

ANNUAL REPORT

of the
Commissioner of Consumer Affairs

2007 - 2008

NT Department of Justice

Commissioner's Comments

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The 2007/08 year has been another busy year at Consumer Affairs with an ever increasing focus on consumer protection and education and in particular ensuring Indigenous consumer protection is enhanced.

Consumer Affairs staff have maintained a strong presence in the market place ensuring that traders are aware of their responsibilities and consumers of their rights when purchasing goods and services. Staff have visited traders and offered advice and assistance to consumers throughout the Territory. These trips have included Nhulunbuy, Katherine, Tennant Creek and numerous remote indigenous communities.

Promotion of our web site has resulted in an increase in hits to almost 90,000 for the past year; this is a significant milestone and reflects the valuable content that can be found within our website. The web content is regularly reviewed and updated to ensure that all detail is accurate and relevant. It also incorporates media releases and links to many other informative sites.

Consumer Affairs' Indigenous Liaison Officer has worked closely with numerous communities to bring the messages of consumer protection and consumer rights and responsibilities to

indigenous consumers. Use of the interactive MARVIN program continued to bring excellent benefits and strong messages to Indigenous people.

The Tenancy section continues to process increasing numbers of applications for hearings and conciliates many issues between tenants and landlords. The large number of people renting in the Territory will no doubt continue to see increasing demand for this free service.

The ever changing and quickly developing economy of the Northern Territory will continue to challenge the effectiveness of Consumer Affairs however its small team continues to achieve excellent results.

Our strong networks in regional and remote areas provide us with an ability to maintain consumer protection across the Territory. Without the assistance of these groups rogue traders would have ease of access to some of what have been identified as the most vulnerable consumers in Australia.

Our compliance staff continue to ensure that Territory children play safely and that traders are on notice that we will not tolerate unfair trading practices, whether they be bait advertising, scanning errors or the many scams promoted through emails or the postal service.



Our Trade Measurement section also continues to protect consumers through the Territory; they are a vital part of all trade and commerce and silently go about ensuring that all measurement in trade is accurate. The group goes about its role with little fanfare but effectively and efficiently achieve a consistently high level of performance.

Staff have also been involved in the current national reforms relating to consumer protection which seek to introduce wide-ranging changes to the regulation of credit and a national reform of consumer law. The interests of Territorians are an essential part of this representation.

Gary Clements
Acting Commissioner of
Consumer Affairs

Output Statement

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

Legislative Responsibilities

- *Accommodation Providers Act*
 - *Business Tenancies (Fair Dealings) Act*
 - *Consumer Affairs and Fair Trading Act*
 - *Consumer Credit Act*
 - *Partnerships Act*
 - *Price Exploitation Prevention Act*
 - *Registration of Interests in Motor Vehicle & Other Goods Act*
 - *Residential Tenancies Act*
 - *Retirement Villages Act*
 - *Sale of Goods Act*
 - *Trade Measurement Act*
 - *Trade Measurement Administration Act*
 - *Uncollected Goods Act*
 - *Warehousemen's Liens Act*
-

Programs

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

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

These programs are delivered by the following two operational units of Consumer Affairs :

- Consumer Affairs
 - Trade Measurement
-

National Meetings

During the reporting year, officers of Consumer Affairs attended national forums, including the:

- Australian Consumer Fraud Task Force;
- Consumer Product Advisory Committee (CPAC);
- Fair Trading Officers Advisory Committee (FTOAC);
- Ministerial Council on Consumer Affairs (MCCA);
- National Education & Information Advisory Taskforce (NEIAT)
- National Indigenous Consumer Strategy (NICS);
- Society of Consumer Affairs Professionals (SOCAP) Annual Conference;
- Standing Committee of Officials of Consumer Affairs (SCOCA);
- Trade Measurement Advisory Committee (TMAC);

***“The interests of
Territorians are
an essential part
of this
representation”***

Education & Promotion—Displays and Visits

During the year, twenty seven presentations were made to community groups, schools and real estate agents covering a wide variety of consumer related issues from shopping, buying cars, credit, and contracts, to renting and the *Residential Tenancies Act*.

Displays were held at shopping centres including Palmerston and Yeperenye, Toyworld Alice Springs and Darwin, markets and community events such as the Palmerston Community Child Safety Expo and the Defence Community Organisation's Fun Day.

