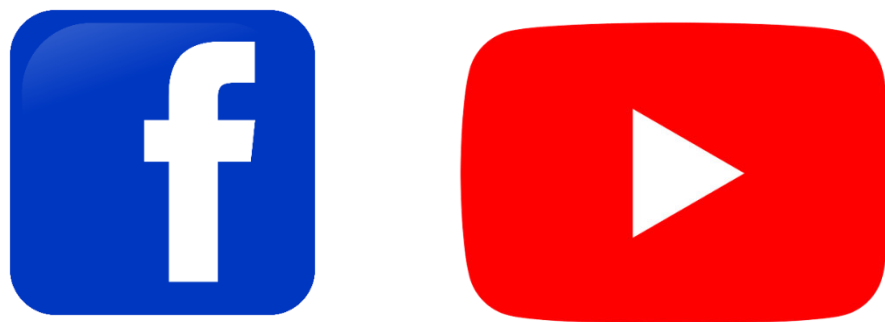
Aboriginal people are often specifically targeted by scammers and unscrupulous door-to-door traders so there is a great need to ensure our website can communicate effectively with them. Many sections of our website are written in a simple, straightforward manner to ensure that the information can be understood by all Territorians, regardless of their level of English comprehension.

The website also has links to our social media presence, as well as other agencies that may be better positioned to help in certain situations.

SOCIAL MEDIA

NT Consumer Affairs has two social media platforms, Facebook and YouTube. There are over 150,000 Facebook users in the Northern Territory, therefore it is an important tool for reaching our low, relatively dispersed 246,000 population. Territorians use Facebook extensively to keep in contact with relatives living interstate and to also connect with local communities. These platforms provide a relatively free method for NT Consumer Affairs to connect broadly with many Territorians, especially with those living in regional and remote parts of the Northern Territory that are not easily reached by our outreach program.

Our own NT Consumer Affairs YouTube channel had a staggering 51,232 views in the 2018-2019 financial year, almost double that of the previous year. The Aboriginal educational consumer videos produced in conjunction with the Arnhem Land Progress Aboriginal Corporation (ALPA) in both English and Yolngu Matha continue to be the most popular, with the video 'How did you break it' in Yolngu Matha recording the highest number of views.



NT Consumer Affairs regularly posts via its Facebook page on consumer protection issues facing Territorians. We will often use issues that arise through our call centre enquiries ensuring our posts and warnings remain timely and relevant. We also use our social media presence to promote national consumer protection campaigns promoted by other consumer affairs and fair trading agencies. NT Consumer Affairs is part of a community of consumer affairs and fair trading agencies that develop and promote regular campaigns around the highest priority consumer issues that are of national interest.

Information provided through the NT Consumer Affairs Facebook posts this year included, but were not limited to, subjects such as:

- Residential tenancy advice;

- Romance, taxation, phishing scams;
- Advice about vehicle faults and vehicle purchasing;
- Travelling con men;
- Advice about personal information protection and computer security;
- Door- to- door sales rip offs, especially those operating in Aboriginal communities;
- General consumer advice, and
- MyFuel NT.

The NT Consumer Affairs Facebook page is only one of many tools we use to engage with all Territorians. The page sits in partnership with our face-to-face outreach program to more remote parts of the Territory, our office facilities in both Darwin and Alice Springs and our call centre.

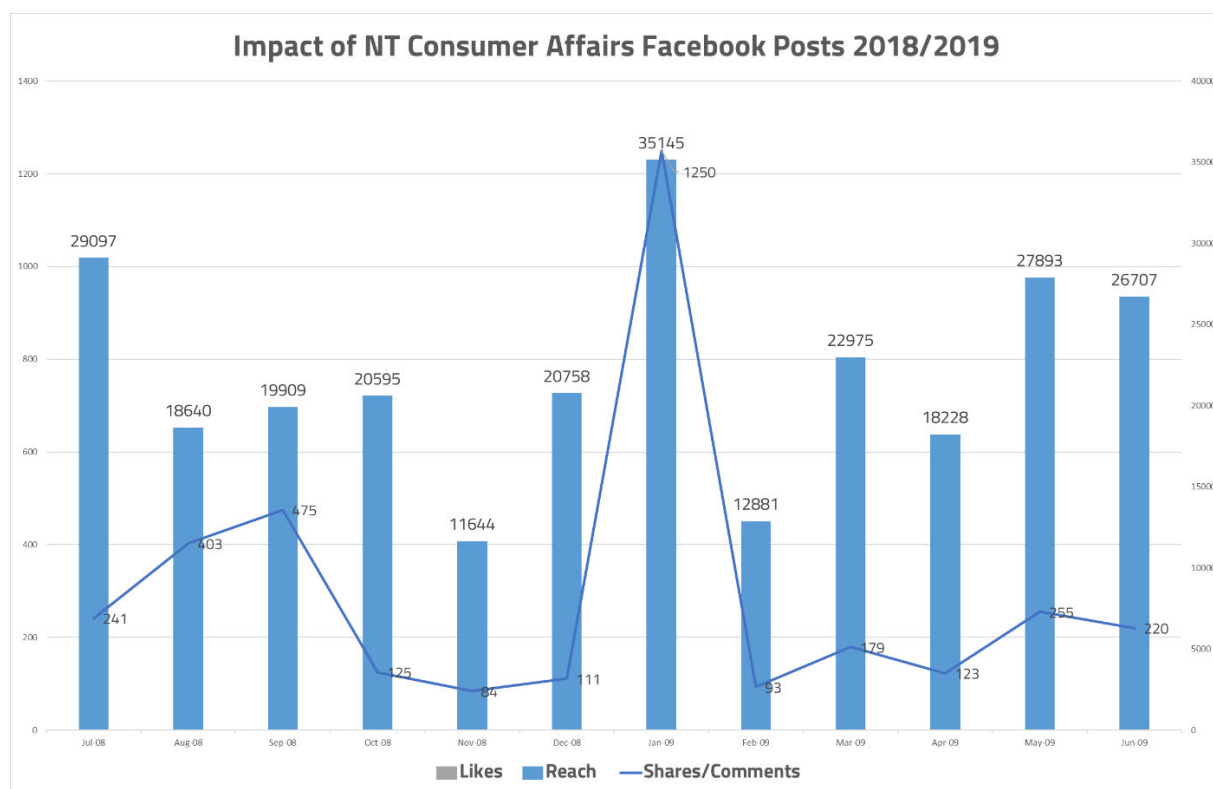
A comprehensive summary of our Facebook statistics for 2018-2019 can be found in the following graph. Over the past year, our Facebook followers climbed from 1,583 to 2,056, a total of 473 additional followers, significantly more than the 205 additional followers gained in 2017-2018.

