

# **Annual Report**

of the  
**Commissioner of Consumer Affairs**  
2008-2009

**NT Department of Justice**

# Commissioner's Comments

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I am pleased to present this report which provides an important record of the operations of Consumer Affairs in the Northern Territory for the 2008-09 year.

Formally, the report is produced in compliance with provisions of the *Consumer Affairs and Fair Trading Act*, *Residential Tenancies Act*, *Business Tenancies (Fair Dealing) Act* and the *Retirement Villages Act*. As Commissioner of Consumer Affairs, I hold a number of statutory appointments under this legislation.

This report is a means of highlighting to the Northern Territory Parliament and the public issues, concerns and actions undertaken by Consumer Affairs staff over the past year to maintain a fair market place in the Territory.

Consumer Affairs staff deal with a wide variety of tasks under the many pieces of legislation administered. Their roles extend from assisting consumers with basic product problems to complex business tenancy disputes. Much of the work undertaken is in response to consumer complaints and enquiries which may result in staff working with consumers and traders to resolve issues whilst some serious breaches of legislation may result in prosecution action being commenced against traders.

Administration of the *Residential Tenancies Act* continues to present challenges with a large percentage of enquiries relating to the rights of tenants and landlords. The nature of the Territory's

rental market with increasing rents and high demand from renters has seen increased demand on this office. A large part of our role is to educate landlords and tenants.

Education and promotional activities remain an essential part of our role, ensuring that consumers are aware of their fair trading and tenancy rights and that traders also understand their responsibilities under the legislation. This has been particularly effective in empowering consumers to resolve issues before bringing them to Consumer Affairs.

Indigenous education, promotion and protection remains a prime focus with many of these consumers being vulnerable to rogue, opportunistic traders. A project bringing a free film night to many remote communities has been very well received and strengthened the understanding of consumer law.

Compliance activities throughout the Territory have taken many different guises but have all sought to ensure that consumers are protected, not misled by and not disadvantaged by unscrupulous traders. A number of different tools are utilised to encourage traders to improve their actions including warning letters, visitations, public naming and prosecution where necessary.

The National Seamless Economy reforms have required significant levels of input into policy, procedural and legislative change as we move closer to a national harmonised consumer law. There is little doubt that the



Territory will benefit from these reforms with improved enforcement powers and national educational programs. The challenges will continue over the next few years to ensure that the legislative changes are introduced in a timely manner and that Territorians continue to be educated about the new laws as they are introduced.

The past year has also seen several staff changes including the departure of a number of experienced staff. I am proud of the ongoing enthusiasm and dedication of my staff in seeking to ensure that Territorians are provided with high levels of consumer protection and that consumers, tenants, traders and landlords are provided with a prompt and effective level of service from Consumer Affairs.

A handwritten signature in black ink, appearing to read 'Gary Clements'. The signature is stylized and fluid, written over a white background.

Gary Clements

Commissioner of  
Consumer Affairs  
26/10/2009

## Output Statement

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

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## Legislative Responsibilities

- *Accommodation Providers Act*
  - *Business Tenancies (Fair Dealings) Act*
  - *Consumer Affairs and Fair Trading Act (CAFTA)*
  - *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 and 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);

**“I am proud of the ongoing enthusiasm and dedication of my staff...”**

## Events, Displays and Presentations



Consumer Affairs staff participated in events such as the Defence Community Organisation's Fun Day, Builder's Road show, National Youth Week, Getting Started in Business, Youth Housing Forum, Department of Justice Orientations, National Consumer Fraud Week, Scams Awareness week and Money Management Forum during the reporting year. A total of 27 formal presentations were undertaken.

Target audiences included university and high school students, senior's groups, Salvation Army clients, new business owners, building contractors, tenancy managers, real estate agents, MLA electoral officers, Centrelink staff, youth, financial counsellors and Departmental staff.