Staff participated in events such as National Youth Week, covering topics including money matters, purchasing mobile phones and cars. The displays promoted rights and responsibilities of consumers

and traders, landlord and tenants, safe toys, refunds and warranties.

Displays, in conjunction with other areas of the Department of Justice, were held at the 4 regional Territory shows. Main themes covered were pool safety, renting a home and purchasing goods (warranties).

An intensive Christmas campaign was conducted in November and December, mainly focusing on toy safety. A competition was held to encourage people to subscribe to The Consumer newsletter.

A further twenty-four presentations were made to Indigenous groups and educators covering issues relating to consumer rights under the *Consumer Affairs*

and *Fair Trading Act*.

Seventy nine visits were made to traders, predominately retail outlets. These visits were to inform traders of their responsibilities under the *Consumer Affairs and Fair Trading Act*, especially in regard to refunds and warranties.

Displays on child safety are regularly placed on the notice board installed in the Royal Darwin Hospital emergency area.

Promotional posters and brochures continue to be produced to offer consumer advice on emerging and current issues. These are distributed throughout the Territory for display at various libraries and community centres.



Newsletter

Three 'The Consumer' newsletters were produced. The newsletter is the medium used to communicate with Territory consumers in urban, rural and remote areas, to keep them informed of emerging consumer and trader issues in the market place. Circulation of the newsletter is 5,000 copies per edition. The newsletter is also available electronically and is on the Consumer Affairs web site. This year's themes included *Buying Local*, *Do It Yourself* and *Your Consumer Rights*.

Media

Seventeen media releases were issued during the reporting year. Topics included warnings on door to door sales, mobile phones, heavy duty eskies, dishwashers and toys. This led to fifty one interviews with radio, TV and print media.

Dishwashers can prove a fire hazard

TERRITORIANS who rely on dishwashers could be at risk of burning the house down.

NT Consumer Affairs yesterday warned owners of certain Electrolux, Electrolux Dishlex and Westinghouse dishwashers to check them after a fault was found in those made since April 2007.

Acting Commissioner of Consumer Affairs Gary Clements said there had been 53 reports nationwide involving certain dishwashers and the makers had recalled the products.

"In some cases, fire has spread to kitchen benches and surrounds," he said.

Anyone using one of these dishwashers should contact Electrolux on 1800 001 218 to arrange for repairs free of charge.

www.ntnews.com.au Northern Territory News




CONSUMER PROBLEM?
 Consumer Affairs will be visiting Nhulunbuy on Friday 20/06/08

A Fair Trading Officer will be available to discuss any consumer or residential tenancy issue.

Time: 9am to 1pm
Where: Office of MLA Syd Stirling
 Arnhem House, Endeavour Square.

For more information contact Consumer Affairs on 1800 019 319



Advertisements

Advertisements, notices and editorials were placed in several newspapers and magazines. These included the Arafura and Katherine Times promoting staff visits, the Darwin and Palmerston Sun for Children’s Week, the Centralian Advocate as part of Youth Week. Territory Housing Newsletter, That’s Life!, LGANT Newsletter as part of Fraud Fortnight, and NT News special features including the Real Estate Overview.

Notices were also placed in the classified pages such as “For Rent”. Radio advertisements were broadcast on three major radio stations. Tenancy advertisements were broadcast on Channel 9 television.

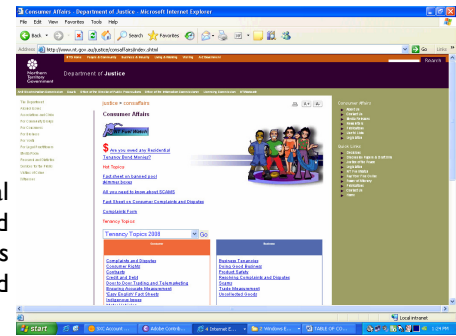
Internet Site (www.consumeraffairs.nt.gov.au)

We are continuing to promote the internet on all our products and at displays and as a result consumers are making increased use of our online resources.

