



Northern Territory Consumer Affairs

Annual Report 2022–23

NORTHERN TERRITORY

CONSUMER

AFFAIRS

The Hon Chanston Paech
Attorney-General and Minister for Justice
Parliament House
DARWIN NT 0800

Dear Minister

Re: ANNUAL REPORT 2022-23

The Department of the Attorney-General and Justice 2022-23 Annual Report includes performance reporting on Consumer Affairs in conformity with requirements of the *Public Sector Employment and Management Act 1993* and the *Financial Management Act 1995*.

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 1990*
- 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*
- Part 5A of the *Building Act 1993*

In accordance with the requirements outlined above, I have the pleasure of presenting the Commissioner's Annual Report for the year ended 30 June 2023.

Yours sincerely



Rebecca Davey

Acting Commissioner
Northern Territory Consumer Affairs

2 October 2023

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Message from the Commissioner



I present the 2022-23 Northern Territory Consumer Affairs Annual Report as my last report as Commissioner.

The heart of our organisation is the Call Centre which operates both in Darwin and Alice Springs, where our dedicated professionals provide advice and conciliation services to all Territorians. The hard work of the Call Centre team has seen many successes this year, including having a manufacturer pay for significant repairs to a caravan by the consumer's preferred repairer and another who received a full refund of over \$100 000 for a defective caravan.

Consumer protection is becoming more complex with changes in how consumers purchase goods, such as significantly increased online sales. This, in turn, creates more risk for consumers, with technological advances allowing scammers to duplicate online shopping websites, post fake advertisements on socials or simply create fake websites. This is why consumer awareness and education are vitally important.

Although we have a limited budget, our Outreach Officer, Janine Mitchell, has provided education to many organisations and community groups across the Territory during the year. She has visited Wurrumiyanga, Nhulunbuy, Katherine, Wagait Community and Daly River Nauiyu Community, to name a few. For the places that she has been unable to attend in person, she has provided educational material electronically to be shared in the communities. Her networking and interactions mean that more organisations are contacting Consumer Affairs and using our information. Well done, Janine.

Also crucial for our education function is our website and social media platforms that provide regular information on consumer protection matters and warnings on the latest scams and fake websites. People across Australia have reported a total of \$1 914 684 in savings due to our Facebook warnings on fake websites in 2022-23. Thank you to the compliance team and the Education and Information Officer, who have diligently tracked these websites down and ensured the warnings are publicised.

The compliance team has also had a busy year monitoring fuel retailers across the Territory to ensure their prices match the MyFuel NT web app. They also reviewed the Territory's funeral industry and focussed on residential tenancy matters. This resulted in the issue of an Infringement Notice for a breach of the *Residential Tenancies Act 1999*.

Acknowledgement and thanks also go out to my management team and administrative staff, who ensure the smooth running of this office and assist in maintaining the high standard of customer service that we provide. I am honoured to have led this team of dedicated professionals who take pride in their work and do their best to provide consumer protection for all Territorians.

Sandra Otto
Commissioner

About Consumer Affairs

Northern Territory Consumer Affairs (NTCA) is an independent office within the Northern Territory Department of the Attorney-General and Justice (AGD). With offices in Darwin and Alice Springs, NTCA contributes to AGD's vision of a safe, fair and just Territory for all, and helps to support and empower vulnerable Territorians through the regulation and administration of Territory and Commonwealth consumer protection legislation.

The regulatory framework protects community interests by providing education and conflict resolution services to promote responsible business conduct and inform the community of their consumer rights. NTCA also conducts compliance and enforcement activities to deter, detect and respond to breaches of the legislation administered.

The Commissioner of Consumer Affairs reports to the Attorney-General and Minister for Justice as a statutory officer under the *Consumer Affairs and Fair Trading Act 1990 (NT)*, as well as other statutory appointments including the Commissioner of Tenancies, Commissioner of Residential Building Disputes, Commissioner of Business Tenancies, and Controller of Prices. A full list of the legislation NTCA administers is outlined in Appendix A.

A significant part of our work involves administration of the Australian Consumer Law (ACL) in the Northern Territory. The ACL is a uniform consumer protection law which applies nationally, and is administered and enforced under a multi-regulator model.



Education is central to the role of NTCA, which includes providing educational material on the website and as printed material that Territorians can use to learn more about their consumer and rental rights.

Across all the legislation administered, NTCA uses a regulatory approach that is intelligence led, risk-based and outcome focused to achieve:

- Voluntary compliant traders
- Empowered consumers who can participate in the market without disadvantage
- Penalisation of consumer law breaches
- High public confidence in a fair and regulated market.

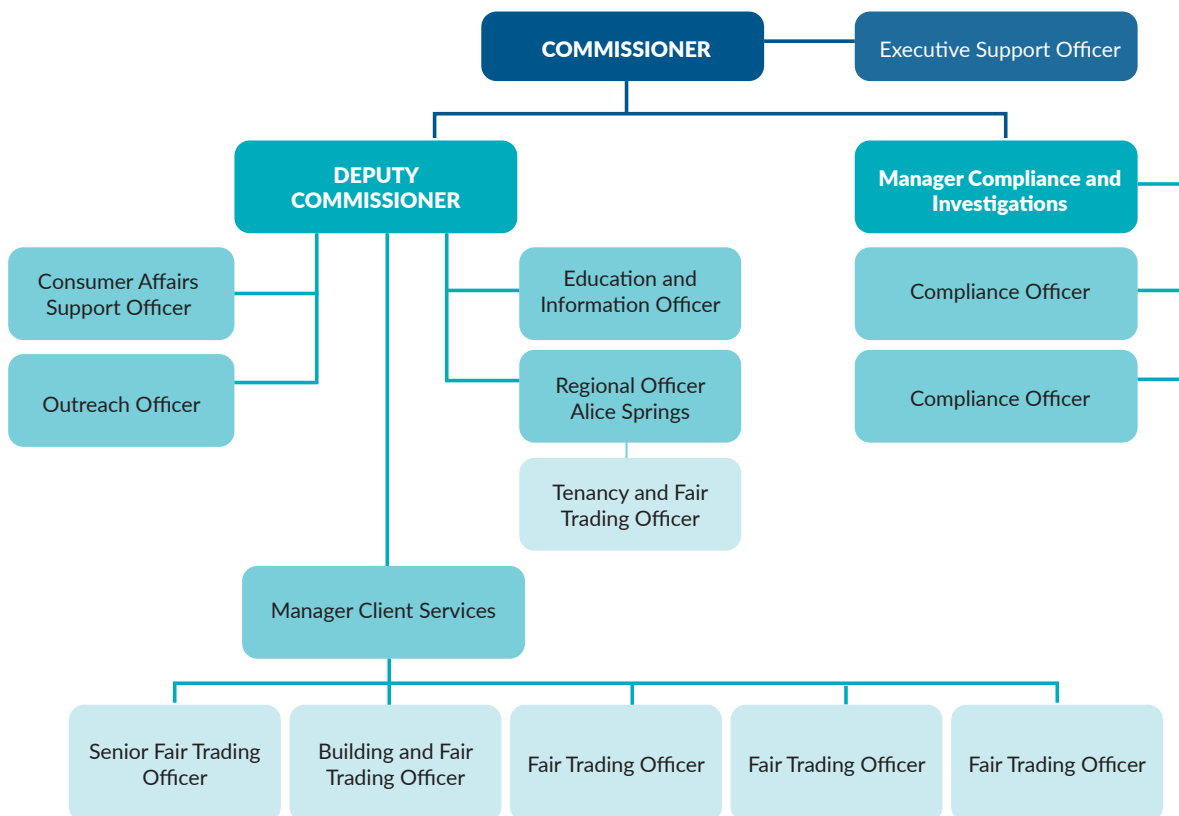
NTCA's regulatory approach is underpinned by education. We believe that information and knowledge empowers consumers and businesses to exercise their rights and meet their obligations, and are key drivers of our dispute resolution and compliance activities.



