



Northern  
Territory  
Government

# The Consumer

Consumer Affairs 3/2010

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**a safe  
Territory**

A Territory Government initiative

[www.safeterritory.nt.gov.au](http://www.safeterritory.nt.gov.au)

Photo supplied by Tourism NT



# From the Commissioner of Consumer Affairs

Consumer protection covers a wide range of areas and this is reflected in this latest issue of 'The Consumer'.

Topics covered include developments in local tourism accreditation, an update on the new Australian Consumer Law (ACL), advice on where to direct medical complaints and tips if you are considering self managing your rental property.

In the lead up to the holiday period we have included some shopping tips and warnings on spam messages being received via mobile phones and other telephone-based scams.

My staff have been busy visiting remote Territory communities, including Maningrida, Ramingining and Gapuwiyak. Radio coverage promoted our visits and



highlighted Indigenous consumer protection issues. Our messages were also broadcast to 29 remote communities across the Top End in both English and Indigenous languages.

If you are concerned about a consumer issue please telephone my staff on 1800 019 319, email [consumer@nt.gov.au](mailto:consumer@nt.gov.au) or SMS 040 111 6801.

Consumer Affairs staff are here to assist and advise Territorians about their consumer protection rights and responsibilities.

Our free service assists both consumers and traders in an unbiased and professional manner.

*Gary Clements*



**What is the Australian Consumer Law (ACL)? The ACL is a single, national law concerning consumer protection and fair trading, which applies in the same way nationally and in each state and territory.**

For the first time, consumers will have the same protections and expectations about business conduct wherever they are in Australia. Similarly, businesses will have the same obligations and responsibilities wherever they operate in Australia.

## What are the major changes?

Changes will vary depending on the trading practices that have previously existed in states and territories. The biggest change is the introduction of a single national set of consumer definitions and provisions, some of which differ from those currently used in the *Trade Practices Act 1974*.

Other key changes affect:

- consumer guarantees (replacing statutory conditions and warranties);
- unsolicited consumer agreements (replacing door-to-door sales and other direct marketing);
- product safety;
- lay-bys;
- information standards which now apply for goods and services; and
- unfair contract terms.
- increased penalties for non-compliance.

## New consumer law website

Visit the Australian Consumer Law website ([www.consumerlaw.gov.au](http://www.consumerlaw.gov.au)). It provides information about:

- how the ACL is being implemented;
- how the ACL will be enforced by Australia's consumer law regulators;
- consultation on draft ACL regulations and draft guides; and
- consumer policy in Australia and internationally.

You can also subscribe to a free ACL Update alert and find out what is happening with upcoming events and consultations.



*For good advice, phone*

*Consumer Affairs on 1800 019 319*

# NT tourism accreditation: *a bonus for consumers*

**Planning a trip? The Northern Territory tourism industry is leading Australia in terms of accreditation, with 330 tourism operators across the Territory having achieved accreditation under the new Tourism NT policy which became effective on 1 July 2010.**

When booking your next holiday in the Northern Territory, look for the 'tick'. This distinctive logo displayed by accredited tourism businesses provides you with an assurance that the business has a proven commitment to the highest quality of service. It has met specific criteria ensuring it is committed

to exceeding your expectations with great customer service and the highest standards of business practice.

The 'tick' logo demonstrates to you, and the international market, that the Northern Territory takes tourism seriously and is committed to continuous improvement in quality and innovation.

Accreditation will benefit you by providing you with a recognisable symbol of quality, allowing you to make better informed choices when selecting tourism products and services. Accreditation will give you comfort that your expectations of the

tourism experience will be met and that you will receive value for money.

Tourism NT introduced the accreditation policy in response to demand from the tourism industry to increase the professionalism and operating standards of tourism in the NT.

All touring, accommodation, hire car and attractions charging a fee listed on Tourism NT's web site ([www.travelnt.com](http://www.travelnt.com)) have achieved tourism accreditation. Why not use this as your NT holiday resource when you are next touring the Territory?



All images: Tourism NT



# EXTENDED WARRANTIES

## *Do you need that extra cover?*

Have you bought a television or camera and been offered the extended warranty 'just in case'? A recent survey found that 38 per cent of buyers have purchased extended warranties, usually for items costing over \$1,000.

How often do you hear of an expensive item breaking down or stop working when it's just out of warranty? Has this happened to you?

### So is it worth getting the extended warranty?

"I certainly don't believe you need to buy that extended warranty," says the Commissioner of Consumer Affairs. "What you are doing is buying an insurance policy that's not provided either by the store you're buying from or the manufacturer.

