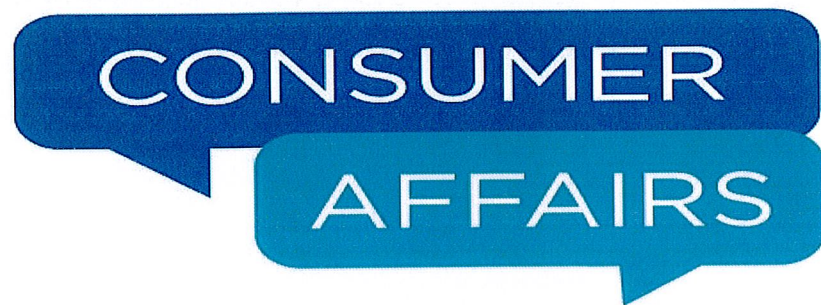


**ANNUAL REPORT OF  
THE COMMISSIONER  
OF CONSUMER AFFAIRS  
2011/2012**

**NORTHERN TERRITORY**





# **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.

## **PROGRAMS**

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

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



# LEGISLATIVE RESPONSIBILITIES



*Accommodation Providers Act*

*Business Tenancies (Fair Dealings) Act*

*Caravan Parks Act (commenced 1 May 2012)*

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

*Price Exploitation Prevention Act*

*Residential Tenancies Act*

*Retirement Villages Act*

*Sale of Goods Act*

*Uncollected Goods Act*

*Warehousemen's Liens Act*

# HIGHLIGHTS AND MATTERS OF SIGNIFICANCE

## AUSTRALIAN CONSUMER LAW

The Australian Consumer Law is a cooperative reform of the Australian Government and States and Territories, through the Ministerial Council on Consumer Affairs.

The Australian Consumer Law (ACL) commenced on 1 January 2011 however additional protections under the Act have also been introduced over the past reporting year.

The ACL includes:

- a new, national unfair contract terms law covering standard form contracts;
- a new, national law guaranteeing consumer rights when buying goods and services, which replaces existing laws on conditions and warranties;
- a new, national product safety law and enforcement system;
- a new, national law for unsolicited consumer agreements, which replaces existing State and Territory laws on door-to-door sales and other direct marketing;
- simple national rules for lay-by agreements; and
- new penalties, enforcement powers and consumer redress options, which currently apply nationally.

The ACL applies nationally and in all States and Territories, and to all Australian businesses. For transactions that occurred up to 31 December 2010, the previous National, State and Territory consumer laws continue to apply.

## NATIONAL INDIGENOUS CONSUMER STRATEGY

Consumer Affairs participated in actioning the strategies and tasks within the National Indigenous Consumer Strategy – Taking Action, Gaining Trust Action Plan 2010 – 2013.

The Strategy was agreed to by all Territory, State and Commonwealth Ministers at the Ministerial Council Meeting in Canberra in December 2010.

## RESIDENTIAL TENANCY DISPUTES

If a landlord and a tenant are in dispute and they are unable to successfully negotiate an acceptable outcome, an application can be submitted to the Commissioner of Tenancies. Once the application is received, a copy is sent to the other party. Where conciliation is not successful, the application is heard by a delegate for the Commissioner. A total of 760 applications were received this year. This figure is down on last year and could be attributed to the advice provided to both tenants and landlords by Consumer Affairs staff to ensure that they are fully aware of their rights and responsibilities under the *Residential Tenancies Act*.

## FUEL WATCH

NT Fuel Watch website provides details of mean pricing of fuel across the Territory. Each week the website is updated with a summary of prices for ULP, Diesel, PULP, E10 and LPG. Graphs also show historical pricing from previous years. Further information on fuel pricing can also be found on the Australian Competition and Consumer Commission (ACCC) and the International Market Watch websites.

The Fuel Watch website is updated by Consumer Affairs staff physically checking the pricing of service stations around the Darwin region and other major urban and regional areas.

Fuel pricing from Darwin, Palmerston, Katherine, Tennant Creek, Yulara, Alice Springs, Kings Canyon and Nhulunbuy is gathered every week. The remote areas prices are taken over the telephone and the information added to the website.