This year we placed 302 posts on Facebook, up from 198 on the previous year, with the posted stories reaching 262,472 Facebook users, up from 135,953 in the previous year. The number of likes and comments/shares were also increased during this reporting period, 2,313 likes (1,174 in 2017-18) and 3,559 shares/comments (841 in 2017-18). The graph on the next page illustrates the engagement trends throughout the financial year.

Occasionally our posted stories connect strongly with Territorians, resulting in them being seen by many and being shared more widely via personal Facebook user's pages. On the following page are a couple of examples of this happening during the year.



Two examples of popular NT Consumer Affairs Facebook posts.



Graph showing the monthly impacts of the NT Consumer Affairs Facebook page.

FAIR TRADING

NT Consumer Affairs supports and regulates responsible business conduct and fair trading throughout the Northern Territory by providing consumers and businesses with advice and education in relation to their rights and obligations under the Australian Consumer Law.

Fair trading staff, with the assistance of the Regional Outreach and Education and Information Officers, provide information and community engagement sessions to the public, conduct trader visits with businesses, and offer specialised advice through our telephone enquiry and email service. Up to date information and advice is also delivered via our website, Facebook page and YouTube channel. In addition to this, clients can 'walk in' for assistance without the need to book an appointment.

Another important role undertaken by fair trading staff is to assist consumers and traders to resolve matters in dispute by providing a free conciliation service between the parties for issues relating to the Australian Consumer Law (ACL).

Trader Visits

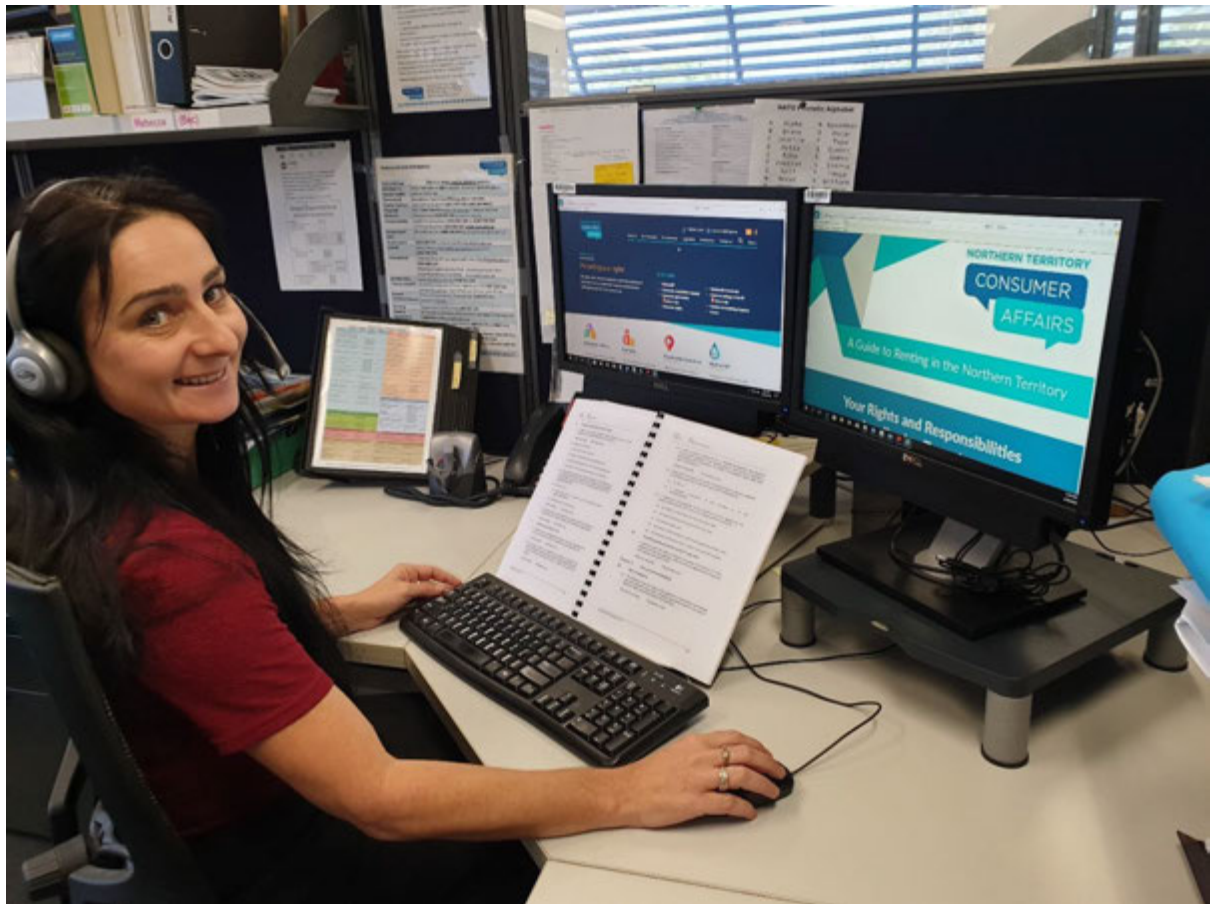
NT Consumer Affairs staff visited 767 local businesses in the 2018-2019 financial year with the aim of providing education to those businesses in relation to their rights and responsibilities under the ACL. During these visits staff discuss how consumer guarantees are applicable to businesses and distribute a number of publications such as the Consumer Guarantees and Sales Practices guides which give businesses a basic but clear picture of how the ACL operates and what their obligations are when offering goods and services to the public.