Attendance at community events and expos allows the NTCA Outreach Officer Janine Mitchell (left) the opportunity to build partnerships with other agencies, as well as providing advice to Territorians.

Organisation Chart

NTCA has 17 staff, consisting of 15 in Darwin and 2 staff members based in Alice Springs to provide our services across Central Australia.



Core Functions

Promote consumer awareness through consultation, education and conciliation

Respond to consumer policy issues of local and national importance

Provide a compliance and enforcement service to protect Territorians

Administer the MyFuel NT scheme

2022–23 Snapshot



15 688

Total enquiries



52 758

Website sessions



6 461

Emails



4 274

Facebook followers



219 715

Facebook reach



16 227

YouTube views



48%

Residential tenancy
phone enquiries



181

Consumer Conciliation
Requests



948

Trader visits



17

Staff



117 775

MyFuel NT
web app users



2 446

Compliance actions

Promoting Consumer Awareness

Education

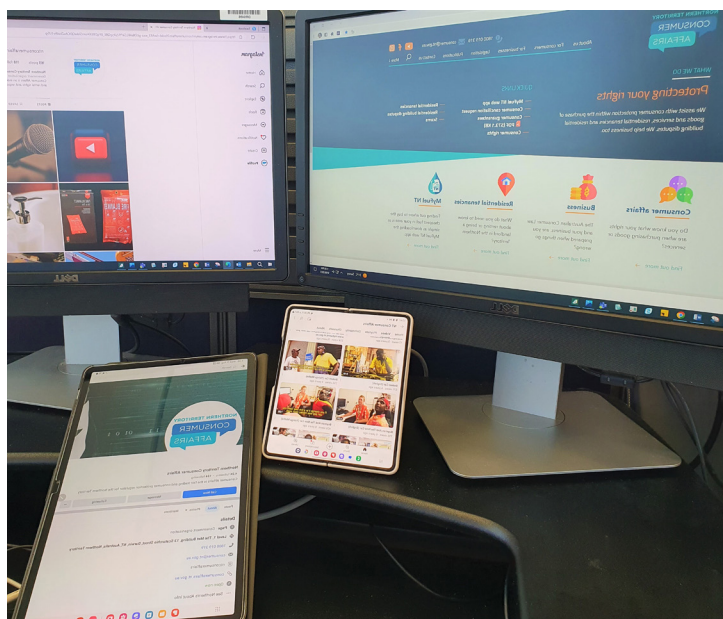
NTCA plays a pivotal role in fostering consumer protection by educating consumers and businesses and empowering them with essential knowledge and tools to effectively address any issues that may arise.

By providing advice and disseminating a range of information and resources, we enable consumers to make well-informed decisions, ensuring they know their rights and how to exercise them. This empowerment ultimately contributes to fairer interactions where consumers can confidently engage with businesses to settle disputes.

We operate a dedicated Call Centre with fair trading offices strategically located in Darwin and Alice Springs. This physical presence allows us to establish a direct and accessible line of communication with consumers, where they can seek advice and report complaints face to face. By having a regional office in Alice Springs, we extend our reach to diverse communities, addressing their unique needs and challenges and providing Territorians living in Central Australia an opportunity to learn more about their consumer and rental rights.

In addition to our physical offices, we utilise various platforms such as Facebook, Instagram and YouTube to extend our messaging and reach a broader audience, including those Territorians living in regional and remote communities. Our online presence enables us to provide information and resources to consumers that our budgetary constraints do not allow us to reach physically.

We recognise the significance of proactive community engagement and conduct a wide array of educational and outreach activities. By attending community events and expos, we aim to ensure that consumers and businesses understand their rights and responsibilities within the consumer protection framework.



NTCA's online presence is critical in its role to reach as many Territorians as possible, including those living in remote Aboriginal communities.

Such initiatives foster a culture of awareness, encouraging businesses to operate ethically and responsibly, thereby contributing to increased compliance with the Australian Consumer Law (ACL).

We actively visit and engage with businesses, encouraging them to understand their responsibilities under the ACL. We help NT businesses and their staff understand the importance of safeguarding consumer rights and delivering excellent consumer service and complaint management processes.

NTCA operates on multiple fronts, engaging with consumers and businesses through face to face visits and online engagement. By educating, empowering, and fostering compliance, we work to create a fair and transparent purchasing experience where consumers can make informed choices and be confident in their consumer rights. Through our Call Centre, regional offices, digital platforms, and community engagement efforts, we endeavour to educate and minimise enforcement actions.

Call Centre and Fair Trading Offices

The Fair Trading team within NTCA receives hundreds of formal complaints and thousands of calls each year from consumers, businesses, tenants, landlords and many other clients seeking assistance. We are very passionate about helping people resolve their matters.

We recognise that knowledge is power and endeavour to educate the public as much as possible regarding their rights and responsibilities under the various Acts that fall within the scope of our administration. Our Fair Trading Officers provide advice and reference materials through our Call Centre, email and walk in service.

This financial year, NTCA received 6 873 telephone calls from clients seeking advice. Topics ranged from consumer-related purchases gone wrong to pets in tenancies, with ACL and Residential Tenancy matters accounting for a majority of those calls.

Our office also received 6 461 email enquiries, and like some of our consumers, saw an increase in scam/spam emails.

While modern technology is advancing, some clients still prefer to visit us in person. We had 303 clients attend the Darwin and Alice Springs offices for a friendly chat and good advice.