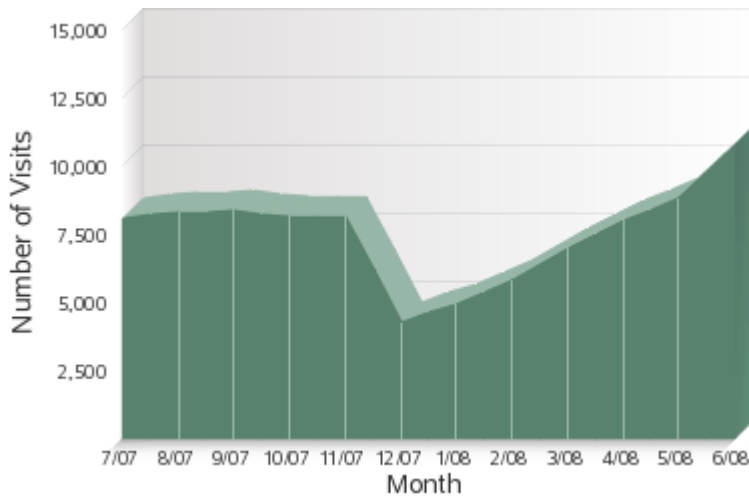
Content includes

- Media Releases
- Newsletters
- Fact Sheets & Brochures

A searchable database for unclaimed residential tenancy moneys was developed and implemented during the financial year. This allows consumers to search by surname to find out if a bond is owed to them.



Visits by Consumers to our Internet site increased by 16%,



Statistics

Total visits to the Consumer Affairs internet site for this financial year were 89,799. This is an increase of 16%, up from 77,384 visits last financial year. The average number of visits per day was 245. The most popular time of day to search was between two and three o’clock on a Tuesday afternoon.

July 2007	8,042 (9.0%)
August 2007	8,259 (9.2%)
September 2007	8,277 (9.2%)
October 2007	8,053 (9.0%)
November 2007	8,113 (9.0%)
December 2007	4,212 (4.7%)
January 2008	4,860 (5.4%)
February 2008	5,743 (6.4%)
March 2008	6,911 (7.7%)
April 2008	7,927 (8.8%)
May 2008	8,743 (9.7%)
June 2008	10,659 (11.9%)
TOTAL	89,799 (100.0%)

Overview

Fair Trading Officers handle enquiries through a five (5) day a week enquiry line. Most enquiries are seeking information on consumer rights and are generally prompted by some form of grievance or real / perceived injustice. Where a matter requires redress between a consumer and trader, a detailed record, including all follow up action is recorded on the Client Enquiry Record System (C E R S) .

Serious complaints where trader behaviour appears unconscionable, unlawful or in breach of licence conditions, generally result in the consumer completing a 'Complaint Form' which prompts formal investigation of the complaint and an attempt by the Fair Trading Officer to resolve the dispute.

Dispute resolution usually involves communication with the consumer and the trader

to establish relevant details of the dispute, followed by a conciliation process that often results in a satisfactory outcome for both parties.

Although awareness of the requirements of consumer legislation amongst traders is variable, most traders are willing participants in the conciliation process and their subsequent compliance with legislation continues to improve.

“Consumer Affairs staff have maintained a strong presence in the market place”

Enquiry Service and Dispute Resolution

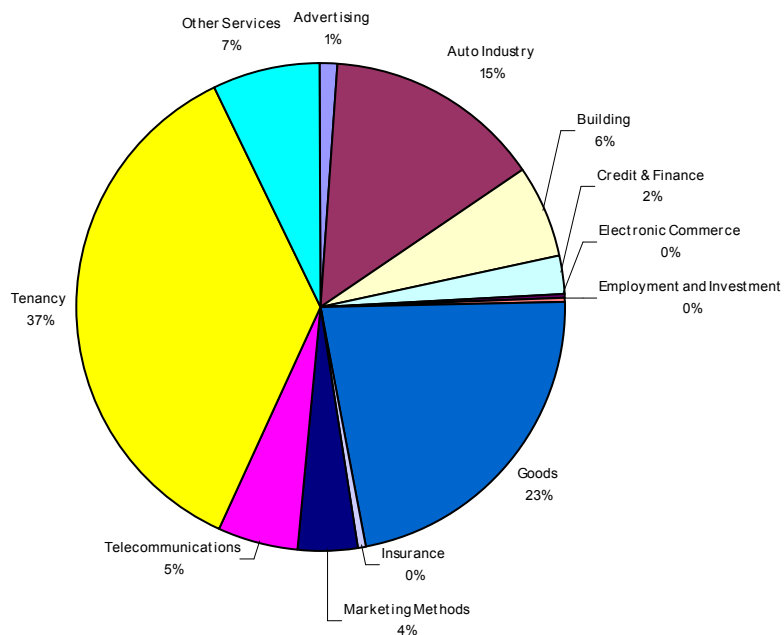
During the reporting period, Fair Trading Officers received a total of 11,800 telephone calls and counter enquiries, and investigated 196 formal complaints.