Trader visits are generally conducted on an annual basis but may also be in response to an increased level of complaints, which generally indicates a need to educate the trader on the ACL.

Staff were always received well with most business owners taking the opportunity to discuss individual matters or issues they may be having particular difficulty resolving. Many business owners were also surprised to learn that our office provides a conciliation service not only for fair trading matters but also business tenancies which may benefit them should a dispute arise with their own business tenancy.

Telephone Enquiry Service

The NT Consumer Affairs' call centre is operated by four dedicated Fair Trading Officers between 8:30 am and 4:00 pm on business days. This is the most utilised service offered, with staff taking anywhere up to 50 calls per day.

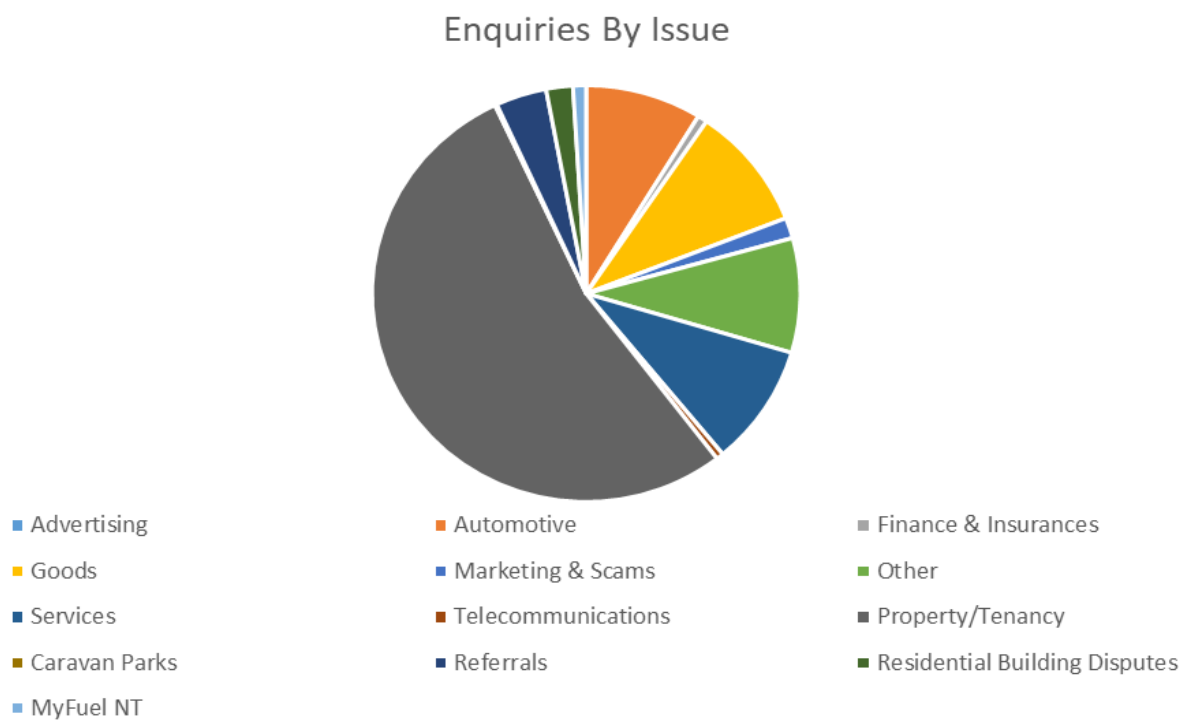


NT Consumer Affairs operates a call centre for all consumer affairs enquiries, including residential tenancies enquiries each business day between 8.30am and 4.00pm.