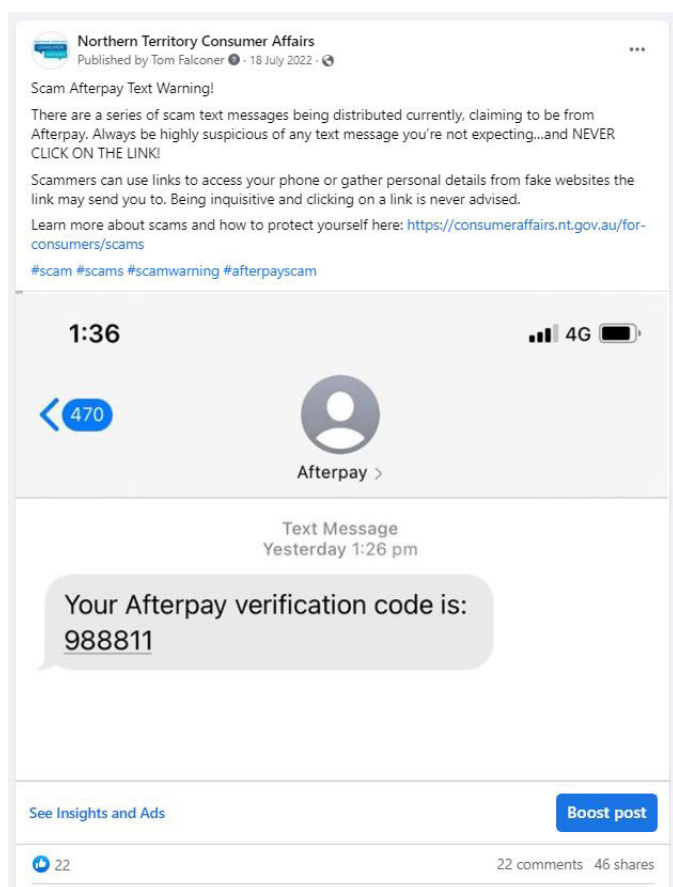
NT Consumer Affairs has staff located in Casuarina (Darwin) and in Alice Springs.

Social media

NTCA maintains an active social media presence across 3 platforms: YouTube, Facebook and Instagram. These platforms are utilised to reach as many Territorians as possible, even in remote regions. The content is designed to alert businesses, consumers, landlords and renters of their consumer and rental rights and responsibilities.

During 2022-23, our Facebook and Instagram platforms hosted a total of 398 stories on a wide range of topics, including rental rights, consumer rights, scam warnings, fake website warnings and the MyFuel NT web app. The most engaged Facebook post this year was a scam text warning about scammers imitating AfterPay.

Our new Instagram account was created in November 2022 to spread consumer rights messaging to a new and generally younger audience. With very few other consumer agencies having a presence on Instagram, we were very effective at alerting all Australians who were considering engaging with scam websites.



Topical posts like the AfterPay scam warning connect with NTCA followers on social media platforms.

Most of our social media content is developed internally about issues that face Territorians. NTCA also contributed to national campaigns developed by the national Consumer Education Network.

This network includes all of the Australian consumer protection agencies who came together to create the following social media campaigns in 2022-23, many of them annual campaigns:

- Baby product safety: Your First Steps
- Cyber Security Awareness Month
- Halloween
- Scams Awareness Week
- Online Sales
- Be Summer Safe
- Romance Scams
- Mother's Day
- Well Winter.

The NTCA YouTube channel continues to be popular, with a wide range of consumer content, including videos in east Arnhem Yolngu Matha Aboriginal language.

These videos were developed in partnership with the Arnhem Land Progress Aboriginal Corporation several years ago. They used local Aboriginal talent to tell a series of important consumer messages.

NT Consumer Affairs' social media platforms include the following:



[facebook.com/
NorthernTerritoryConsumerAffairs/](https://facebook.com/NorthernTerritoryConsumerAffairs/)



instagram.com/ntconsumeraffairs/



[youtube.com/
@ntconsumeraffairs258/featured](https://youtube.com/@ntconsumeraffairs258/featured)

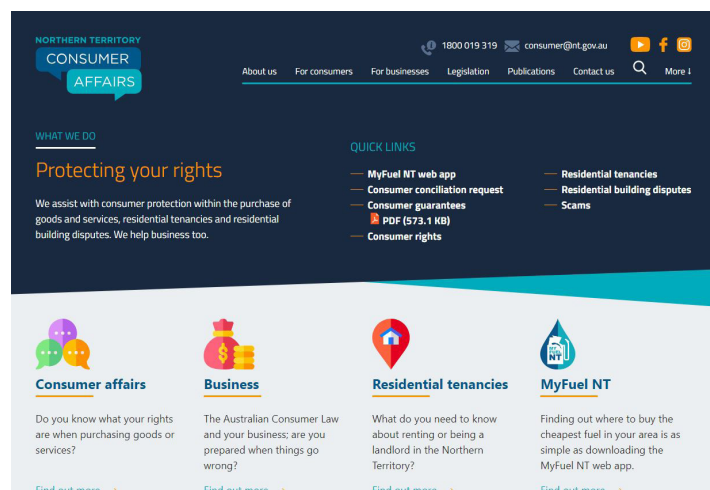
Website

The NTCA website is configured for all devices, including computers, tablets and mobile phones. It has a simple, engaging layout that has been developed to aid the user to quickly navigate to the information they seek. The website is frequently updated and expanded, explaining new legislation or emerging consumer issues our Fair Trading staff have identified in the Call Centre.

The website hosts a range of detailed information about all aspects of consumer and rental rights in the NT, including some plain English fact sheets to aid those Territorians with English as their second language. The website has fact sheets, comprehensive guides about major consumer and rental issues, and other valuable resources, including contact details for other agencies that can help consumers and renters with specific issues outside our jurisdiction. NTCA contact details are also included if the visitor needs further help to determine how the information applies to their personal circumstances.

The website was also developed to provide accurate and engaging business consumer information. NTCA's primary role is to educate local businesses just as much as consumers. The website allows both parties to gain a deeper understanding of consumer law and to avoid consumer/business disputes from escalating. The website holds a wealth of resources for businesses that are promoted when the Outreach Officer is conducting trader visits and when other outreach or media opportunities are available.

There were 52 758 unique visits to the NTCA website this year, a slight decrease from the previous year.



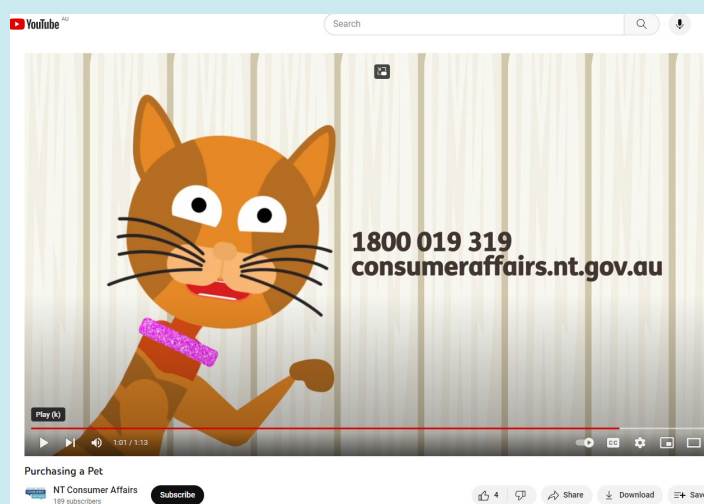
The NTCA website allows consumers, businesses, landlords and tenants to easily find the information they are looking for. The plain English text allows Territorians to quickly gain an understanding of their consumer and rental rights.