These information and education sessions covered topics such as tenancy, scams, warranties, mobile phones, moving out of home, contracts, handling complaints and product safety. They assist in raising awareness of consumer rights, responsibilities and services available.

Displays in conjunction with other areas of the Department of Justice were held at the four regional Territory shows. Main themes covered were pool safety, renting a home and purchasing goods (warranties, refunds, replacement or repairs). Displays were also held at shopping centres including Nightcliff Shopping Centre and Toyworld Alice Springs and Darwin. Rotational displays on kids safety are continuing on the notice board installed in the Royal Darwin Hospital emergency area.

A toy safety campaign was conducted in November and December 2008, in the lead up to Christmas. A competition was held to encourage people to subscribe to "The Consumer" newsletter.

Trader visits to retail outlets increased to 90 this financial year. These visits were to inform traders of their responsibilities under the *Consumer Affairs and Fair Trading Act*. Topics discussed included warranties, refunds, lay-bys, handling complaints and gift vouchers. Traders were supplied with fact sheets and signage. Outlets included florists, newsagents, electronics, automotive, clothing and telecommunications stores.

## Newsletters and Booklets



Three newsletters were produced this financial year. Two issues of "The Consumer" and one of "The Cool Consumer", our magazine for youth. This year's themes included "Getting Results" and "Your Consumer Rights".

In conjunction with the publication of "The Cool Consumer" a competition was held as part of National Youth Week. After reading our newsletter people aged between 12-25 years were asked to answer six simple questions. The results will be used to help us tailor our services to youth.

Respondents suggested sessions at schools, displays at markets, fun free stuff, TV adverts, FaceBook pages and radio talks as ways we can get out message out. Real life stories, scams, warnings, money, banking, careers and shopping are some of the topics Territory youth say they want information about. They also suggested ideas for new names for the Newsletter and what they'd like to see on the cover.

These newsletters are the way 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 is 5,000 copies per edition. The newsletter is also available electronically on the Consumer Affairs website – [www.consumeraffairs.nt.gov.au](http://www.consumeraffairs.nt.gov.au)

Our "Guide to Renting in the NT" booklet was reviewed and reprinted. It continues to be distributed widely via the Real Estate Institute of the NT, Sommerville Community Services, CentreCare, Territory Housing and other local agencies. More than 10,000 copies are published each year.

## Media

Fifteen media releases were issued in the reporting year. This resulted in 87 interviews with radio, TV and print media.

Topics covered included

- Dodgy generators
- Pyramid selling
- Rental scams
- Itinerant traders
- Christmas toy safety
- Bait advertising
- Email travel scams
- No refund signs
- Show inspections
- Consumer Fraud Week
- Blind Cord bans

In addition Consumer affairs received media coverage on topical issues such as

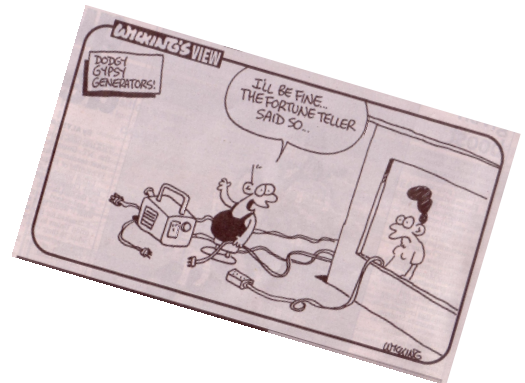
- Fading receipts
- Contaminated fuel
- Tenancy issues
- Price scanning
- Indigenous art

Media outlets included TV and radio stations

- ABC 105.7
- Mix 104.9
- TOP FM 104.1
- Channel 9 and ABC News



**“Consumer Affairs is now using SMS as another communication medium”**



## Communication and Promotional Products

The use of SMS to communicate with Consumer Affairs was setup and promoted on our products and internet pages.

New promotional and display products such as bags, footballs, key rings, tablecloths, and banners were developed and utilised.