A majority of the telephone enquiries received relate to the *Residential Tenancies Act* and the Australian Consumer Law (ACL), however staff regularly provide advice on the other 11 pieces of legislation administered by NT Consumer Affairs. The call centre also refer callers to more appropriate avenues when their matter is not one that can be addressed. NT Consumer Affairs is often the first place a client may contact for assistance with their particular issue.

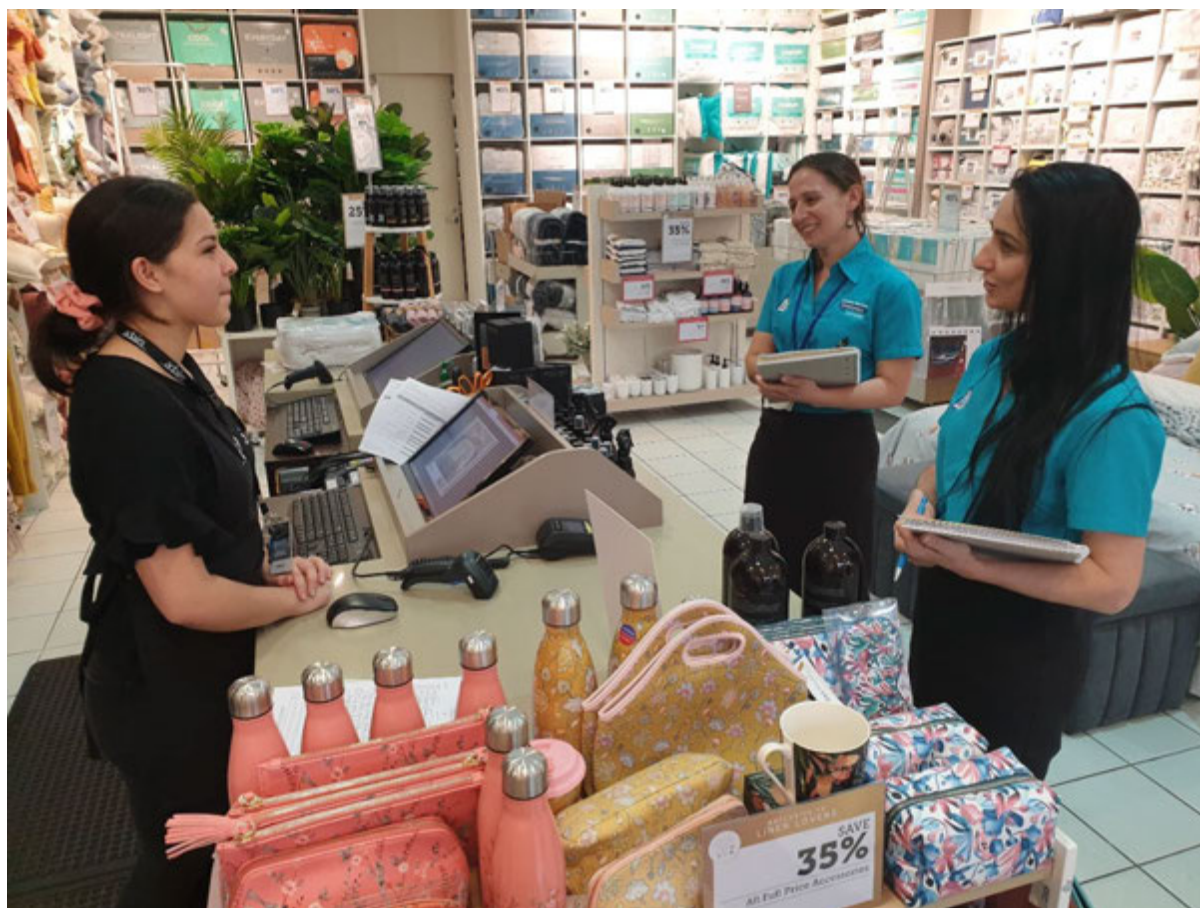
Warm referrals, where we call the agency that we are referring the client to and transfer the call, are often provided so that the caller does not feel that they are being given the run around.

In the last financial year, 9,088 calls for assistance were received by the call centre with residential tenancy enquiries at 53% of all calls, again making up a majority of calls. The graph below depicts a breakdown of the calls received by issue:



DISPUTE RESOLUTION

Where consumers have experienced a failure with goods or services supplied by a business, which are subject to consumer guarantees under the Australian Consumer Law (ACL), and have been unsuccessful in resolving the matter with the business in writing, they are encouraged to seek assistance from NT Consumer Affairs by lodging a Consumer Conciliation Request (CCR). Our office provides a dispute resolution service between the parties that can assist them to reach a mutually agreeable resolution. During this process, businesses are informed as to whether their actions when dealing with the consumer may have been in contravention of the ACL and what they should do to remedy the situation. Staff remain impartial and encourage the parties to put forward their points of view and offer solutions for consideration.