New initiative

Territorians have a strong connection with their pets, with very few households without a furry or scaly friend. Purchasing a pet can be costly and does require some research to ensure the most suitable type of pet is selected.

To address this important consumer purchase, NTCA produced a Guide to Purchasing a Pet and with the help of Consumer Protection WA, added an informative video, Purchasing a Pet, to the NTCA YouTube channel in 2022-23. Both of these publications provide comprehensive information for consumers about the risks and their rights when buying a pet.

Purchasing a Pet - youtube.com/watch?v=eaSORN_X3kA



A guide to purchasing a pet

(https://consumeraffairs.nt.gov.au/_data/assets/pdf_file/0005/1234688/guide-pet-purchasing.pdf)





Sandra Otto, Commissioner, with ABC Darwin Radio presenter Adam Steer, discussing local consumer and rental issues in the studio.

Media

One of the most effective ways NTCA engages with Territorians is by maintaining a solid presence in the local media. Through this approach, a broad range of individuals across the Territory know their rights and learn about the services we can provide them.

The Commissioner and Deputy Commissioner conduct monthly segments on ABC radio. These segments provide an invaluable opportunity to address the public directly, allowing listeners to call in and seek advice on their specific consumer or rental issues.

By offering expert guidance on air, we empower individuals to communicate their concerns while fostering trust and awareness of our agency's role in safeguarding their interests. Additionally, these radio programs serve as a means to keep the public informed about significant changes to consumer laws, shed light on topical issues related to traders, and raise awareness of emerging scams.

Beyond ABC Darwin Radio, our engagement with diverse media organisations further broadens our reach and connection with various audiences across the Territory. By proactively collaborating with multiple media platforms, we ensure that our messages reach as many age groups as possible, allowing us to fulfil the mission of educating and protecting consumers.

Our Call Centre, website, and social media platforms are actively promoted through the media to encourage easy and convenient engagement with NTCA.

This integrated approach ensures that individuals have multiple channels to seek assistance, allowing them to access the information they need at their convenience.

The Commissioner and Deputy Commissioner were interviewed by the following media organisations 52 times this year:

- ABC Alice Springs
- ABC Darwin
- ABC Hobart
- ABC National
- ABC News
- ABC Townsville
- Alice Springs News
- CapeTalk, South Africa
- Channel Nine
- Guardian Australia
- HOT 100
- Mix 104.9

NTCA also contributed articles to several local publications about consumer law topics, including the Motor Trade Association SA/NT's magazine and the Top End Tri-Services magazine.

Outreach program

The decreasing impact of the COVID-19 pandemic and the appointment of Janine Mitchell to the Outreach Officer position in April 2022 resulted in a significant increase in overall engagement with consumers and businesses in 2022-23, particularly in the Top End region.

A total of 948 trader visits were conducted with local businesses across the Territory, including visits to remote centres such as Nhulunbuy, Yirrkala, Katherine and Wurrumiyanga. These visits provide NTCA with a valuable opportunity to engage with Territorians living in urban and remote communities and educate businesses and consumers about their rights and responsibilities under the ACL and other applicable legislation. It also allows NTCA to build its profile across the Territory and encourages Territorians, wherever they may live, to contact us for advice and support.

The Outreach Officer and other Darwin and Alice Springs based staff attended many community organisations and events, providing information relating to our role and services, and offering advice on the legislation administered by NTCA. During these events and expos, staff engaged with 2 095 Territorians.

NTCA participated in yearly events such as COTA Seniors Expo (in both Darwin and Alice Springs) and the All Abilities Expo.

These significant events allow our staff to network with other agencies and organisations, resulting in invitations to provide education for local community groups.

- Australian Red Cross
- Darwin Defence Expo
- STEPS Education and Training
- No One Left Behind - All Youth Conference
- Darwin High School Health Expo
- NT Electoral Commission – Democracy Dash
- Darwin High School
- Australian Red Cross – The Joy of Many Colours – Fashion and Cultural Show and Cultural Food Expo
- Youthworx
- NT Breatheasy S.T.A.A.R.S. Inc.
- Salvation Army – Sunrise Centre
- Central Australian Women's Legal Services
- NAAJA Alice Springs.

Outreach staff also increased our engagement with Aboriginal consumers through various Community stakeholder meetings in the Top End Region at the:

- Bagot Community
- Knuckeyes Lagoon Community
- Belyuen Community
- Naiyu/Daly River Community
- Wurrumiyanga, Tiwi Islands (via Microsoft Teams).



NTCA Outreach Officer Janine Mitchell (right) discussing consumer rights during a visit to East Arnhem Regional Council in Nhulunbuy.



NTCA's Outreach program is designed to educate Territorians and businesses about consumer rights, reducing the probability of consumer and business conflict.

This year, the Outreach Officer focussed on building relationships with other government agencies, service providers, non-government organisations and other relevant networks to facilitate the growth of NTCA's Outreach program, creating opportunities to reach a bigger, more diverse audience. Unsolicited invitations to deliver education and information sessions are now frequent, and school visits have been extended to include community members to enhance the messaging across multiple age groups.

An example of raising the profile of NTCA is the Outreach Officer arranging to meet with the Senior Industry Development Officer, Big Rivers Region, whilst in Katherine, resulting in NTCA now being incorporated into the NT Business Support Guide.

NTCA also visited 10 offices of Members of the Legislative Assembly during 2022-23, covering the electorates of Fannie Bay, Karama, Mulka, Sanderson, Arnhem, Gwoja, Katherine, Namatjira, Braitling and Araluen, as well as the office of Member for Lingiari, Marion Scrymgour MP. These engagements facilitate the distribution of consumer protection resources and information to the public across a range of Territory locations.

Client feedback

“ Thank you for all your work. I have received a lot of positive feedback so far ”

“ Thank you for your time. The session was very informative ”

“ The Tiwi grapevine is buzzing with tall tales and true of the things that can happen if you are not on guard against these scams. Parents are on the lookout now about what their kids are doing also. ”

Conciliations and Complaints

Formal complaints, or Consumer Conciliation Requests as they are more commonly known, were up for the financial year, with our office receiving 181 requests in total. Conciliation is a big part of what we do, and we successfully achieved mutually beneficial outcomes for the parties involved in 60 per cent of cases. Below are some examples of successful conciliations that were undertaken:

Refund after cancelled flight

A consumer paid for return flights to an interstate destination, with the airline cancelling the return flight. A refund for the flight was approved by the airline but never received, with the airline advising the consumer there was nothing more they could do as the funds had been paid. After lodging a Consumer Conciliation Request, our office successfully got a full refund for the cancelled flight that had been paid to another party's bank account in error. The consumer was also provided with a \$50 voucher by way of an apology.