Promotional material, including fact sheets, brochures and Newsletters was distributed to a variety of venues and events during the year.

In collaboration with other agencies, Consumer Affairs material was made available at major National Youth Week events including the BIG GIG, Making it in Malak, Go Bowling,

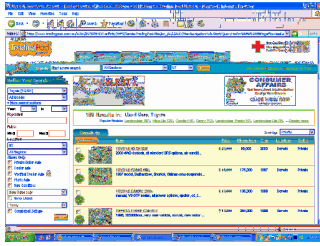
Leadership Camps, and the Alice Springs Public Library.

We linked in with organisations such as the YWCA, The Shak, and local councils to connect with younger consumers.

Scams Week posters were distributed to police stations, schools and libraries.



## Advertisements



Online advertising was trialed on the Trading Post internet site. Classified advertisements on rent scams, buying cars, and sale of firewood were published in the NT News and The Centralian Advocate.

Editorial and advertisements were placed in the Centralian Advocate, NT News and Darwin/Palmerston Sun for National Youth Week, Children's Week and Christmas. Our youth competition and survey were promoted.

The Michael Long Indigenous campaign advertisements were played in over twelve communities during the regional Indigenous Film Nights and continue to be played on Radio Larrakia.

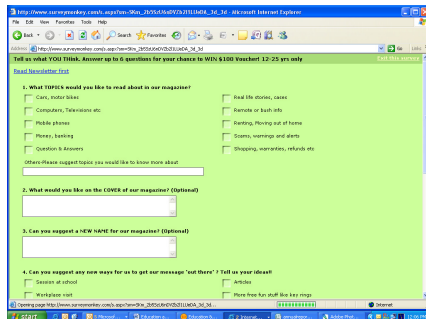


## Internet Site ([www.consumeraffairs.nt.gov.au](http://www.consumeraffairs.nt.gov.au))

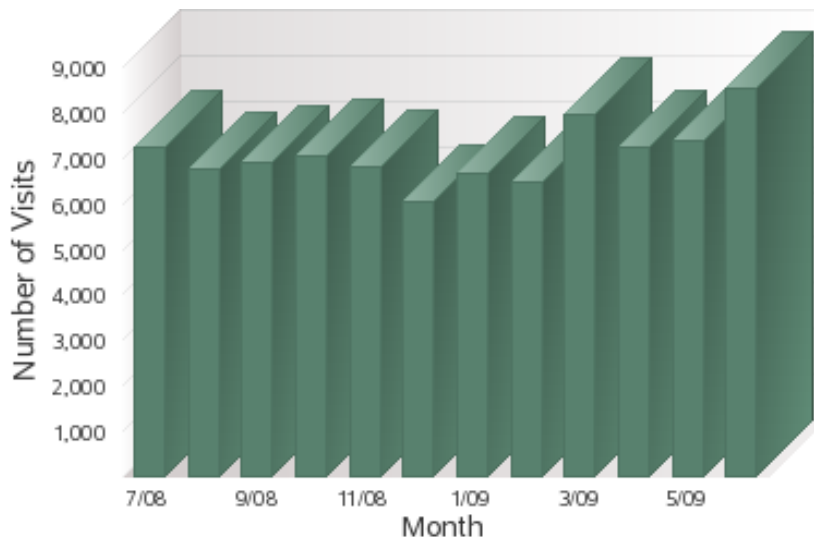
New content this year included an online survey competition as part of National Youth Week, Google translate tools and maps, and Consumer Affairs policies. One hundred entries were received online during the competition week.

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

## Internet Statistics



Total visits to the Consumer Affairs webpage for the reporting year were 84,925, slightly less than last financial year. The average number of visits per day was 233 and the highest volume time of day was between 11.00am and 12.00pm. The most popular search term consumers wanted information on was "refund letters". Residential tenancies, fuel watch and youth are amongst the most popular internet pages visited.