"You are dealing with a third party and that can produce some issues for you. The complexities of the insurance policies are also an issue. Insurance policy documents are usually lengthy so you leave yourself at risk by not reading and understanding all the terms and conditions of those so called extended warranty or insurance products.

"You are paying for cover you probably already freely have under **statutory warranty** rights under Australian consumer laws. Statutory warranty rights differ from a **manufacturer's warranty**, which is usually offered for 12 months, and an **extended warranty**, which is sold

by the retailer at the time of purchase, obviously for a commission."

The survey also found that 50 per cent of shoppers either aren't aware they have any rights under the law on warranties, or don't know what they mean. Survey results are available on the Australian Consumer Law internet site [www.consumerlaw.gov.au](http://www.consumerlaw.gov.au)



### Your rights

Under the *Consumer Affairs and Fair Trading Act* and the *Trade Practices Act*, consumers have the right to ask the retailer for a **refund, replacement or repair** if the product does not last as long as **reasonably** expected. While there is no set time period in law, the statutory warranty varies according to the price, the age and the quality of the product. You would expect that a \$600 camera would last a lot longer than a \$50 one.

If you have a problem with an item, Consumer Affairs recommends you return it to the retailer in the first instance and ask them to assist you. Retailers have a responsibility in law to help consumers with product problems and they should not just direct you to the manufacturer or repairer.

Contact Consumer Affairs if you require further assistance.

For good advice

email [consumer@nt.gov.au](mailto:consumer@nt.gov.au)

# Shopping tips for the festive season



## CHRISTMAS SHOPPING TIPS

- Shop around to compare prices.
- Go easy on the credit cards.
- Keep your receipts.

**You don't want your Christmas to be ruined by over spending, buying a gift you can't return or getting ripped off by a dodgy deal. Follow our tips and you will minimise any unwelcome surprises!**

Make sure you spend wisely this Christmas so that you don't end up having to pay excessive interest fees and pay off debt in the New Year.

Try to set a budget for Christmas spending. Make a list and write down what you can afford. Check the shop's refund and warranty policy before you buy anything. If shopping online, only use reputable sellers and websites.

Try to buy locally – it might be better value for money in the long run. Items might be easier to service and you can deal with the trader face-to-face.

Remember, the festive season is an opportunity to spend time with friends and family, not just to spend money on them. Giving and sharing doesn't have to be expensive.

## Grocery Shopping Tips

- Take a list.
- Use unit pricing.
- Shop alone.
- Use a small store if only buying a few items.

## Got a medical complaint?

**Have you had a recent operation? Do you have concerns that you want to follow up? Consider contacting the Health and Community Services Complaints Commission (HCSCC).**

The HCSCC can help resolve complaints about services sought, used or received from a community service, community service provider, health professional, health service or health service provider.

### What can you complain about?

A complaint may be made about:

- any aspect of treatment, individual rights, communication, behaviour or administration;
- a hospital, nursing home, supported accommodation, community health centre, health clinic, private clinic or any other place or person providing a health or community service; and
- the health care and treatment received from all kinds of practitioners. This includes alternative and natural therapies such as acupuncturists, masseurs and naturopaths, as well as doctors, nurses, dentists, chiropractors, psychologists and counsellors. Carers and home care are also included.

For a detailed description of all the services that are covered by the HCSCC, telephone 1800 806 380 or (08) 8999 1969, email [hcscc@nt.gov.au](mailto:hcscc@nt.gov.au) or visit their internet site [www.hcscc.nt.gov.au/](http://www.hcscc.nt.gov.au/)

**Remember – complaints help improve quality.**



Consumer Affairs –

SMS 040 111 6801

# Renting out your property?

## Understand your responsibilities. Know your rights.



**Do you have an investment property? Thinking of renting it out yourself? Here are some things to watch out for ...**

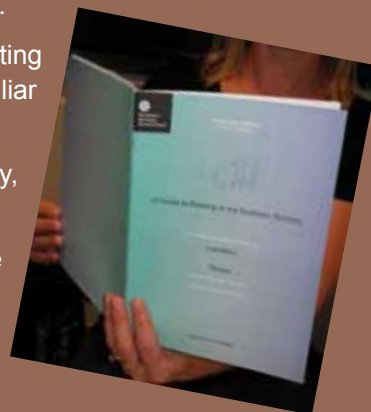
As a self-managing landlord you deal directly with the tenant and look after all aspects of the rental property. It's important that you protect yourself and your investment, as well as doing the right thing by your tenant.

Make sure you are familiar with and understand the *NT Residential Tenancies Act*, which outlines your rights and responsibilities. The Act stipulates what a landlord can and cannot do, and provides details on what is required to be done when or if problems arise within a tenancy.