## NATIONAL MEETINGS

During the reporting year, Consumer Affairs Officers attended national forums and participated in teleconferences that included the:

- Ministerial Council on Consumer Affairs (MCCA); which following a Council of Australian Government (COAG) review is now the Legislative and Governance forum on Consumer Affairs (CAF). The Commissioner represented the Minister at each of the two meetings held this year;
- Standing Committee of Officials of Consumer Affairs (SCOCA); now known as Consumer Affairs Australia and New Zealand (CAANZ);
- Compliance and Dispute Resolution Advisory Committee (CDRAC);
- Education Information Advisory Committee (EIAC);
- Fair Trading Operations Group (FTOG);
- National Indigenous Consumer Strategy (NICS); and
- Society of Consumer Affairs Professionals (SOCAP) Annual Conference.



## CONTAINER DEPOSIT SCHEME

The Cash for Containers Scheme commenced across the Territory on 3 January 2012 which resulted in extensive media interest and some community concern about how prices of goods would be affected following its introduction.

The Chief Minister sought the assistance of the Commissioner of Consumer Affairs to put in place a “hotline” for concerned consumers to call should they have concerns about the manner in which pricing of goods was being displayed.

The Consumer Affairs call centre took on this role providing a seven day per week service during the early stages of implementation of the scheme.

Consumer Affairs’ role was, and still remains, to ensure that retailers do not misrepresent the reason for prices increases related to the container deposit scheme. The misleading conduct provisions of the Australian Consumer

Law clearly define a business’s responsibilities in this regard.



Consumer Affairs continues to monitor retailers in regard to these issues and undertake investigations into their pricing claims in situations where this is considered appropriate.

## CARAVAN PARKS ACT



The *Caravan Parks Act* commenced in the Northern Territory on 1 May 2012. This legislation came into effect after significant levels of public consultation; its focus is to provide additional protections for long term residents of Caravan Parks within the NT.

# EDUCATIONAL ACTIVITIES

## PRESENTATIONS

Consumer Affairs staff undertook seven presentations, talks and information sessions over the past year. This is a significant reduction against the previous financial year where 77 presentations were provided to interested parties. The reduction in activity is a direct result of the removal of the Education and Promotion Officer's role and budget under reprioritisations which came into effect from 1 July 2011.

The activities undertaken over the past year included:

- **Charles Darwin University Open Day**

Approximately 130 people attended the information stall which had as a prime focus consumer rights under the Australian Consumer Law and the *Residential Tenancies Act*.

- **Defence Services Induction Day**

Consumer Affairs has been participating at this event, by invitation, for a number of years. More than 100 people attended this event with consumer rights, scams and residential tenancies being the main issues discussed.

- **Seniors Forum, Palmerston**

More than 80 people attended. Prime areas of interest included scams, door to door trading and warranty rights.

- **Youth Week Event, Katherine**

More than 50 youth attended this regional event; the focus was on consumer rights, residential tenancies and scams.



## “THE CONSUMER” MAGAZINE



Two editions of “The Consumer” Magazine were produced this reporting year with publications released in February and June. Each of these brought a wide range of issues to the reader including highlighting current scams, changing protections within the Australian Consumer Law and residential tenancy rights and responsibilities.

Approximately 6000 of each of these issues were published with a significant number still being delivered by post throughout the Territory. The magazine is also emailed to a large number of readers and it is also uploaded to the Consumer Affairs website enabling the public to read the editions online.

Positive feedback continues to be received about the publication as a ready resource to keep consumers and traders informed of up to date information relating to consumer protection and the other laws administered by Consumer Affairs.

## INDIGENOUS LIAISON

Consumer Affairs Indigenous Liaison and Education Officer (IL&EO) travelled throughout the Territory educating and informing indigenous Territorians about their rights and responsibilities under the legislation administered.