July 2008	7,213 (8.5%)
August 2008	6,764 (8.0%)
September 2008	6,884 (8.1%)
October 2008	7,045 (8.3%)
November 2008	6,808 (8.0%)
December 2008	6,013 (7.1%)
January 2009	6,641 (7.8%)
February 2009	6,464 (7.6%)
March 2009	7,946 (9.4%)
April 2009	7,219 (8.5%)
May 2009	7,394 (8.7%)
June 2009	8,534 (10%)
<b>TOTAL</b>	<b>84,925 (100%)</b>

### 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 or 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 (CERS).

Serious complaints where trader behaviour appears unconscionable, unlawful or in breach of licence conditions, generally result in the consumer completing a 'Complaint Form'. This 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. This 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.

**“ .....42 % of enquiries were tenancy related.....”**

### Enquiry Service and Dispute Resolution

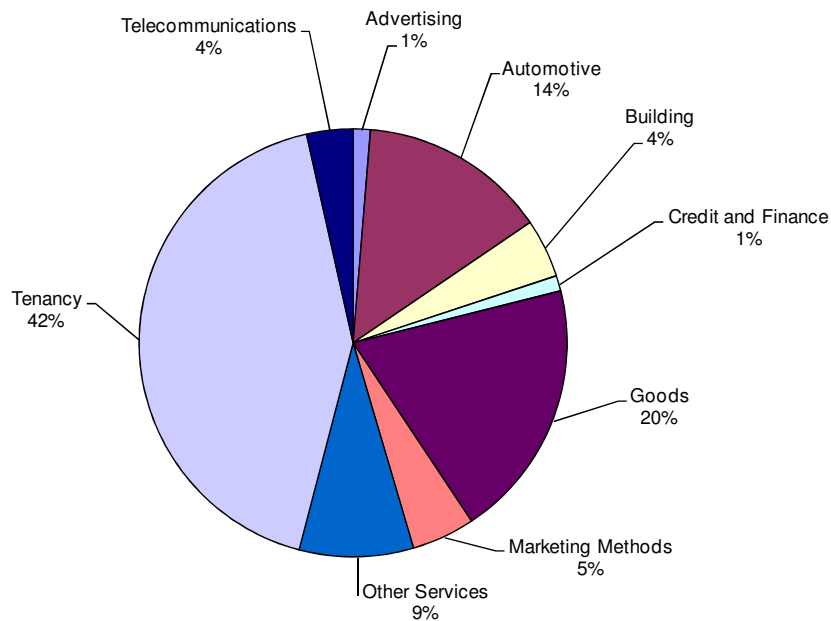
During the reporting period Fair Trading Officers received 13,972 telephone calls, e-mails and counter enquiries and investigated 177 formal complaints.

Advertising	28
Automotive	306
Building	96
Credit and Finance	25
Goods	422
Marketing Methods	103
Telecommunications	74
Tenancy	914
Other Services	204
<b>Total</b>	<b>2,172</b>

### Enquiries

Of the total number of telephone calls and counter enquiries, 2,172 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 (42%), goods (20%) and automotive (14%).

### Consumer Affairs Enquiries 2008/09



## Enquiry Trends

During the reporting period the number of telephone calls, email and counter enquiries showed a total increase of 18.4% over the previous year. The distribution of enquiries across the various categories showed little change in most areas from the previous year, however there was a rise in tenancy related enquiries. This increase could be attributed to the current economic climate where people are more inclined to get advice on their consumer rights to ensure value for money in the tight rental market.

**“...the number of telephone calls, email and counter enquiries showed an 18.4% increase over 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 177 complaints were investigated which resulted in more than half of the complainants receiving full or partial redress. A number of breaches of licence conditions were also detected and these were on forwarded to the Licensing, Regulation and Alcohol Strategy 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 Indigenous Liaison Officer visited various communities across the Northern Territory to promote consumer awareness. Some of these communities included Mataranka, Elliott, Yirrakala, Ngkurr, Bulman and Daly River. 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 website.