NT Consumer Affairs call centre staff conducting a trader visit at Adairs at Casuarina Shopping Centre.

Where a matter is unable to be resolved, the parties are advised of further options available to them such as progressing the matter to a Court or Tribunal of competent jurisdiction.

In the last financial year, 179 Consumer Conciliation Requests were received with a successful outcome being reached for 52.2% of those accepted for conciliation.

Other Services

Email Service

Email is a popular medium for enquiry especially for those consumers who do not have the ability to call our office during business hours. Emails accounted for 4,931 of total enquiries received in the financial year. The Senior Fair Trading Officer is responsible for responding to all email enquiries in addition to their duties as team leader and call centre operative.

Website

The NT Consumer Affairs web page offers a vast range of information to assist clients, such as an explanation about us and what we do, fact sheets, publications, public warnings, videos and downloadable forms for making applications. It also has a range of notices relevant to the *Residential Tenancies Act* for use by landlords and tenants. Links to our Facebook page and YouTube channel can also be found on the website. In total, our website was visited 39,551 times in the last financial year. This year the website was updated to a more user-friendly space.

Even with the convenience of modern technology, some consumers prefer to attend our office and speak with a fair trading officer in person. Staff are available to provide confidential advice during business hours without the need to make an appointment. The total number of 'walk ins' or in office enquiries received last financial year amounted to 494.

More information about our website can be found on page 26.

In Summary

During the 2018-2019 financial year, a combined number of 16,623 enquiries across all mediums were received and a total number of 1,407 business actions were taken.

Although the figures are slightly down on the previous financial year, NT Consumer Affairs still maintained a steady workflow taking the current economic climate in to consideration.

Staff did an amazing job ensuring timely responses, and were successful in maintaining an abandoned call rate under the 3% target for the year.

	2016–17	2017–18	2018–19
Advice and conciliation			
Telephone advice provided	10,654	10,436	9,088
Complaints conciliated	167	220	179
Digital			
Website visits	53,124	44,095	39,551
Email contacts	4,259	5,380	4,931
Facebook visits	76,842	113,635	220,471
Facebook page likes	170	204	460
YouTube video views	10,458	25,404	51,232
Community information sessions and engagement			
Community engagement events	5	15	19
Private landlord training sessions	4	6	5
Face-to-face assistance			
Walk ins	598	565	494

RESIDENTIAL TENANCIES

NT Consumer Affairs administers the *Residential Tenancies Act* (the Act) and provides information and advice to tenants and landlords. Residential tenancy matters make up the bulk of our telephone enquiries with 53% of all calls received relating to residential tenancies. This equates to nearly 4,000 calls from tenants, landlords and property managers who have questions in relation to this Act.



Fifty-three percent of the calls we receive relate to residential tenancies.

In addition to providing advice and education on this Act, the Commissioner of Tenancies may investigate suspected infringements of the Act and take appropriate action to ensure compliance.

Many calls this year related to lease breaks and cases where mortgage defaults put the tenanted property into the hands of the banks.

NT Consumer Affairs also maintains the Tenancy Trust Account with the register of former tenants who have, for various reasons, not received their security deposits back from their real estate agent or landlord within six months of vacating.

During this period, ten claims were made against the Tenancy Trust Account for the return of security deposits to tenants.

RESIDENTIAL BUILDING DISPUTES

Building a new home can be daunting and is usually the largest investment a person will make. While in most cases it is a relatively straightforward process, occasionally things can go wrong.

The *Building Act* and associated Building (Resolution of Residential Building Work Disputes) Regulations, give the Commissioner for Residential Building Disputes the ability to investigate and research matters relevant to persons who may be affected by residential building contracts and consumer guarantees. The Commissioner may also arrange technical inspections, facilitate mediation and conciliation and hear and decide applications relating to contraventions of a consumer guarantee.

In the last financial year, staff received 64 calls from homeowners requesting information and assistance with their building matter, we also received eight applications to the Commissioner for a decision and three mediation applications.



Building a new home can be a complex process that involves many decisions and potential issues.

BUSINESS TENANCIES

The Commissioner of Consumer Affairs holds statutory responsibility for the *Business Tenancies (Fair Dealings) Act* (the Act). The Act provides a regulatory framework for landlords and tenants who hold leases mostly relating to retail tenancies. Our office facilitates conciliation and mediation and conducts inquiries in relation to retail tenancy disputes under this Act.

Both the landlords and tenants have certain rights and responsibilities under this Act that include:

- Landlords having to provide prospective tenants a Tenant Disclosure Statement at least seven days before a lease is entered into;
- Contributions by the tenant for any outgoings must be specified and agreed to in the lease, and
- Prohibitions on unconscionable behaviour by both parties.

If a dispute arises between the landlord and the tenant, we encourage both parties to contact NT Consumer Affairs for advice. A voluntary conciliation process is provided by our office if the two parties cannot come to an agreement between themselves. If this conciliation process is unsuccessful, the Commissioner of Business Tenancies has the authority to issue a "Certificate of Failure to Resolve a Tenancy Claim." This then allows both parties to settle the matter through a court of competent jurisdiction. The Commissioner of Business Tenancies received 15 Determination of Retail Tenancy Claim applications during this period.