Enquiries

Of the total number of telephone calls and counter enquiries, 2430 were recorded on the Client Enquiry Recording System (CERS) database. A categorised breakdown of these can be seen in the table below. The major enquiries related to tenancy (36%), goods (22%) and automotive (14%).

Advertising	30
Auto Industry	351
Building	145
Credit & Finance	58
Electronic Commerce	9
Employment and Investment	7
Goods	543
Insurance	12
Marketing Methods	94
Telecommunications	129
Tenancy	875
Other Services	177
Total	2430

Consumer Affairs Enquiries 2007/08



Enquiry Trends

During the reporting period the number of telephone calls, emailed and counter enquiries showed a 10% decrease over the previous year. This is attributable to increased awareness by consumers of their rights through media coverage and promotions and a higher level of usage of the Consumer Affairs website .

The distribution of enquiries across the various categories above showed little change from the previous year .

Complaints

Lodgement of a Complaint Form results in staff assessment of the complaint and subsequent investigation by contacting both parties for their explanations of the circumstances of the complaint. As a result of the investigation, which may include site visits, independent technical input and contacts with third parties, a process of conciliation is undertaken regardless of the merit of the complaint.

A total of 196 complaints were investigated which resulted in more than half of the complainants getting full or partial redress.

A number of breaches of licence conditions were also detected and these were on forwarded to the Licensing and Regulation Division of the Department of Justice.

Regional Visits

Fair Trading Officers conducted promotional visits to Katherine and Nhulunbuy to educate traders about consumer legislation and provide an opportunity for consumers to discuss their concerns.

The Officers also visited electorate offices of the Members of the Legislative Assembly, community groups Indigenous organisations, libraries, welfare organisations as well as trainers, educators and service providers.

Our Officers also provided training on accessing consumer information on the Consumer Affairs web site.



“Our strong networks in regional and remote areas provide us with an ability to maintain consumer protection across the Territory”

Motor Trades Association (NT)

Consumer Affairs has a unique arrangement with the peak industry association, the Motor Trades Association (NT) which allows the MTA (NT), with the agreement of consumers, to handle consumer complaints, disputes and enquiries against its members. Complaints are either received direct from consumers or referred from Consumer Affairs.

This financial year, the MTA dealt with 85 consumer complaints about members (down from 151 the previous year) with 20 of these referred from Consumer Affairs.

This is an excellent result and reflects the commitment MTA members have to fair and honest dealings.

“This is an excellent result and reflects the commitment MTA members have to fair and honest dealings.”

Overview

- Continued membership on the National Indigenous Consumer Strategy (NICS) reference group. The Mid Term Report has been completed and accessible on the NICS Website - www.nics.org.au.
- Communication with Indigenous organisations, community councils, and service providers, promoting the office as a point of contact to assist indigenous consumers with disputes and advice about fair trading. This included dealing with complaints from individuals in remote communities.
- Building partnerships with projects such as the Radio Larrakia community announcements broadcasting Indigenous Consumer Message. Strengthening existing relationships with community based staff, such as MoneyBusiness workers, through development of local educational resources and displays at community events and festivals. Joining Legal Services on Court Circuits and Law Week visits continue as beneficial activities.
- Indigenous Consumer Network meetings continue with members from Consumer Affairs, ACCC, ASIC, Centrelink, FACSIA, Outback Stores, NAAJA, Anglicare (Dwn, Kath, A/Sp), Tangentyere Council. Participants in this informal group meet 4 times a year and include workers that travel to remote communities regularly and have a direct interest in Indigenous Consumer Protection.
- Michael Long Campaign continues with posters and DVD's distributed to communities, organisations and services. The three core messages "Keep your PIN number safe; Don't buy a rubbish car; Keep your receipts" are still relevant and the animated Michael Long Character and the Marvin Program will ensure that these core messages evolve and continue to stay relevant.

"Building partnerships ... and strengthening existing relationships with community based staff"

Community and Organisational Visits

Indigenous people living in regional and remote communities are one of the most vulnerable consumer group in Australia. A lack of services and an uncompetitive marketplace leave them open to exploitation by rogue traders.