Vehicle replaced after repeated minor faults

A consumer purchased a brand new vehicle from a well known dealer that faulted more than 5 times since purchase, with the vehicle continually losing power. Due to the multiple minor failures that could not be repaired successfully, the consumer sought a refund on 2 occasions, both of which were denied. After lodging a Consumer Conciliation Request, our office was able to liaise with the dealer and manufacturer to gain a new replacement vehicle for the consumer.



Consumer complaints with vehicles, including vehicle repairs, are common. Changes to the ACL means that repeated faults with a product now constitute a major fault. With a major fault, the consumer decides how the business must respond.

Full refund for a caravan with multiple faults

A travelling couple purchased an expensive caravan and continued to experience numerous minor faults that required repeated repairs. These faults continued to occur until all the outstanding faults were listed and presented to the dealer, resulting in NTCA negotiating a full refund of \$106 000.

What our clients have to say

“

Thank you very much for your help.
Very much appreciated.

”

“

Thank you for your email, such amazing
service.

”

“

I'm so grateful for your help; it was obviously
your contact that made the difference.
Thank you again very much.

”

“

I would like to thank you for all your help and
support throughout this whole process.

”

Residential Building Disputes

Building a new home is one of the most exciting, daunting and costly processes a consumer can undertake. Therefore, it is essential that consumer protections are in place to ensure that construction is carried out with due care and skill and that all materials used are of acceptable quality.

The *Building Act 1993* sets out several consumer guarantees that apply to all prescribed residential building work carried out by a residential builder in the Northern Territory.

The Commissioner of Residential Building Disputes has various functions and powers, including determining consumer guarantee dispute applications, facilitating mediation between parties in disputes concerning their build, and informing the public about provisions under the Act.

In the 2022-23 financial year, the Commissioner's staff provided advice to a total number of 69 home owners in relation to building enquiries, received and accepted 4 formal applications to the Commissioner for decision and 2 applications for mediation.

Retail Tenancies

The Commissioner of Business Tenancies investigates and researches matters affecting the interests of parties to retail shop leases (including suspected infringements), provides advice to the public about the *Business Tenancies (Fair Dealings) Act 2003* and handles retail tenancy disputes between parties, which includes an alternative dispute resolution service.

Consumer Affairs received 69 enquiries from tenants and landlords this financial year regarding their lease provisions and rights and responsibilities. However, we recorded a lower number of business tenancy applications, with 5 applications received for determination throughout the year. Four of those applications received a Certificate of Failure to Resolve Retail Tenancy Claim for the parties to instigate further court action.



Retail businesses also have tenancy issues sometimes, which are important to manage carefully.



Each state and territory in Australia has their own tenancy laws and because the Territory has such a transient population, understanding NT rental rights and responsibilities is particularly important.

Residential Tenancies

The Commissioner of Tenancies is responsible for investigating and researching matters affecting the interests of parties to tenancy agreements, providing information to the public about the *Residential Tenancies Act 1999* and investigating suspected infringements of the Act and Regulations.

Providing information on residential tenancies to the public is achieved in a number of ways by:

- Providing advice to parties through the Call Centre
- Responding to email and Facebook enquiries
- Displaying Facebook posts and news items on our website
- Conducting landlord information sessions
- Participating in community events and outreach activities
- Conducting education sessions to real estate agents and industry bodies
- Discussing tenancy topics on monthly talkback radio.

During the financial year, NTCA Darwin participated in a Q&A session with the Real Estate Institute of the Northern Territory (REINT), conducted 2 private landlord information sessions, liaised with 3 real estate agencies directly to provide training and participated in the Rights & Inclusion Australia online forum relating to tenancy issues for people with disabilities. Our Alice Springs staff also provided residential tenancies training to a local real estate agent and 4 private landlords.

Many community presentations were also undertaken, with tenancy rights and responsibilities being explained to various community members.

Tenancy-related enquiries accounted for just over 48 per cent of all enquiries received by NTCA during the financial year. The Commissioner of Tenancies also accepted and processed 5 formal claims for tenancy bonds held in trust and 6 requests to transfer security deposits to third parties.

Networks and Collaboration



The ACL is Australian wide legislation, protecting consumers (as well as businesses) when they purchase goods or services.

Australian Consumer Law (ACL)

The ACL is a set of national laws in Australia that aim to protect consumers and promote fair trading. The ACL legislates consumer protections such as consumer guarantees, unfair contract conditions, misleading and deceptive conduct, unconscionable conduct and product safety.

The Australian Competition and Consumer Commission (ACCC), in partnership with all the state and territory consumer protection agencies, administers, regulates and enforces the ACL.

Consumer Ministers Network (CMN)

The Consumer Protection and Fair Trading Ministers from the commonwealth, state, territory and New Zealand all form the membership of the CMN. The Ministers meet face to face at least once a year to discuss national consumer protection matters and agree on priorities for future work.

This year the CMN was chaired by Andrea Michaels MP, the Minister for Consumer Affairs in South Australia. The Commissioner of Consumer Affairs, Sandra Otto, represented the Northern Territory on behalf of the Hon Chanston Paech MLA. The meeting was held on 9 September 2022 in Adelaide and saw a renewed commitment to collaborate across borders and strengthen consumer protection.

At the meeting, the ministers discussed and agreed on future work that includes:

- Legislation to make unfair contract terms unlawful and subject to penalties under the ACL
- Increasing existing penalties for breaches of the ACL
- Improved capability and collaboration to combat scams
- Considering reforms to consumer guarantees and supplier indemnification provisions
- Consulting on proposed reforms to address unfair trading practices
- Releasing a discussion paper on travel services to inform ACL learnings across all service sectors following COVID-19.

Following this meeting was the assent of the Treasury Laws Amendment (More Competition, Better Prices) Bill 2022, which amends the *Competition and Consumer Act 2010* and the *Australian Securities and Investments Commission Act 2001*. These changes will prohibit the use and reliance on unfair contract terms in standard form contracts as well as expand the class of contracts covered by unfair contract terms. This amendment has increased the maximum penalties for anti-competitive behaviour and certain breaches of the competition consumer law.

Consumer Senior Officials Network (CSON)

The Commissioner of Consumer Affairs is the Northern Territory's representative on the CSON. The members of the CSON comprise senior officials from the commonwealth, state, territory and New Zealand Consumer Protection and Fair Trading agencies. The CSON meets regularly to discuss national consumer protection matters and agree national priorities. The CSON reports to the CMN.

Some of the matters discussed this year were the escalation of complaints about drop shipping (where an online business sells goods they do not stock, and acts as a middle man between the consumer and the business shipping the goods), scams, and second hand car sales in remote areas.