The IL&EO travelled to 13 remote communities over the past year providing 21 presentations to a wide range of community members. The communities visited included Maningrida, Ali Curung, Tennant Creek, Elliott, Borroloola, Lajamanu, Kalkaringi, Timber Creek, Belyuen, Bulla, Oenpelli, Jabiru, Bulman, Gapuwiyak and Ramingining.

A prime focus of these visits was to convey consumer protection messages to the elders of the community. By educating and informing the elders, messages are then passed on to other community members to encourage a better understanding of their rights under consumer laws. This results in indigenous people being more willing to complain about consumer issues when problems arise.



During five of these community visits, presentations were provided to senior school students with more than 120 receiving information about their rights as young consumers. Issues such as mobile phones, scams and general purchasing rights were the main subjects raised by these school students.

Local community stores were visited and the store managers reminded of their responsibilities under the Australian Consumer

Law. Managers were informed of Consumer Affairs' role and encouraged to contact Consumer Affairs, should they have any issues or concerns. The IL&EO set up an information stall at each community store supplying brochures and educational resources for local people. The stall also provided opportunity to discuss issues with consumers and to supply information in a culturally sensitive manner without excluding residents because of their culture.

With increasing regulatory visits local people have started to approach the IL&EO with consumer issues as people become more familiar. This process takes time, inroads are being made with the following being a prime example:

A Ramingining resident was one of many people who attended a presentation about "Better Understanding your Consumer Rights"; he also took copies of Australian Consumer Law (ACL) pamphlets following the presentation.

During a later visit a young consumer came up to the IL&EO with the following story:

The consumer purchased a cap from the local store, only to have the brim come away from the cap a few weeks after purchase. He took the cap back to the store and asked for a replacement. The manager initially declined his request, however after the consumer showed the manager the copy of the ACL brochure about consumer rights he quickly gave him a replacement cap.

While this seems a small victory, the consumer was pleased to tell the IL&EO about the issue as he was proud of his ability to stand up for his rights. This is an example of where personal interaction with community residents has given this consumer the tools to assist and empowered him to stand up for his rights.

## **DARWIN CORRECTIONAL CENTRE PRESENTATIONS**

Over the reporting year a number of presentations were provided to inmates of the Darwin Correctional Centre as part of a Pre-Release Program. Approximately 40 attendees received information relating to consumer rights that focussed on motor vehicle, mobile phone and general purchases.

The success of this interaction was evidenced when the IL&EO subsequently visited Borroloola. One of the ex-prisoners approached the officer with his mother indicating that he had taken the advice provided when recently purchasing a motor vehicle. In the past he had gone to a motor vehicle dealer and bought a car but now they get mechanical checks to ensure the cars are suitable for their needs. He also indicated that they now obtain quotes before getting their cars fixed. The mother stated that if they knew about their rights before purchasing cars in the past they would not have so many wrecked cars in her yard. She also commended the IL&EO for visiting the community encouraging him to do so more often.

## **KAREN SHELDON TRAINING AND DEVELOPMENT FOR UNEMPLOYED AND DISADVANTAGED ABORIGINAL PEOPLE**

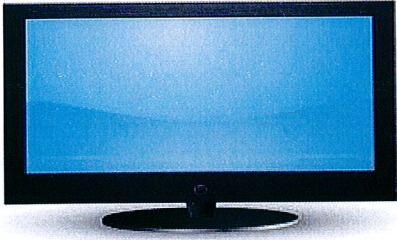
This is the second year that Consumer Affairs has participated in this training program. More than 140 attendees heard from the IL&EO about their consumer rights and responsibilities under the *Residential Tenancies Act* and the Australian Consumer Law. Issues relating to purchasing mobile phones, motor vehicles, renting and scams being highlighted, are issues of most interest to these attendees.

## **MEETING, TELECONFERENCES AND CAMPAIGNS**

The Indigenous Liaison and Education Officer participated in regular meetings, teleconferences and campaigns to keep abreast of developments in consumer protection, both nationally and locally, ensuring the Northern Territory perspective was represented and to network with other service providers. National Committee representation included the Education and Information Committee (EAIC), National Indigenous Consumer Strategy (NICS) and the Australian Consumer Fraud Taskforce (ACFT).