Many landlords are unaware that if aspects of the Act are not followed they may be putting themselves at risk. Situations can escalate into a dispute because neither party is familiar with their rights and obligations under the Northern Territory legislation.

The Act provides guidelines on setting up the tenancy, payment of rent, bond money, maintenance and ending the tenancy.

You can find the *NT Residential Tenancies Act* on the Consumer Affairs internet site ([www.consumeraffairs.nt.gov.au](http://www.consumeraffairs.nt.gov.au)) or purchase it from the NT Government Printer. Consumer Affairs also produces a number of tenancy resources including 'A guide to Renting in the Northern Territory', booklet which is available free of charge. Alternatively you can call Consumer Affairs on 1800 019 319 for more information.



## Water win for Indigenous consumers

**Consumer Affairs continues to help protect Territorians. We were recently alerted to the activities of a sales team operating in the Alice Springs area. The team, selling water filtration systems, targeted Indigenous consumers in remote communities.**

An investigation revealed that approximately 60 sales agreements had been made in breach of the door-to-door trading provisions of the *Consumer and Fair Trading Act*.

Quick action by Consumer Affairs officers resulted in the company agreeing to cancel the contracts for all Territory consumers and to cease all sales activity in the Northern Territory. This is a great outcome for these vulnerable consumers.

Log onto our website:

[www.consumeraffairs.nt.gov.au](http://www.consumeraffairs.nt.gov.au)



# Spike in scams and SMS spam

**There has been a recent spike in telephone-related scams nationally and Northern Territorians have also been affected.**

## Telephone scams

Consumer Affairs warned Territorians of a fake Microsoft phone scam, as we received several local enquiries. Consumers were



contacted by callers claiming to be from Microsoft, asking them to turn on their computer to repair a virus that has been detected.

The caller offered to help the victim to fix the problem by asking them to access a website where the caller takes over the victim's computer remotely. It was suggested that by paying a fee, the computer 'problems' would be fixed. The callers were very persistent, often contacting people several times before finally giving up.

If you agree to the remote access you are opening up your computer to the scammers, which can lead to identity theft and credit card fraud.

**Our advice to consumers is to hang up – don't take the risk.**

## Phone spam

SMS spam to mobile phones is on the increase and is also something to watch out for. Local complaints include text messages claiming that the receiver has won \$250,000 in a lottery. The recipient is asked to send personal details via email to receive the prize.

If you received spam scams via text message, ignore them. **Do not reply.** Do not text 'stop' as that will tell the scammer your number is in use. This could mean you receive more messages.

The Australian Communications and Media Authority (ACMA) has a dedicated mobile phone line to which you can forward the message, alerting them to the spam. ACMA's spam SMS line is 0429 999 888.

## Mobile phone warranties - *what's covered?*

**Did you know that your handset is covered under your mobile phone contract, along with your telco's service? A mobile phone you buy as part of a service contract is covered by the statutory warranty for the life of the contract.**

For example, a phone that is part of a 24-month service contract is covered for free unlimited repairs if it fails or develops faults during the entire 24-month contract period. Of course, this does not include misuse or accidental damage.

Some service providers are claiming a handset is not part of the service contract if it fails and the consumer is being charged for the cost of repair or replacement. It is important to know your rights and for your provider to understand their responsibilities.



# Visiting *the Arnhem region*

**Consumer Affairs Indigenous Liaison Officer Greg Smith spent a week and a half visiting the communities of Maningrida, Ramingining and Gapuwiyak on his way over to the Garma Festival of Traditional Culture. This new initiative, the 'Your Rights Mob Road Show', was linked to the 'Your Rights Mob' Expo at Garma.**

Along with Garma, these visits included displays and information from Consumer Affairs, the Anti-Discrimination Commission, NT Legal Aid Commission, Commonwealth Ombudsman, North Australian Family Violence Legal Service and Darwin Community Legal Service.

Information stands were set up at each community to allow staff to meet and speak with community residents, representatives from shires, schools, police and other organisations such as the Maningrida Progress Association and Bawanunga.

Greg was also interviewed about the 'Your Rights Mob' expo, his visit to the region and consumer protection issues on Top End Aboriginal Broadcasting Association (TEABBA) radio, which is broadcast to 29 remote communities across the Top End in English and language.

The visits created a lot of interest and discussions on peoples' consumer and legal rights, and plans for a return trip are underway.



A big thank you to Terry Pascoe and TEABBA Radio for helping promote our visit to the region with the assistance of the Aboriginal Interpreter Service



Cover photo - Mary River Floodplains



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