The close collaboration and sharing of information between the jurisdictions has been evident in the creation of the My ACL video-based ACL training program. Consumer Protection Western Australia, with the support of the ACCC, has developed this course as an educational tool to assist new starters in their education and application of the ACL. This program, which includes videos, job aids and knowledge checks, has been shared with all jurisdictions to assist their new staff or as a refresher course. The videos are easy to follow and provide clear examples of how the ACL can be applied in realistic scenarios.

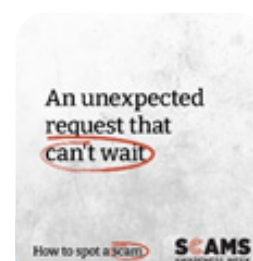
Consumer Education Network (CEN)

The CEN includes officials from all state and territory and New Zealand agencies responsible for consumer affairs or fair trading, along with the Commonwealth Treasury, ACCC and the Australian Securities and Investment Commission (ASIC). The CEN collaborates to produce targeted information and education campaigns to raise awareness of matters affecting consumers and businesses, such as the ACL, product safety and the increasing threat of scams.

Educational priorities are informed by other consumer networks, as well as input received from key consumer and industry stakeholder groups. In 2022-23, NTCA promoted several national communication campaigns to raise awareness for consumer protection and product safety issues, which were rolled out through our social media platforms, website and media engagements.



Halloween



Scams Awareness Week



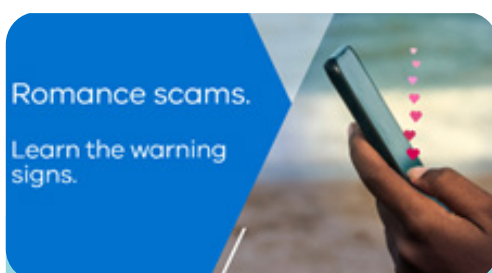
Well Winter



Safe Summer



Online sales



Romance scams



Mother's Day

National Indigenous Consumer Strategy Reference Group (NICS)

The NICS was developed to promote consumer rights, improve access to services, and improve market outcomes for Aboriginal people in Australia. The strategy aligns with broader Territory Government frameworks to improve outcomes for Aboriginal people, such as the Northern Territory Aboriginal Justice Agreement.

Led by the ACCC, the NICS includes representatives from ASIC, state and territory consumer protection agencies and an independent member, the Indigenous Consumer Assistance Network.

The NICS met regularly throughout the year, including the first in-person meeting to be held since the start of the COVID-19 pandemic, which occurred in Darwin in November 2022. Strategic priorities for the NICS in 2022-23 included consumer contracts, trading practices, scams, product safety and financial services. With an increase in outreach activities targeting Aboriginal consumers this year, NTCA was able to provide valuable input regarding consumer issues affecting our most vulnerable consumers. We also participated in a working group to address potential breaches of consumer law by a trader operating across 3 jurisdictions.

For further information about the National Indigenous Consumer Strategy, go to [National Indigenous Consumer Strategy \(nics.org.au\)](https://nics.org.au)



WELCOME

Welcome to the website for the National Indigenous Consumer Strategy (NICS).

Here you will find information about NICS including current action plan, national project and member resources.



Fair Trading Operations Group (FTOG) and other working groups

Throughout the 2022-23 financial year, NTCA participated in the FTOG. Previously meeting every 2 months, the forum changed the meeting frequency to once a month. In the teleconference meetings, jurisdictions share details about traders of concern and can seek input from other jurisdictions where it seems likely that the trader operates in those jurisdictions. Backgrounds to significant investigations on foot as well as their outcomes are also shared.

It is through these and other working groups that trends are identified and collaborative actions taken.

In November 2022, the media reported rental apps through which interested parties could apply for residential tenancies. Concerns were raised that some apps offered extra background checks at additional surcharges to potential tenants to improve their chances of being the successful applicant for the tenancy. Given that the offer of such additional background checks at extra cost was seemingly voluntary, various regulators across Australia raised concerns that this practice may be in breach of residential tenancy legislation in most states and territories. Through regulatory forums and operations groups, a joint approach to the app provider was formed, which was led by consumer protection regulators in Western Australia and New South Wales.

The networks supported other projects, such as the provision of input into the establishment of the National Anti-Scam Centre, which commenced operation by the ACCC on 1 July 2023, or sharing intelligence about the whereabouts and operations of Bitumen Bandits.

Interagency Building Reform Working Group

The Commissioner of Residential Building Disputes continued to provide input and feedback to the Interagency Building Reform Working Group during the financial year. The working group is providing input into the Territory Government's commitment to reform building regulations to ensure confidence in the local building industry in the Northern Territory.

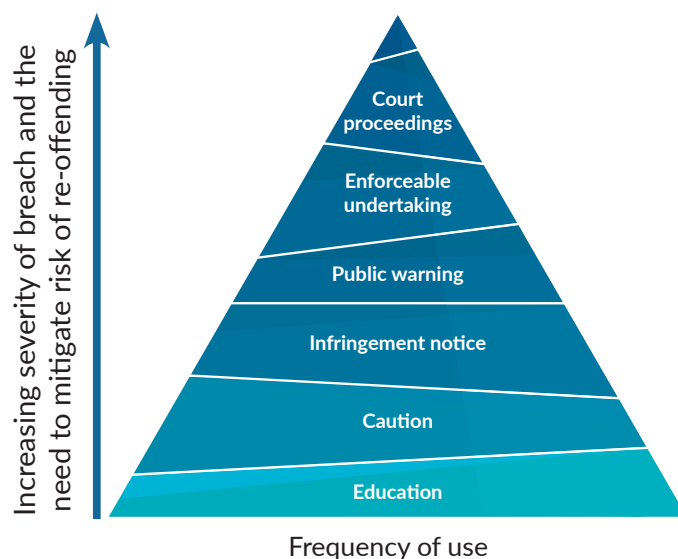
Compliance

NTCA administers a variety of legislation that aims to ensure a fair and safe trading environment for both consumers and businesses in the Territory.

We undertake a range of compliance activities, including proactive operations, case assessments and investigations of alleged breaches of consumer protection laws.

The compliance unit uses a proportionate, risk-based approach to assist businesses to meet their statutory obligations through pre-emptive engagement and education. Other compliance strategies and enforcement powers are used when necessary.

In 2022-23, our compliance team carried out a range of work, including both planned and reactive activities to address enduring and emerging risks.



The pyramid above indicates the frequency of use of compliance tools and how they relate to compliance risks.

Funeral industry review

In response to issues identified by other consumer protection agencies across Australia (including the ACCC), NTCA undertook a comprehensive review of the funeral industry in the Northern Territory during 2022-23.

Some reviews in other jurisdictions resulted in recommendations such as legislative amendments, the introduction of mandatory and enforceable codes of practice, or improved information on government websites.