## Motor Trades Association (NT)

Consumer Affairs has a unique arrangement with the peak automobile 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, as referred from Consumer Affairs. This financial year, the MTA dealt with 52 disputes that all had a successful resolution. This is down from 85 the previous year. The MTA has advised that the numbers of complaints continue to drop with most MTA members providing professional service to their clients. This reflects the commitment MTA members have to fair and honest dealings.

## Licensing

As at 30 June 2009 the following licences were current:

- Motor Vehicle Dealers – 97
- Motor Vehicle Dealers’ Managers – 108
- Travel Agents – 79
- Second-hand Dealers – 19
- Pawnbrokers/Second-hand Dealers – 10
- Commercial and Private Agents – 91

Licensing of occupations under CAFTA is administered by the Licensing, Regulation and Alcohol Strategy Division on behalf of the Commissioner. Over the reporting year there were six motor vehicle dealer investigations, one private agent investigation (which went to hearing) and one second-hand dealer investigation.

No compliance visits or inspections were conducted during the period.

## Presentations and visits to Indigenous Organisations

The Consumer Affairs Indigenous Liaison Officer conducted regular visits, presentations and distributed educational resources and materials to community councils, Indigenous organisations, local groups, and educators such as the Council for Aboriginal Alcohol Program Services (CAAPS), Aboriginal Hostels, Aboriginal Health and Legal Services in all major centres (Darwin, Alice Springs, Katherine, Tennant Creek and Nhulunbuy).

These were to promote the Office as a point of contact to assist Indigenous consumers with disputes and provide advice about fair trading. Specific information sessions were also delivered to Indigenous Financial Literacy workers and other service providers. The main consumer issues of concern in remote communities continue to be “book up”, door to door trading, cars and car repairs and mobile phones.



## Community Legal Education

Consumer Affairs has linked into other regular Community Legal Education (CLE) sessions in partnership with agencies such as NT Legal Aid Commission, Australian Competition and Consumer Commission (ACCC), Australian Securities and Investment Commission (ASIC), Aboriginal Legal Services, the Commonwealth and NT Ombudsman's Offices and the NT Anti-Discrimination Commission.

All regions of the Northern Territory have been covered as part of these community CLE visits by Consumer Affairs staff. This year the Office predominately targeted communities which are not part of a regular Court Circuit to increase the spread of community legal education outside the main population centres. Other CLE is conducted “opportunistically”, linking in when other agencies are travelling out to remote areas for events such the Daly River Merrepen Arts Festival and Law Week.



## Indigenous Consumer Network

The Indigenous Consumer Network continues to meet four times per year and has increased its membership to include regular participation by staff from a range of organisations in regional areas. These include NT Legal Aid Commission, Centrelink, Outback Stores, Anglicare, Tangentyere Council, Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), Central Australian Aboriginal Legal Aid Service (CAALAS) and North Australian Aboriginal Justice Agency (NAAJA).

The Network's Chair has been rotated through Australian Securities and Investments Commission (ASIC), Australian Competition and Consumer Commission (ACCC), and Consumer Affairs over the current twelve month period. Guest speakers have included Territory Housing, Matrix On Board (financial literacy agency), the Telecommunications Ombudsman and Telstra.



## Indigenous Film Nights

During the reporting year Consumer Affairs and the NT Anti-Discrimination Commission (ADC) ran free “Your Rights Film Nights” bringing big screen movies to remote communities. This awareness campaign delivered messages about consumer and Indigenous rights across twelve communities with in excess of 700 community members attending.

The “Your Rights Film Nights” project was initiated by Consumer Affairs and implemented in partnership with the NT Anti-Discrimination Commission (ADC). A wide range of service providers participated in the film nights project including NT Legal Aid Commission, North Australian Aboriginal Justice Agency (NAAJA), Commonwealth Ombudsman, Australian Securities and Investment Commission (ASIC), NT Ombudsman, Central Australian Aboriginal Legal Aid Service (CAALAS), Centacare, MoneyBusiness, Anyinginyi Stronger Families Program and the Australian Competition and Consumer Commission (ACCC).