COMPLIANCE

The Compliance Unit undertook a range of functions and compliance activities throughout the past year. We worked in partnership with other regulators and organisations to ensure our consumer law framework and compliance strategy supports a fair marketplace, achieves outcomes that deter unlawful conduct, and promotes compliance.

We continued to build awareness and understanding of the new MyFuel NT scheme implemented in November 2017, through a proactive program to inform the retail fuel sector about their obligations with the aim to assist industry compliance and providing advice and support to retailers in an effort to avert operational problems.

A snapshot of our past year's activities follows:

MYFUEL NT

The 2018-19 period was the first full year of operation of the mandatory fuel price reporting scheme and the fuel price comparison website MyFuel NT, since coming into effect on 1 November 2017.

The MyFuel NT system provides consumers access to real-time fuel pricing information from their desktop computer or mobile device connected to the internet, allowing price comparison to assist in making more informed decisions about where to purchase fuel anywhere in the Northern Territory.



The map function of the MyFuel NT web app displays the fuel outlets and current fuel prices.

During the year, the total number of operational outlets registered to the scheme rose to 206. The MyFuel NT website coverage improved; users rose to 20,858 with 216,848 hits to the site.

There were eleven Price Mismatch Reports lodged through the MyFuel NT web application where users encountered a fuel price at an outlet, which differed with the price information reported by the retailer to the website. Each instance was resolved satisfactorily following investigations which revealed two reports were lodged in error by the user, three involved price board errors and six related to browser price errors associated with price updates to the website.

NT Consumer Affairs issued Infringement Notices to three fuel retailers in Alice Springs and Darwin due to breached laws relating to fuel pricing.

One national retailer was issued two infringement notices for breaches at outlets in Alice Springs and Palmerston, one Darwin retailer was issued three infringement notices for breaches at its Holtze outlet and another was issued to an Alice Springs retailer.

A total amount of \$4,890 was paid by these retailers with each being fined for offering fuel at the bowser at a price different to that reported to MyFuel NT. Each of the offences were detected by on-site compliance monitoring conducted by NT Consumer Affairs' staff.

Officers conducted 599 compliance visits across the NT regions with a further 364 contacts with remote outlets through the desktop compliance monitoring program.



The MyFuel NT web app is promoted on our YouTube channel, Facebook page and a variety of promotional material. During the year the app was also promoted on Darwin Bus Service's mobile billboards.

NATIONAL COLLABORATION IN ACL ENFORCEMENT

In early 2018, we commenced an investigation into a Queensland based automotive parts supply business, Brisbane Motor Imports, due to a number of complaints from NT residents involving issues of supply, faulty or incorrect goods in breach of the Australian Consumer Law (ACL). Through collaboration with other ACL regulators, compiled complaint data revealed that consumers across Australia had been affected by this trader, with detriment in each case ranging from \$700 to \$11,000.

In line with national protocols to employ the most effective means of addressing consumer harm through cooperative enforcement action, the Queensland Office of Fair Trading as the designated lead agency, instigated a prosecution in the Beenleigh Magistrates Court against Jason Paul Murray and his company J.P. & K.M. Murray Pty Ltd trading as Brisbane Motor Imports.

On 12 April 2019, in pleading guilty to six charges for breaches of the ACL including accepting payment for automotive engines, which were never delivered, the company was fined \$10,000 and ordered to pay \$61,000 in compensation involving 12 affected consumers. Mr. Murray was fined \$30,000.

REAL ESTATE AGENTS

During 2018-19, a number of real estate agents were actively managed in relation to compliance with obligations under the *Residential Tenancies Act* and the ACL.

A range of functions including compliance activities and a range of education and advisory services were undertaken with a view to identifying and rectifying areas of risk and to assist agents in complying with the legislative requirements. This work included a continued focus on the proper management of unclaimed residential tenancy security deposits in an effort to reduce industry non-compliance in submitting funds to the Tenancy Trust Account administered by the Commissioner of Tenancies.

Further, a long term Darwin real estate agent was investigated concerning allegations of false claims made in advertising a property for sale.

It was established that the subdivision potential as promoted in the advertisement was not possible under the applicable Land Use Plans without Planning Scheme amendment to change the

zoning, and an application by the vendor to rezone the land had previously been refused by the Minister for Infrastructure, Planning and Logistics.

The statements made were found likely to create a false impression about the use to which the land was capable of being put or may lawfully be put, and thus misleading to prospective buyers in breach of Section 30 of the ACL.

In response to the investigation, the agent removed the offending advertising content and took steps to bolster its risk management processes to:

- Obtain legal advice about the statutory regime concerning misleading conduct;
- Undertake compulsory training for all professional staff, an education program including a specific module dealing with the ACL.

The agent in this case was also issued a formal warning letter.

2018/19 TOTAL COMPLIANCE STATISTICS

Investigations conducted	33
Investigations concluded	32
Traders placed on notice/cautioned	82
Infringement Notices issued	6
Compliance education provided	202

ALICE SPRINGS REGIONAL OFFICE

The Alice Springs Consumer Affairs office oversees all functions of NT Consumer Affairs throughout the southern region of the Northern Territory. The office comprises of two staff reporting to the Deputy Commissioner and Commissioner in Darwin.