## MEDIA



Several media releases were issued in the reporting year whilst almost 80 media interviews with radio, TV and print media were undertaken by the Commissioner.

Topics covered included:

- Benefits for business and shoppers under the new Australian Consumer Law;
- A variety of online and postal scams;
- Investment fraud;
- Consumer Affairs Residential Tenancy role and issues for tenants and landlords.

In addition, Consumer Affairs received media coverage on topical issues on a variety of subject matters including:

- Residential tenancy issues;
- Warranty rights;
- Mail scams ;
- Email scams; and  
Rogue traders laying bitumen driveways.



## PROMOTIONAL MATERIAL

Bags, key rings, and magnets were produced and distributed and are very popular at presentations and events. These valuable resources ensure that Consumer Affairs contact details and messages continue to be present after staff have made face-to-face contact with consumers and traders.

# CONSUMER AFFAIRS WEBSITE

<http://www.consumeraffairs.nt.gov.au>

NORTHERN TERRITORY



 NT FUEL WATCH

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# About Us

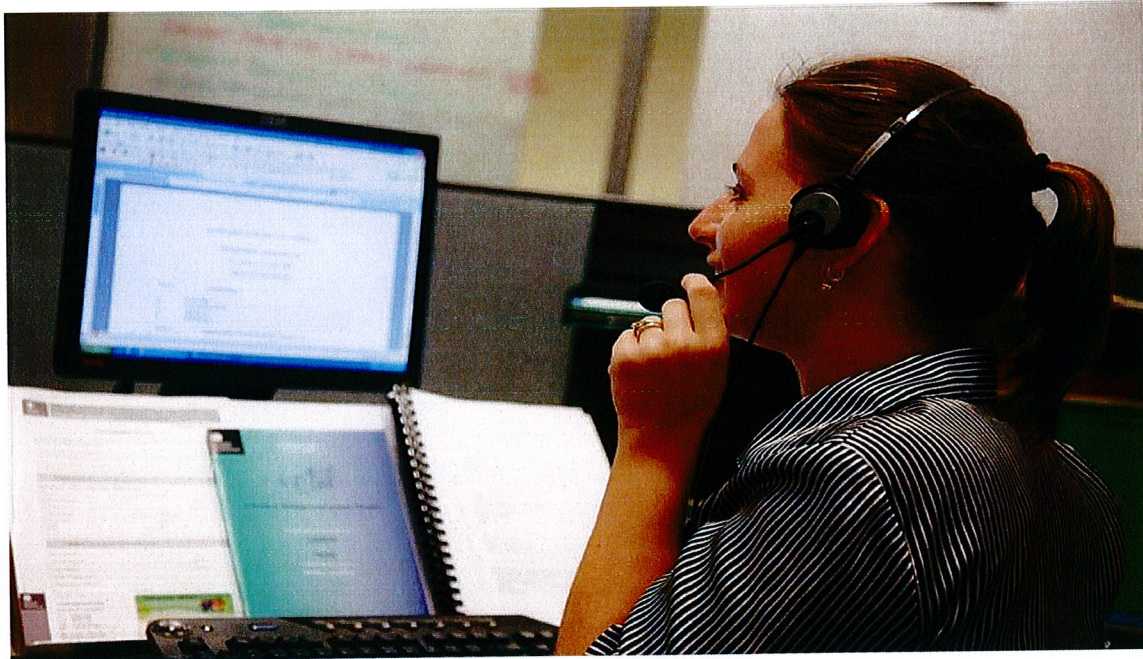


The Consumer Affairs website continues to be a popular site for consumers and traders to gather information about their rights and responsibilities under the legislation administered.

Consumer Affairs commenced development of a new website with a fresh focus on consumers and traders. The new site is planned to be introduced early in the 2012-2013 financial year.

During the past year the website was viewed by 19,871 individual users which was an 88% increase on visitors from the last year. This evidences the importance of maintaining this essential resource.