In contrast to other jurisdictions, NTCA's review found that the funeral industry in the Territory is relatively small and includes only 9 operating businesses. No significant issues or systemic failures in the sector were identified. This outcome was supported by the low number of consumer complaints received by NTCA since 2014. Given the small scale, breaches of consumer protection legislation can be addressed individually, and no further action was recommended.



Scams

Identifying scams and reducing their impacts on Australians has been a focus for NTCA during this financial year. Scammers have expanded their work, using publicly available software to produce a variety of sophisticated scams that have been distributed by a wide variety of means, including text messaging, phone calls, emails and messaging with social media apps. Some of the scams we have investigated this year include romance, puppy, disaster, and government agency mimicking scams.

NTCA has been particularly focused on fake websites that claim to sell expensive items like tractors, heavy machinery, caravans and motorhomes. They 'sell' their items at about 50 per cent of the general online market value, convincing Australians to quickly snap up a bargain.

As a result of inexpensive and widely available web creation software, scammer groups can now create convincing websites that appear to be legitimate. They can use the same imagery and text to quickly have a new website hosted once their previous website has been identified and taken off the internet. The scammers also create fraudulent escrow websites to work alongside their fake sales websites, often scamming their victims twice. Normally items are held in 'escrow' and not released until the financial transaction has been completed. They tell unsuspecting consumers that their payment for the tractor or caravan will be safely held in trust by the escrow provider until the consumer receives the tractor/caravan and is satisfied with their purchase.

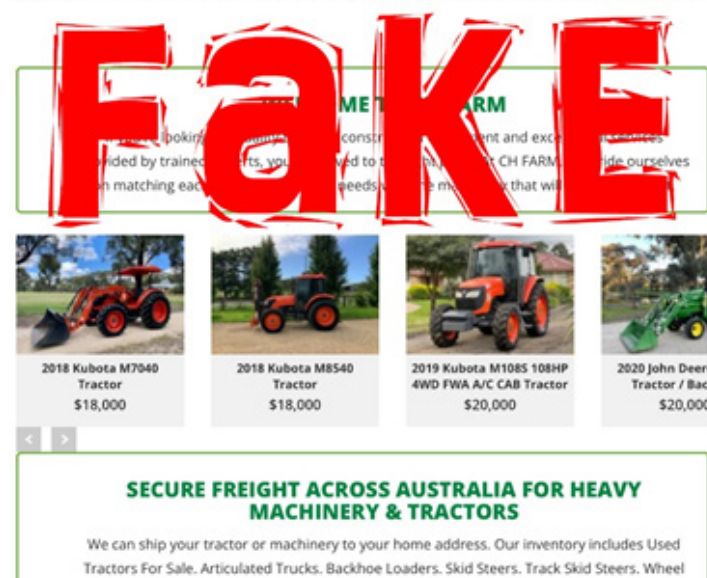
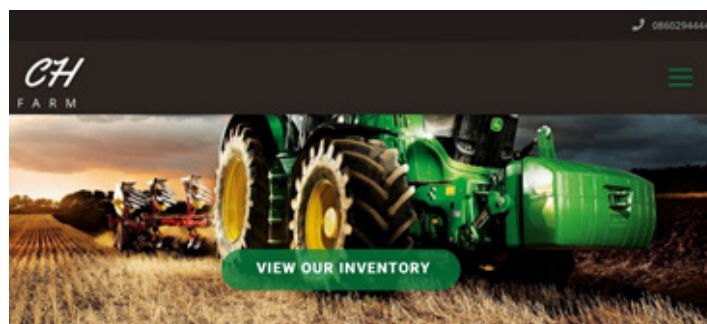
NTCA exposed 84 of these scam websites in 2022-23. Our Compliance unit proactively searched for these scam sites and also received reports of them from consumers. Almost all of the scam websites were misusing the legitimate names of Australian businesses and their ABNs. The legitimate businesses have no involvement with the scam operation and are generally unaware of the activity until they are notified by NTCA.

Unfortunately, this group of fake websites entraps many Australians, with \$670 610 in losses reported to NTCA during the financial year.

Many consumers focus on extraordinarily low pricing and do not investigate the business until their purchase is overdue, and the scammers don't return their calls. By that stage, it is far too late for financial institutions that were involved to act, and their money has disappeared. Victims impacted tend to be retirees or older Australians who are not in a financial position to recover easily from their loss.

More positively, due to NTCA's proactive warnings to consumers on our social media platforms, a total of \$1 914 684 potential losses were avoided by Australians in 2022-23.

NTCA also provided input to the ACCC on the National Anti-Scam Centre, which commenced operating from 1 July 2023.



Scammers continue to create these convincing, detailed websites using stolen images, ABNs and business names.

Bitumen Bandits



NTCA's social media platforms, Facebook and Instagram, provide an important space to quickly alert Territorians about the arrival and threat of travelling con men into the NT.

Almost every year, during the cooler months, the Northern Territory is targeted by travelling con men. Under the pretext of having leftover materials from another job that they need to get rid of, these rough tradies (also known as 'Bitumen Bandits') offer cheap driveway pavements or other similar work. They usually operate on a cash basis without providing quotes and leave behind poor and often incomplete work that will cost the consumer more money to rectify. In July and August 2022, a group of Bitumen Bandits made their way up to Alice Springs, Tennant Creek, Katherine and Darwin. Consumers reported to NTCA that they received substandard work from these travelling traders.

NTCA issued a warning to Territorians on our Facebook page that the Bitumen Bandits were making their way through the Territory and to be suspicious of people knocking on their door with cheap deals. Liaising with the public, NTCA was able to obtain contact details and provide education to the trader regarding their rights and responsibilities under the ACL.

Alice Springs food vans

In February 2023, NTCA engaged with the operators of food vans that regularly visit Aboriginal town camps in the Alice Springs area. Locally based Fair Trading staff educated the food van operators about the ACL and how to avoid misunderstandings that may lead to allegations of breaches under the ACL. For example, misunderstandings can be avoided by displaying clear, accurate and transparent pricing. Utilising a cash register and issuing receipts may also protect a business against allegations of unconscionable conduct.

Unconscionable conduct can include a business knowingly targeting vulnerable consumers, exercising undue influence over a consumer, the party in the stronger bargaining position exerting pressure or unfair tactics, or either of the parties not acting in good faith.

While no consumer protection legislation breaches were detected as a result of NTCA's review, the education provided to traders was a valuable tool aimed at minimising issues in the future.

Residential tenancies

More than 48 per cent of all enquiries received by NTCA related to Residential Tenancies. It is unsurprising that some of these matters are referred to NTCA's compliance team for further investigation.

One area of focus in 2022-23 was in relation to unclaimed security bonds. Under the *Residential Tenancies Act 1999*, real estate agents are obligated to submit unclaimed security bonds belonging to former tenants who can no longer be found into the Tenancy Trust Account within statutory timeframes. In February 2023, a formal letter was issued to all real estate agents in the NT, providing education on this requirement of the legislation. An amnesty was granted until 31 March 2023 to encourage improved compliance with this provision. The amnesty resulted in multiple real estate agents throughout the Territory submitting unclaimed security deposits totalling over \$16 000.