The project aimed to provide legal information as part of an outdoor movie experience. The movies featured relevant NT Indigenous stories such as “Ten Canoe’s”, “Crocodile Dreaming” and “Mimi”, starring actors such as David Gulpilil, Tom E Lewis and Aaron Peddersen.

Anti-discrimination and consumer affairs information was screened throughout the evening and a mini expo was provided by participating agencies with displays, information and promotional material. Staff were also on hand to take details of community issues and concerns and provide advice.

Remote communities including Bulman, Jilkminggan, Elliott, Tennant Creek, Ngukurr, Minyeri, Binjari, Pulumpa, Peperminarti, Daly River, Beswick and Barunga were visited.



## COMPLIANCE

### Statistics

#### Please note:

These statistics are only available for matters which concluded in the 2008/09 financial year.

Investigations that commenced in 2008/09 but did not conclude prior to 30 June 2009 will be counted in later annual reports.

Some matters result in multiple outcomes which means that the total outcomes will outnumber the number of individual investigations.

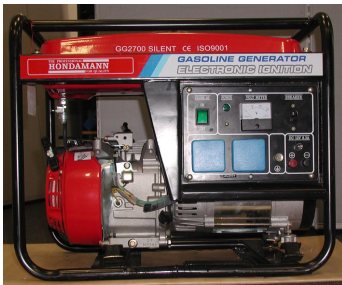
For example, a complaint may be received which is relevant to multiple other organisations, as well as requiring a compliance visit which leads to compliance education.

Investigations conducted	95
Investigations concluded	76
Complaints withdrawn, resolved to the satisfaction of the complainant or where no breach was disclosed	32
Complaints referred to other organisations	113
Traders placed on notice	18
Investigations referred for prosecution	1
Trader visits	168
Compliance education provided	41
Contracts annulled/varied	7
Corrective advertising obtained	4
Traders publicly named	6
Investigations involving or leading to banned products	5
Investigations involving or leading to recalled products	137
Investigations involving or leading to mandatory standards	1
Investigations involving or leading to warning labels on products	9

## Achievements

### Generators

Consumer Affairs worked with the Electrical Safety Unit of NT WorkSafe, NT Police, Australian Federal Police, the Australian Competition and Consumer Commission (ACCC), Australian Customs, and Immigration to take immediate action when a group of Irish itinerants moved into the NT selling dangerous portable generators.



Testing revealed that the generators did not comply with Australian standards and had a number of serious defects and the potential to be extremely dangerous.

In addition, the generators were falsely labelled to indicate that they had a higher capacity than was actually the case. Four men were arrested by NT Police within a day of Consumer Affairs becoming aware of the problem. A number of Irish nationals were deported by Immigration the following day.

**“Four men were arrested by NT Police within a day of Consumer Affairs becoming aware of the problem.”**

Consumer Affairs began the process of implementing an interim ban on the generators providing the power to seize them. Before this ban could be gazetted the rest of the group left the Northern Territory, shipping the generators to South Africa out of our jurisdiction.

### Scams

Consumer Affairs entered into a joint investigation agreement with Consumer Affairs Victoria and the Office of Fair Trading in Western Australia to investigate and prosecute a scam run by Gregory Elliott called ‘Intimate Finds’.

In the scam, personal ads were placed in newspapers and consumers paid a fee over the phone to join an introduction service. Once the fee was paid, consumers were provided with a bogus number, often the number for a prostitute, and were unable to contact the service to get their money refunded.

Once he became aware of the investigation, Mr Elliott shut down the business and went on the run.

A private detective has been hired in an attempt to locate Mr Elliott for the purposes of prosecution.