## FAIR TRADING OVERVIEW



Northern Territory Consumer Affairs has offices in Darwin and Alice Springs. These offices receive enquiries from a variety of sources which include people coming into the offices to talk face to face with Fair Trading Officers, via e-mail, facsimile or by telephone.

Enquiries to our offices can relate to any of the twelve pieces of legislation that Consumer Affairs administers. Details from these enquiries that relate to a form of consumer detriment are recorded in a dedicated database.

Consumer Affairs provides advice to a wide range of people including consumers, traders, tenants, landlords, agents and retirement home occupants. Fair Trading Officers visit traders and business owners to provide information on their rights and responsibilities regarding legislation that may affect them.

Where a consumer makes an enquiry regarding a dispute they have with a trader, they are provided with advice on what steps they should take to try and resolve the matter. This includes advice on writing to the trader to outline the current situation and what the complainant is seeking as a suitable outcome for the matter to be resolved. In circumstances where the outcome is not acceptable the consumer may lodge a formal complaint with Consumer Affairs.

Fair Trading Officers carried out 109 trader visits during the year. These traders were presented with information that included fact sheets to educate them on their rights and responsibilities under relevant legislation which includes the Australian Consumer Law and the *Uncollected Goods Act* and other legislation regulated by Consumer Affairs.

# ENQUIRY SERVICE AND DISPUTE RESOLUTION

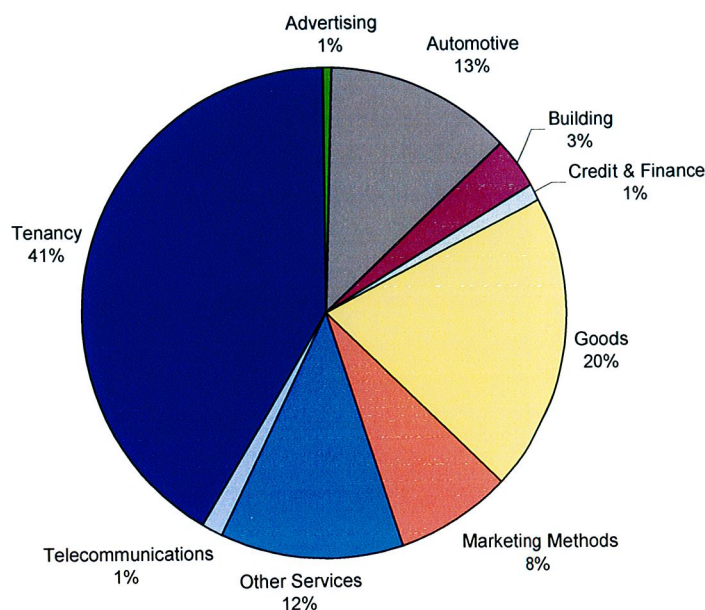
Consumer Affairs received 17,847 enquiries over the reporting year which was a rise of 270 in the number of enquiries from the previous year. These include telephone enquiries, walk-ins and e-mail enquiries. The trend of ever increasing contact from consumers and traders continued this year.

## ENQUIRIES

Where an enquiry is received and it has been found that consumer detriment has occurred, or the enquiry needs a form of follow up, it is recorded in the Client Enquiry Record System (CERS). 3,017 enquiries were recorded in the database over the past year which is an 11% increase on the previous year. As with previous years, tenancy was the highest area of enquiry (41%) followed by enquiries about goods (mainly warranty matters at 20%) and automotive (13%). Both goods and automotive were higher than previous years with tenancy seeing a drop in the percentage of enquiries against last year.

Consumer Affairs Enquiries 2011 - 12	
Industries	Total
Advertising	18
Automotive	379
Building	99
Credit & Finance	32
Goods	596
Marketing Methods	237
Other Services	368
Telecommunications	36
Tenancy	1252
<b>Total</b>	<b>3017</b>

Consumer Affairs Enquiries 2011 -2012



## ENQUIRY TRENDS

The number of enquiries has risen again this year with e-mail continuing to be a popular medium to make contact with Consumer Affairs. 4,141 consumers and businesses used e-mail to make enquiries about a range of matters.