Over the reporting year, the Alice Springs staff had another busy year. They undertook a range of consumer affairs activities across the region. These activities are detailed below.

On the right, Regional Officers at a local shopping centre stall



Community Engagement

Once again, the staff set up annual stalls leading into the festive season in both of the larger local shopping centres, Alice Springs Plaza and Yeperenye Shopping Centre. The staff found that this time of year gives them the opportunity to inform consumers of their shopping rights. The information that was provided focused on general consumer rights including laybys, gift vouchers, and rights when purchasing online. Other issues discussed with shoppers included the popular MyFuel NT web app, the 'Do Not Knock' initiative and the Do Not Call register and how each operate to the benefit of consumers.

Information was also made available on residential tenancy issues including the rights and responsibilities of both the landlord and the tenant. A total of 72 members of the public were given advice during these community engagement activities.

Alice Springs staff continue to support the Compliance Unit within NT Consumer Affairs by conducting regular weekly fuel price checks under the MyFuel NT scheme and reported any anomalies to the unit for further investigation.

The annual residential tenancy information sessions were conducted during October and November 2018 to all of the seven real estate agents based in Alice Springs. Ensuring real estate agents and private landlords are properly educated allows them to make more informed decisions and potentially reduces the number of residential tenancy disputes.

These sessions also included a private landlord information session where five new landlords attended. A separate session with Anglicare was also conducted. A total of 49 people were informed of their obligations under the *Residential Tenancies Act* (the Act) during all of these sessions.

Regular residential tenancies advice is provided to tenants, agents and landlords when required via phone or the public personally attending our office.

Alice Springs heads out to the remote regions

This reporting year the staff were able to visit the more remote regions of Central Australia.

Staff conducted trader visits to Gem Tree Caravan Park, the Ross River Homestead and Standley Chasm Angkerle Kiosk. These were conducted in the lead up to the visitor season. NT Consumer Affairs staff provided consumer information to the staff and conducted fuel price checks, as part of the MyFuel NT scheme. Four staff were spoken to and provided with the trader packs that included an assortment of useful trader information about consumer law rights and responsibilities.

Visit to Kulgera, Kings Canyon, Mutitjulu Community and Yulara region

The Alice Springs staff travelled to a series of remote locations including Kulgera, Kings Canyon, Mutitjulu Community and the Yulara Resort adjacent to Uluru-Kata Tjuta National Park. Part of this trip included conducting trader visits at outback stores, roadhouses and caravan parks. NT Consumer Affairs information packs were delivered which details their obligations under the ACL including consumer guarantees. MyFuel NT fuel price checks were also conducted to confirm that fuel outlets were meeting their obligations under the MyFuel NT scheme.