### No Refunds

Consumer Affairs staff participated in a national audit of fashion retailers targeting illegal ‘no refund’ signs. Seventy three retailers were audited throughout the Northern Territory, the most from any jurisdiction.

Over 75% of NT retailers were compliant with refund signage requirements. The highest level of compliance was recorded in NSW which had 85% compliance. Victoria recorded the lowest levels of compliance at just 58%.

### Advertising

A number of investigations into bait advertising were conducted. One of these, into a national retailer, has been referred for prosecution. A number of others have resulted in retailers being placed on notice and redress obtained for consumers.

An investigation conducted at Big W resulted in the retailer amending national advertising publications to reflect recommendations made by Consumer Affairs regarding the availability of some items.

### Blind Cord ban

In February 2009, a ban on dangerous blind cords, which do not comply with a set of safety requirements, was introduced. Since 2000, nine Australian children have died as a result of strangulation in dangerous blind cords. In December 2008, at the inquest into the death of a 13 month old boy, the South Australian coroner recommended that a ban on dangerous blind cords be implemented in South Australia, based on existing bans in Queensland and New South Wales. Following this recommendation, bans were introduced in Victoria, South Australia and the Northern Territory, meaning that dangerous blind cords are now banned nationally.

The mandatory safety features required to make blind cords safe include fitting safety devices where cords end less than 1600mm from the bottom of the window covering when fully extended. These devices can include installing a tension device, a break away device in the cord, shortening the cord, installing a retracting device, covering the cord in a shroud or installing a cleat. The safety features also require three warning labels, one to the window covering, one to the cord and one to the safety device (if fitted).

## Activities

### Internet

Consumer Affairs took part in the International Consumer Protection and Enforcement Network internet sweep in 2008, targeting misleading or fraudulent claims on internet sites.

### Price scanning

Staff participated in the national 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 hardware stores, pharmacies, service stations, variety stores and convenience stores. The results showed over 85% of items scanned correctly, down from 93.76% in 2008. 7.4% of items registered an overcharge and 7.5% an undercharge from the shelf price.

### Bait advertising

Compliance staff conducted bait advertising audits for both Father's Day in September 2008 and Mother's Day in May 2009 in Darwin, Katherine and Alice Springs. These audits resulted in a number of investigations being conducted into bait advertising.

### FTOAC

Consumer Affairs Officers participated in the national Fair Trading Officers Advisory Committee and nationally coordinated investigations and compliance activities.

### Show circuit

Show bag and show trader compliance checks were undertaken at the Darwin and Alice Springs shows. 157 show bags and 19 novelty stores were inspected. Compliance action included having eight items removed, three warning labels added, three certificates of lead compliance obtained and twelve traders were educated about NT legislation.

### Audits

Prior to Christmas 2008, 60 toy retailers throughout the NT, including retailers in Darwin, Alice Springs, Katherine, Coolalinga and Tennant Creek, were audited for any banned items, unsafe items or non compliance with safety standards. Sixty one products were referred to the ACCC for compliance testing with Commonwealth standards, Three stores were detected selling toys in contravention of NT bans, all banned items were then removed from sale. Three stores sold a product that did not comply with Commonwealth cosmetic labelling standards. Six products were given further labelling to warn consumers of potential choking hazards and twelve products were removed from shelves. A large number of retailers were educated about product safety and the role of Consumer Affairs.

### CPAC

Staff participated in the national Consumer Product Advisory Committee and nationally coordinated investigations and compliance activities.



## Retirement Villages

Consumer Affairs maintains close relationships with organisations involved in accommodation for the aged in the Northern Territory.

No complaint matters under the *Retirement Village Act* were dealt with in this period.

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## Residential Tenancies



A total of 845 applications to resolve residential tenancy disputes were lodged during the reporting year, a similar result to the previous year. This reflects the tight rental market in the NT, despite a large spike in rent charged by landlords with the consequent pressure on household budgets.