A vital part of the education of consumers is face to faces visits. The following locations have been visited in the past year :



<u>Darwin Region</u>	<u>Katherine Region</u>	<u>Central Australia</u>	<u>East Arnhem</u>
<u>Communities</u> Palumpa Port Keats Daly River Nguiu	<u>Communities</u> Katherine Binjari Kalano Beswick Kybrook Farm (Pine Ck)	<u>Communities</u> Tennant Creek	<u>Communities</u> Nhulunbuy Yirrkala Ski Beach Milingimbi Galiwinku
<u>Organisations</u> Aboriginal Hostels (Daisy Yamirr, Galawu, Silas Roberts) CAAPS FORWAARD TEABBA Radio Radio Larrakia Christian Outreach NAAJA Nungalinya College Batchelor College Kormilda College Anglicare, Money Business Nguiu, Danila Dilba Health Service Palmerston and Men's Clinic ALPA Outback Stores, Renal Dialysis Unit, N/cliff, Traditional Credit Union,	<u>Organisations</u> Mission Australia – Katherine, Kalano Housing Wirli Wurlinjang Health Service Katherine West Health Service Jawoyn Association Katherine Regional Arts Katherine Community Radio Anglicare MoneyBusiness	<u>Organisations</u> CentreCare Julalikari Council and Life Skills Program Language Production Centre, T/Ck Moneybusiness Anyingini Congress Health Service Town Camps Lake Nash CDEP/ Office.	<u>Organisations</u> Miwatj Legal Service Miwatj Health Service Anglicare Darwin Skills Development Scheme Nhulunbuy Child Care Centres Buku Larrnnggay Arts Centre Laynah Homelands Association Dhimmurru Land Management Money Business Galiwinku Shepardson College (Elcho Island)

Radio Larrakia

Consumer Affairs worked with Radio Larrakia broadcasting community service announcements in response to concerns about the disadvantage experienced by Indigenous consumers.



The radio messages complemented the Michael Long Indigenous Consumer Education and Awareness Program, “Keep your Pin Number Safe”, “Don’t Buy a Rubbish Car” and “Keep Your Receipts”. This ongoing campaign includes Posters, Videos/DVDs and Television Advertisements.

The community service messages were played twice a day, every day and were complemented by interviews with the Consumer Affairs Indigenous Liaison Officer.

Mobile Phones

Consumer Affairs staff worked closely with the NT office of the Australian Competition and Consumer Commission (ACCC) following complaints from numerous indigenous consumers about sales of mobile phones in remote communities.

A mobile phone company (Viptel) is to refund and cancel contracts for more than 150 customers without penalty as a result of the ACCC’s legal action.

The court found that numerous statements made by the company’s sales people were untrue, including :

- Calls to any mobile or landline would be charged at the cost of a local call
- Customers would pay no more than a capped monthly fee
- The mobile phones could be used to send pictures and access the internet without additional charges
- A customer would be able to terminate the plan at any time at no additional charge
- Network coverage was available Australia-wide

The company has been ordered:

- Not to engage in the conduct again
- To arrange for the broadcast of a community service announcement in indigenous communities to educate consumers about telemarketing calls
- To implement a Trade Practices compliance program, and
- To pay costs of \$50,000 to the ACCC



MARVIN

The Marvin program was welcomed into Consumer Affairs with the creation of the Michael Long animated character and the development of a Door to Door Trading DVD and another DVD in a local language with the Galiwinku MoneyBusiness team.

The Marvin program was subsequently adopted by the Dept of Justice and will include a range of specifically

designed characters such as Prison Guards and the development of the Phoebe Character, already used in Consumer Affairs, into a fully animated character for use within the Marvin Program.

The support and training requirements have also been improved with the NT Institute for Community Engagement and Development (NTICED)

establishing an office in Darwin. DOJ and NTICED will also employ a Multi Media Trainee to assist in developing productions.



“Use of the interactive MARVIN program continued to bring excellent benefits and strong messages to indigenous people”

General Compliance Activity

Compliance Visits	36
Investigations Commenced	44
Investigations Carried Forward from 2006/07	17
Investigations Finalised	49
Pending	12
Court Action	1
Other business actions	3



Achievements

Consumer Affairs staff participated in a price scanning audit campaign, coordinated by the national Fair Trading Operations Advisory Committee (FTOAC). This campaign checked consistency between shelf prices and scanned prices at pharmacies, service stations, hardware and variety stores and results were included in a national report.

The NT results showed a marked increase in the number of items being scanned correctly, 93.76% in 2008 up from 81% in 2007. 32% of stores surveyed had 100% compliance, up from 16% in 2007 and 7% in 2006. Of the incorrect items, 2.72% were due to overcharging (down from 8% in 2007) and 3.52% due to undercharging (down from 11% in 2007).