Over 50% of Territorians live in rental accommodation, ensuring that NTCA receives a large proportion of enquiries seeking rental law advice.

Enforcement action

One infringement notice for \$3 280 was issued to a real estate agent for a breach under the *Residential Tenancies Act 1999*. The rental property was equipped with a solar power system. While the tenant was liable to pay electricity under the Residential Tenancy Agreement, an additional clause stated that the benefits of the solar feed-in tariff were not to be passed on to the tenant and that the landlord was to be the sole beneficiary of the solar feed-in tariff.

As a result, the tenants were required to pay for electricity charges that were not payable by the landlord, which constitutes an offence under section 117 of the *Residential Tenancies Act 1999*.

NTCA's compliance and enforcement action also effected a refund to the tenant for the excess electricity charges for the entire duration of the tenancy, which amounted to almost \$1 800.

2022–23 Compliance Fast Facts

**9**

Formal warnings issued

**2**

Infringement notices issued

**68**

Data requests

**115**

Trader engagements

**136**

Preliminary investigations

**36**

Further investigations

**498**

Other stakeholder engagements

MyFuel NT


The Northern Territory Government introduced the MyFuel NT scheme in 2017 to assist consumers make better informed decisions about where to purchase fuel, and improve price transparency and competition in the retail fuel market in the Territory.

The MyFuel NT web application, which provides real time information about fuel prices at service stations across the Territory, is administered by NTCA. Two hundred and thirteen operating fuel outlets were registered under the scheme as of 30 June 2023, with the website reaching a total of 117 775 users since commencement on 1 November 2017.

Behind the scenes, much work goes into the ongoing maintenance of the MyFuel NT system. NTCA regularly liaises with the Department of Corporate and Digital Development to ensure its continued operation.

While the start of the conflict in Ukraine in the previous financial year caused fuel prices to rise globally, they have mainly plateaued in the 2022-23 financial year and even begun to ease off slightly since the end of the 2022 calendar year.

NTCA conducted regular compliance activities to ensure fuel outlets were accurately reporting fuel price data during the year. Nine formal warnings and one infringement notice were issued to outlets for non-compliance with the MyFuel NT scheme.



**FIND THE
CHEAPEST FUEL
NEAR YOU**

MyFuelNT.nt.gov.au

- ✓ Compare fuel prices in your area
- ✓ Find the cheapest fuel near you
- ✓ Navigate to the fuel outlet of your choice
- ✓ Plan ahead when you are on the road

NORTHERN TERRITORY
**CONSUMER
AFFAIRS**

**(08) 8999 1999
1800 019 319**

The MyFuel NT web app provides consumers with real time fuel pricing for every fuel outlet in the Territory, therefore driving competition and rewarding those outlets that offer the lowest pricing.

Other Statutory Responsibilities

Retirement Villages Act 1995

There are 3 retirement villages in the Northern Territory that fall under the *Retirement Villages Act 1995* and are administered by NTCA. These 3 villages are located in Darwin, the suburbs of Fannie Bay and Tiwi, and the suburb of Durack Heights in Palmerston.

Historically, all enquiries relating to disputes involved the residents wanting repairs to be carried out on their dwellings and general repairs in the retirement village (village). Section 39 of the Retirement Villages Code of Practice (contained in Schedule 2 of the Retirement Villages Regulations 1995) makes provision for a village to form a dispute committee to hear and mediate disputes that might arise in the village. Consequently, the villages formed a Dispute Committee to handle disputes between residents, and between residents and management.

NTCA received only 3 enquiries this year regarding retirement villages. The Commissioner meets with village managers throughout the year to provide information about the services provided by NTCA in relation to residents of retirement villages and to promote awareness of the rights and responsibilities of residents and persons involved in the retirement village industry. This regular engagement also appears to help reduce the incidents of complaints about this generally well managed local industry.



Durack Gardens The Heights and Tiwi Gardens Village, 2 of several retirement villages in the Northern Territory.

Caravan Parks Act 2012

The *Caravan Parks Act 2012* (the Act) and its associated Regulations allow standard terms and conditions in relation to residents who enter into formal rental agreements and intend to stay in a caravan park for 12 months or more. Residents who have been at a park for more than 5 years, before 1 May 2012, are also covered by this legislation. If the owner of a park does not want to enter into a formal agreement, they must advise their residents they do not have the benefit of the Act.

The Act does not cover places such as holiday parks, resorts and tourist parks unless the tenants have resided there for 5 years or more.

This reporting year, NTCA received 16 enquiries from concerned parties located in Katherine, Alice Springs and Darwin. Some of the issues reported involved termination of a tenancy and rent increases.

Appendix A

Northern Territory Consumer Affairs – Legislation and Statutory Offices

LEGISLATION	STATUTORY OFFICE
<i>Accommodation Providers Act 1981 (NT)</i>	
<i>Building Act 1993 (NT)</i>	Commissioner of Residential Building Disputes
<i>Building Regulations 1993 (NT)</i>	
<i>Building (Resolution of Residential Building Work Disputes) Regulations 2012 (NT)</i>	
<i>Building (RBI and Fidelity Fund Schemes) Regulations 2012 (NT)</i>	
<i>Business Tenancies (Fair Dealings) Act 2003 (NT)</i>	Commissioner of Business Tenancies
<i>Business Tenancies (Fair Dealings) Regulations 2004 (NT)</i>	
<i>Caravan Parks Act 2012 (NT)</i>	Commissioner of Tenancies
<i>Caravan Parks Regulations 2012 (NT)</i>	
<i>Consumer Affairs and Fair Trading Act 1990 (NT)</i>	Commissioner of Consumer Affairs
<i>Consumer Affairs and Fair Trading (Fuel Retailers) Regulations 2017 (NT)</i>	
<i>Consumer Affairs and Fair Trading (Infringement Notice Offences) Regulations 2012 (NT)</i>	
<i>Partnership Act 1997 (NT)</i>	Commissioner of Consumer Affairs
<i>Price Exploitation Prevention Act 1949 (NT)</i>	Controller of Prices
<i>Residential Tenancies Act 1999 (NT)</i>	Commissioner of Tenancies
<i>Residential Tenancies Regulations 2000 (NT)</i>	
<i>Retirement Villages Act 1995 (NT)</i>	Commissioner of Consumer Affairs
<i>Retirement Villages Regulations 1995 (NT)</i>	
<i>Sale of Goods Act 1972 (NT)</i>	
<i>Trade Practices Amendment (Australian Consumer Law) Act (No.2) 2010</i>	
<i>Uncollected Goods Act 2004 (NT)</i>	
<i>Warehousemen's Liens Act 1969 (NT)</i>	