Of these applications, 83 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 762 inquiries were held, the majority of these resulting in orders for termination of the tenancy, possession of the property and compensation for unpaid rent. In some instances orders were appealed to the Magistrates Court. Reasons from the inquiries are on occasion, loaded onto the Australasian Legal Information Institute (AustLII) website. AustLII is a website that provides free access to public legal information within Australia and overseas.

In the reporting year, there were 5,071 hits made on the Northern Territory Residential Tenancies Commissioner database on AustLII. These numbers indicate a wide public interest in residential tenancies in the Northern Territory

**“These numbers indicate a wide public interest in residential tenancies in the NT”**

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## Business Tenancies

Eleven enquiries were recorded in relation to the *Business Tenancies (Fair Dealings) Act*, covering a range of issues, with five applications for dispute resolution received. Of these, two were pre-conciliated, one had no further action as additional investigation found it did not meet the requirements of the Act, one was still under conciliation at time of publication, with a further conciliation meeting to be held. The final one was successfully mediated at a conciliation conference.

## Role

The Trade Measurement Unit is responsible for ensuring accuracy in measurements made for trade and provides measurement advice and assistance to business while ensuring consumers receive the quantity of goods they order and pay for.

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 selected sites in the metropolitan area is ongoing. At each site fill and dip points are checked for suitable seals and gaskets. LPG local delivery tankers, fuel tankers and fuel pods continue to be verified in Trade Measurement's yard. Throughout the Northern Territory remote communities have been visited and will continue as budget permits. As the peanut industry expands in Katherine requests for weighbridge testing are increasing. As industry expands in ore and live cattle it is expected that weighbridge numbers will increase in the near future. Compliance by traders is at a high level.

The unit also conducts a reverification program, for measuring instruments in use for trade, by visiting trade premises and testing for compliance with approval requirements, accuracy and suitability for purpose.

In April 2007, the Council of Australian Governments agreed to the Commonwealth assuming control of Trade Measurement operations in Australia from 1 July 2010.



## Pre-Packed Article Checks

Total number of pre-packed articles tested for the year 2008/2009 was 2,014. This is a sharp increase on last year that can be attributed to an intense targeting campaign. The unit concentrated on fruit, vegetables and meat in the major supermarkets in the greater Darwin region.

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.

Compliance is good and very few complaints are received on supermarket behaviour or practice.

**“...a sharp increase on last year can be attributed to an intense targeting campaign...”**

## Metrology Laboratory

Licensee reference standards used for the repair and calibration of measuring instruments for sale to consumers in the Northern Territory are verified in the Trade Measurement laboratory. Industry masses and measuring equipment are tested and certified according to relevant National Standards. Measurements taken are traceable to the National Standards of Measurement held at the National Measurement Institute in Sydney.

The laboratory is assessed for competence by the National Association of Testing Authorities prior to being awarded Verifying Authority status under the Commonwealth *National Measurement Act 1960*. National Association of Testing Authorities (NATA) assess to ISO/IEC 17025 requirements.

## 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. The samples are collected mainly from Darwin and Alice Springs fuel outlets. Samples were taken across four 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 are noted by physical visits and Nhulunbuy, Kings Canyon and Yulara by phone. Prices of ULP, Diesel, PULP, E10 and LPG are taken and a summary is uploaded on Friday's to the Consumer Affairs website at NT Fuelwatch.



## Education

Ongoing support, mediation and advice was given to consumers and traders to ensure compliance with the *Trade Measurement Act*. Inspectors recently visited supermarkets with a fact on "Pre-packed Articles for Retail Sale" to assist with compliance in this area. . Officers also issued all service station staff with fact sheets on the correct labelling for selling of ethanol blend fuels.

ACTIVITY	05-06	06-07	07-08	08-09
Measuring Instruments Tested	1,421	1,448	1,447	1,193
Items verified in Measurement Laboratory	589	534	611	615
Premises Visited	1,462	1,532	1,387	1,074
Pre-Packed Articles Checked	920	938	525	2,014