In 2007 prosecution proceedings were reactivated against Robert Harris, who was originally charged with unlicensed motor vehicle dealing in 2003. Mr Harris left the jurisdiction in 2003 and proceedings were unable to continue. In 2007 Mr Harris returned and the prosecution

recommended. The matter was heard on 19 July 2007. Mr Harris pleaded guilty and a fine of \$1,000.00 was imposed by Magistrate Little, along with a \$40.00 victims of crime levy and court costs of \$200.00. The Magistrate made the comment that a much larger penalty would have been imposed, but for Mr Harris' current inability to pay.

Compliance staff conducted a complex and detailed investigation into the practices of Healthy H2O Pty Ltd, the manufacturer and supplier of water filtration/cooler systems. The product was aggressively marketed to indigenous people living in communities near Tennant Creek, Katherine and Darwin.

The door to door trading provisions of *Consumer Affairs and Fair Trading Act* were not complied with and misleading claims were made. The company agreed to cancel all contracts in full and refund all monies paid where consumers did not wish to continue.

This resulted in 175 contracts being cancelled totalling approximately \$190,000.

Staff also conducted a father's day bait advertising audit of 11 stores across the NT. Consumer Affairs worked closely with one national retailer to improve their results for stock numbers on advertised items.

Officers worked with Sportsgirl in the Northern Territory to amend their no refund tags so that they comply with CAFTA. As a result the Company amended their tags nationally.



Summary of Activities

- Regular marketplace audits and surveys.
- Participated in FTOAC meetings and nationally coordinated compliance activities.
- Provided investigative assistance to interstate fair trading agencies on cross-border matters.
- Undertook compliance monitoring of For Sale advertisements placed by Licensed Motor Vehicle Dealers in the Northern Territory.

Activities



Trader Visits	114
Show bags Inspected	208
Investigations Commenced	18
Investigations carried forward from 2006/07	8
Investigations Finalised	18
Investigations Pending	8
Goods Recalled (Voluntary)	0
Product Bans	2
Other business actions	10

Achievements

Bindeez Beads

In 2007 there were reports that ingestion of Bindeez Beads, the 2007 toy of the year, had led to poisoning in two children, a 22 month old boy and a 10 year old girl. Tests found that the beads contained 1,4 butanediol which metabolises in the body into gammahydroxybutyrate (GHB), a known drug of abuse and illegal substance. The NT, along with other jurisdictions, moved quickly to implement an interim ban and recall of the product, and to notify consumers of the risk. After further investigation **the NT implemented a permanent ban on Bindeez beads** and other products containing 1,4 butanediol.



Territory Show Circuit

Attendance at the Territory show circuit to conduct show bag and stall trader compliance checks. 208 show bags and 6 novelty stores were inspected. Compliance action included removal of 'itching powder' which contained fibreglass, removal of cosmetics without ingredient labelling and removal of a projectile firing sling shot gun.

Potty Style Skimmer Box

In March 2008 a 5 year old child sustained serious injuries from a banned potty style skimmer box. These were banned from supply or sale in 1985. The office moved to raise public awareness of the ban, through media releases, contact with pool shops and suppliers, pool inspectors and through the show circuit. The incident received national media attention and Consumer Affairs was able to include information in the coverage of the ban and the required modification.

Christmas Toy Audit

Prior to Christmas 2007, 88 toy retailers throughout the Territory including remote areas were audited for any banned items, unsafe items or non-compliance with safety standards. This included focusing on toys for children under three, flotation devices and projectile toys. A number of stores removed items that did not comply and 26 stores were detected selling expanding toys which have been banned in the NT since 1994.

Tropical Ice Boxes

Compliance staff conducted an investigation into Tropical Ice Boxes arising from a small child suffering a severed finger as a result of the heavy lid crashing on the child's hand. This resulted in warning labels being fixed to all Tropical Ice Boxes that say 'WARNING: HEAVY LID – SUPERVISE CHILDREN AT ALL TIMES'.

Lead in Children's Toys

In September 2008 concerns were raised about the lead levels in children's toys. Large numbers of popular toys were recalled such as Thomas and Friends Wooden Railway range, Fisher-Price character toys including Sesame St and Dora the Explorer and Mattel's Barbie range. After investigation the NT banned all children's toys having accessible materials with a lead migration level greater than 90mg/kg.