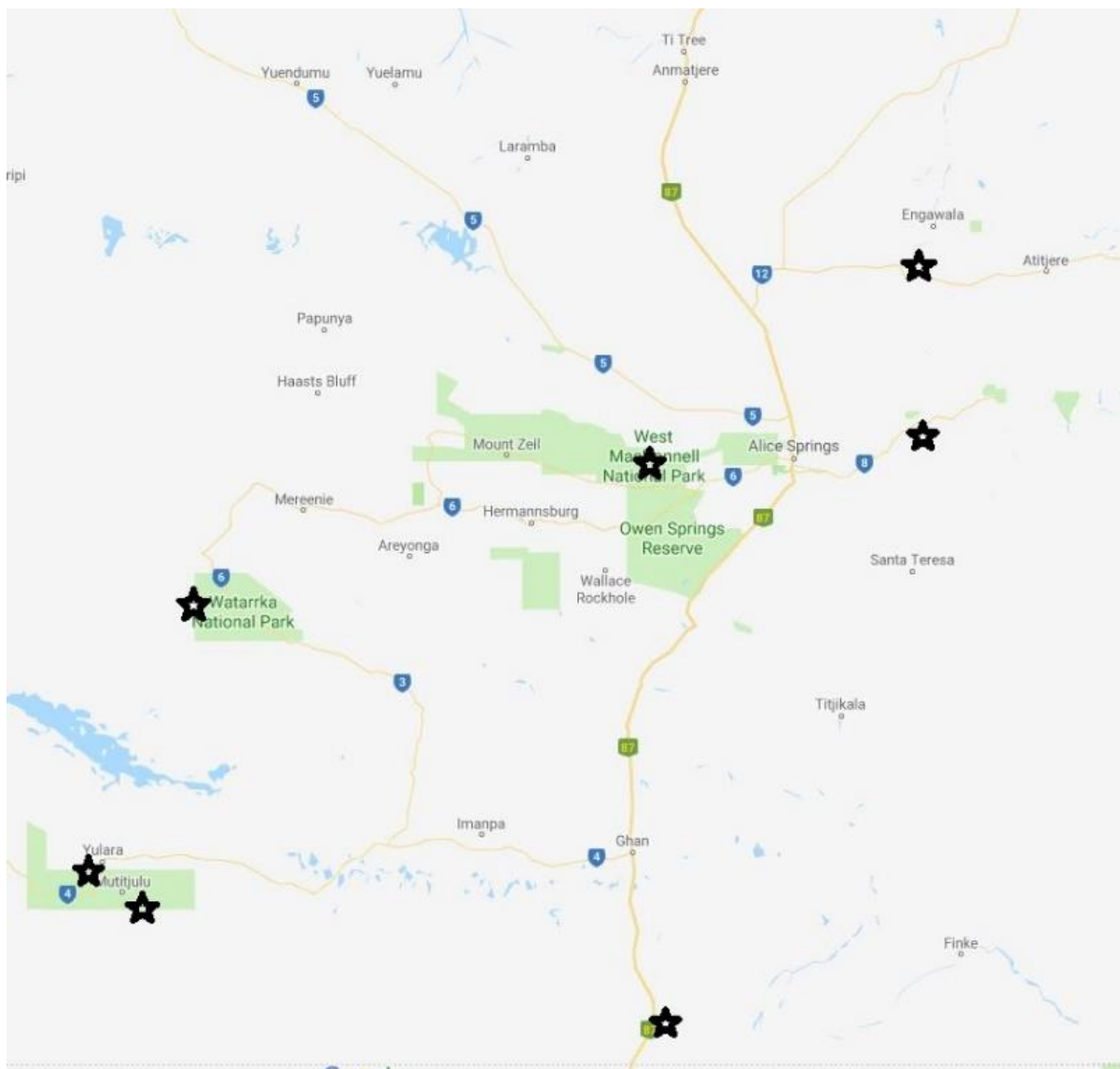


Images from the NT Consumer Affairs remote trip to the Kulgera, Kings Canyon and Uluru regions.

This reporting period saw 45 business trader visits conducted in the region. These businesses were provided with a trader information pack, which included a number of fact sheets on the ACL consumer guarantees.

The businesses welcomed the visit and advised that they did not have many consumer issues as they tended to deal with the matters as they came to hand, but also welcomed NT Consumer Affairs staff to notify them if an enquiry did come in.

Voyages Accommodation at Yulara was visited and a tenancy information training session was conducted with four staff in attendance.



Map of the southern part of the Northern Territory showing the location of remote engagement conducted during 2018-19.

Trader Visits Alice Springs region

A total of 100 businesses were visited during the reporting year. Some businesses were knowledgeable about their rights and obligations under the Australian Consumer Law (ACL), while others were not. Trader information packs were distributed to all businesses visited. These trader packs are often tailored for the particular business visited.

The Alice Springs Office continues to receive high volumes of enquiries, with the majority of these relating to residential tenancies. Having staff on the ground in the Alice is essential to ensure we service our southern regional clients who may have differing problems to those located in the Top End. The following is an example of a conciliation we helped the consumer with this reporting year.

Consumer Conciliation – Lounge Suite

A consumer purchased an expensive leather lounge suite for \$5,200 in February 2016. The suite came with a five-year product warranty. In 2017, one of the two seaters had padding that began to slip from the frame and the leather fabric around the backrest began to tear.

The consumer sought assistance from NT Consumer Affairs because the Trader and their supplier were not willing to provide a remedy. They both claimed that the damage was due to normal fair wear and tear.

NT Consumer Affairs wrote to the Trader who then investigated the matter a little further by obtaining an independent report from a local upholsterer in Alice Springs. The Trader then advised NT Consumer Affairs that based on the findings of the upholsterer, the consumer would be offered a replacement lounge of their choice within the same price range.

The consumer was very pleased with the outcome. They had expected a lounge of this price to last more than 12 months before it began to show signs of deterioration.

RETIREMENT VILLAGES

There are three retirement villages in the Northern Territory that are regulated by the *Retirement Villages Act*. The Act and its associated Regulations ensure the residents of these villages have confidence that the village operators adhere to a set of responsibilities as outlined in the Act. The Regulations provide a Retirement Villages Code of Practice that outlines minimum standards that the village operators must practice. This includes protections such as the convening of a Disputes Committee to aid in resolving disputes between the operator and the resident/s.

During the year, NT Consumer Affairs received four enquiries and three visits were conducted at Greenfields Living and one at Southern Cross Care's Pearl Retirement Resort.



Southern Cross Care's Pearl Retirement Resort located in the coastal suburb of Fannie Bay in Darwin's northern suburbs.

CARAVAN PARKS ACT

Caravan Parks throughout the Northern Territory are regulated by the *Caravan Parks Act* (the Act) that is administered by NT Consumer Affairs.

No formal applications were received this year however, 13 enquiries were received. The 13 enquiries included a range of issues around problem tenants, rental payments, rental agreements disputes and requests for information about the termination of rental agreements. One of the calls related to a request for more information about the Act for a pending Development Application.

OTHER STATUTORY RESPONSIBILITIES

The Commissioner has also delegated authority for a number of tasks to the Director General of Licensing at the Licensing NT division of the Department of Attorney General and Justice. The following are Acts or Regulations of this nature:

Associations Act 2003

Commercial and Private Agents Licensing Act 1979

Consumer Affairs and Fair Trading Act 1990—Parts 10 and 14

Consumer Affairs and Fair Trading (Tow Truck Operators Code of Practice) Regulations 1996