Summary of Activities

- Regular marketplace audits and surveys.
- Christmas product safety surveys of traders in the Northern Territory.
- Ongoing participation in community product safety events.
- Consumer education campaign at major toy outlets.
- Ongoing product safety surveys in relation to prohibited items and compliance with mandatory safety standards.
- Inspections of show bags during the 2007 Northern Territory Show circuit. Checks were conducted of a large number of show bags in Darwin, Katherine and Alice Springs to ensure compliance with current product bans and mandatory safety standards. This program included education for stall holders in terms of current regulation and coordination of media coverage.

KILLER FILTERS

'Potty-seat'-style skimmer boxes or filters are banned in Australia due to the risk posed to children. Problems occur when a child sits in the recess of the filter. The pump's suction creates a seal around the child's bottom and can pull the bowel and intestines out. Several children have died as a result of these injuries. Potty-seat pool-filters can be modified for a cost of about \$300 with a permanent lid fixed to the inlet. Go to www.consumeraffairs.nt.gov.au for details.



Retirement Villages

Consumer Affairs maintains close relationships with organisations involved in accommodation for the aged. No complaint matters under the *Retirement Village Act* were dealt with in this period.

Residential Tenancies

A total of 1015 applications to resolve residential tenancy disputes were lodged during the reporting year, a similar result to the previous year.

Of these applications, 212 were withdrawn due to conciliation by Tenancy staff, resolution of the dispute by the tenant moving out of the premises, or errors in applications.

A total of 803 Inquiries were held. The majority of these resulting in Orders for termination of the tenancy, possession of the property and compensation for unpaid rent.



Business Tenancies

Thirty three enquiries were recorded in relation to the Business Tenancies (Fair Dealings) Act, covering a range of issues, with 8 applications for dispute resolution received.

Of these, three were satisfactorily conciliated, two were not resolved due to a notice to quit the premises being issued (which prevented dispute resolution under the Act) and for the remaining three a Notice of Failure to Resolve Retail Tenancy Claim was issued to allow the dispute to be taken to court.

TRADE MEASUREMENT

Role

Trade Measurement ensures accuracy of measurement in trade through an inspection and compliance program of measuring instruments and monitoring trade transactions throughout the Northern Territory.

This work is complemented by the operation of certifiers licenced under the *Trade Measurement Act*. Trade measurement Inspectors conduct audits of the instruments that certifiers have placed into service at trade premises. Verification of fuel and LPG pumps located in the greater Darwin area was completed this year in June. Some LPG local delivery tankers were verified in the trade measurement yard. Remote communities were visited mainly in Central Australia. This will continue as budget permits. Requests for Weighbridge testing in the Top end are increasing as industry expands, in particular quarries, ore and live cattle. Compliance by traders is at a high level.

In April 2007 the Council of Australian Governments agreed to the Commonwealth assuming control of trade measurement operations in Australia from 1 July 2010. Senior management was involved with national working groups ready for the introduction of the National Measurement Amendment Bill 2008, to ensure a smooth and equitable transition to the new system on 1st July 2010.



Pre-Packed Article Checks

Total number of pre-packed articles tested for the year 2007/2008 was 525. As a result of the pre-packed articles program conducted by trade measurement officers several items were identified as being detrimental to consumers. This included items found to be (but not limited to) underweight and insufficiently labelled as per regulatory requirement.



The Central Australian Inspector exposed a number of short weight items. This resulted in a National recall of the product, and corrective measures were put in place. Certain interstate sourced products pre-packaged for consumer's convenience were also discovered to be underweight. Collaboration between Northern Territory Trade Measurement and the other jurisdictional branch of Trade Measurement discovered that the packer's scales were inaccurate. The packer was cautioned, scales were repaired and quality assurance practices were reviewed to prevent this from happening again.

Metrology Laboratory

The trade measurement operation also includes a measurement laboratory that undertakes testing of physical reference measurement standards e.g. weights, volumetric measures, rigid and flexible length measures. A new balance (Mettler AX 1004) was installed and networked into the lab weighing system.

The laboratory is accredited as a Verifying Authority under the *Commonwealth National Measurement Act 1960*. The laboratory is subject to National Association of Testing Authorities (NATA) assessment to ISO/IEC 17025 requirements. NATA assessment was held on 14 April 2008 ready for accreditation.

“Trade Measurement ... effectively and efficiently achieves a consistently high level of performance”

Environmental Fuel Testing

The Unit continued with the fuel sampling program of testing fuel for contaminants and to ensure adherence to environmental standards. This program is in accordance with a Service Level Agreement between the Department of Justice and the Commonwealth Department of Environment, Water, Heritage and the Arts. Samples were taken across 4 products, unleaded, premium unleaded, Opal and diesel. All samples taken complied with the Australian Fuel Standards.

Fuel Watch

Trade Measurement also continued with a program of fuel price monitoring. Fuel prices in Darwin, Katherine, Tennant Creek, and Alice Springs were noted by physical visits and Nhulunbuy, Kings Canyon and Yulara by phone. Prices of ULP, Diesel, PULP, Biodiesel, E10 and LPG were taken and a summary uploaded weekly to the Consumer Affairs website at NT Fuelwatch.

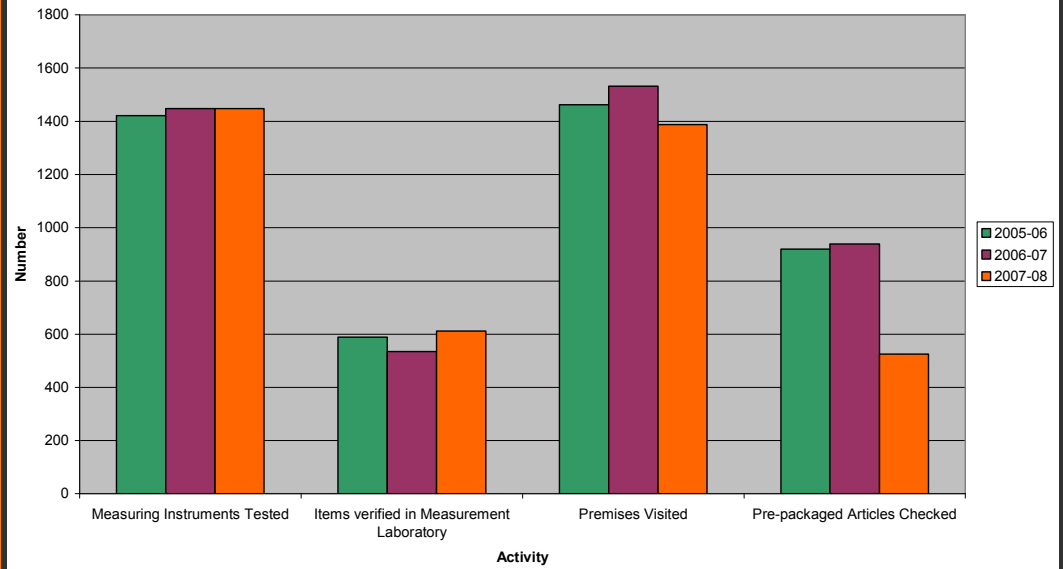
Education

On going support, mediation and advice was given to consumers and traders to ensure compliance with the *Trade Measurement Act*. Inspectors visited supermarkets with self service checkouts to deal with complaints as consumers come to use this new service.

TRADE MEASUREMENT STATISTICS

	05-06	06-07	07-08
Measuring Instruments Tested	1421	1448	1447
Items verified in Measurement Laboratory	589	534	611
Premises Visited	1462	1532	1387
Pre-Packed Articles Checked	920	938	525

Trade Measurement



2008-2009

What's Ahead

The ongoing development of the Territory will see greater demand for Consumer Affairs services as the population increases and traders see the Territory as an economy with strong incomes and purchasing power.

There will be a necessity to maintain and increase our educational and promotional activities to ensure all Territorians understand their consumer rights. Consumer Affairs will also need to continue to ensure that traders are aware that unfair practices will not be tolerated and that in some circumstances infringement notices and prosecutions may be the best tools to get that message across.

Residential tenancy issues and hearings before the Commissioner of Tenancies will no doubt continue to increase over the coming year. The role of the tenancy staff will continue to be a vital one and their expertise in resolving many issues through conciliation will ensure issues are resolved without having to proceed to inquiry or possibly the court system.

I consider that the national reforms currently being undertaken will significantly enhance ease of trade throughout Australian but also ensure that consumers remain protected. Some of these changes will take place over the next financial year and it is my

view that it is essential that the Territory is represented and its voice heard at a national level to ensure that Territory issues are considered within these changes.

Gary Clements
Acting Commissioner of
Consumer Affairs