Due to increased general and social media interest in consumer matters, consumers are more likely to demand better service when dealing with warranty matters or perceived bad service by traders. Consumers are demanding better value for money and due to the economic climate have higher expectations to get what they pay for. Tenancy enquiries have dropped as a percentage of total enquiries however, goods and automotive enquiries have risen.

The Northern Territory has the largest indigenous population per capita in Australia. Providing education to indigenous consumers to ensure that they are aware of their rights as consumers remains a challenge. The loss of the Education and Promotions Officer has seen a reduction in the education material available for these vulnerable consumers.

## COMPLAINTS PROCESS

Where a consumer has unsuccessfully tried to resolve a complaint with a trader, they may lodge a formal complaint. This should only occur after they have formally written to the



trader stating their case and their preferred outcome and request that the trader responds to them. A complaint is lodged if the consumer is not

happy with the response from the trader or the trader does not respond at all.

Once a formal complaint has been lodged, the complaint is assessed to ensure that it is justified. If it is justified the complainant may be asked for supporting documentation relating to the complaint. Traders are always asked for their side of the story which in some cases can be completely different to the one that the consumer has put forward. To ensure that there are no unrealistic expectations, consumers are advised that our role in matters of dispute between traders and consumers is that of conciliation. During the conciliation process, a third party may be contacted to provide independent information regarding the complaint. This usually occurs with complaints of a technical nature.

Whilst we are often successful in gaining an outcome that is satisfactory to both parties, at times this is not possible which can be due to a refusal of the trader to offer redress, unrealistic expectations of the consumer or conflicting information. Where these types of situations occur the consumer and/or trader are advised they should seek legal advice.

Fair Trading Officers will attempt to provide successful conciliation in formal complaints. At times a compromise is required by one or

both parties to ensure the matter is resolved. A lack of understanding by the consumer in technical matters can sometimes result in unrealistic expectations.

Fair Trading Officers conciliated many successful outcomes including two cases where removalists did not carry out the service with due care and skill. In both cases the items were damaged to an extent where it was very obvious that due care was not taken. In one instance the leg of a chair was completely broken off and the leg could not be found. In both cases the removalist companies eventually accepted responsibility and repaired the damaged items.

In another case a consumer made a purchase but the item would not work when the consumer took it home. The consumer returned to the trader and asked for a replacement but was advised that they would not order in a replacement. Consumer Affairs approached the trader and advised that this was considered a major failure, the consumer has the option of a replacement or refund.

The trader was unaware of this requirement under the Australian Consumer Law and once made aware the trader was happy to order in a replacement for the consumer.

In some instances a trader visit may be carried out by Consumer Affairs staff to ensure the trader has the correct information to carry out his/her business according to requirements of the Australian Consumer Law.

Complaints are referred to the Compliance Unit if there has been severe consumer detriment or where, a number of enquiries and formal complaints signify a trend of contravening conduct by a particular trader.

## COMPLAINTS PROCESS CONTINUED

Complaints may also be referred to the Compliance Unit if misleading or deceptive terms are used in advertisements.

Fair Trading Officers received a total of 215 formal complaints from consumers over the reporting year which is slightly up from last year. A number of these complaints were

referred to the Compliance Unit for further investigation. Some of these investigations related to misrepresentation and failure to adhere to the requirements of the Australian Consumer Law.

## TRADER VISITS



The removal of the Education and Promotions Officer and associated educational budget under reprioritisations, has resulted in only regional areas being targeted for proactive trader visits. Complaints from these areas can at times indicate that isolation can be detrimental to consumers as traders can tend to act unreasonably to legitimate consumer requests. Fair Trading Officers visited Elliott, Tennant Creek and Nhulunbuy over the reporting year with a focus on ensuring traders understood their rights under Australian Consumer Law and other legislation managed by Consumer Affairs. This year Fair Trading Officers undertook 109 trader visits which was a large reduction from the 524 that were visited in the previous year.

## LICENSING DATA

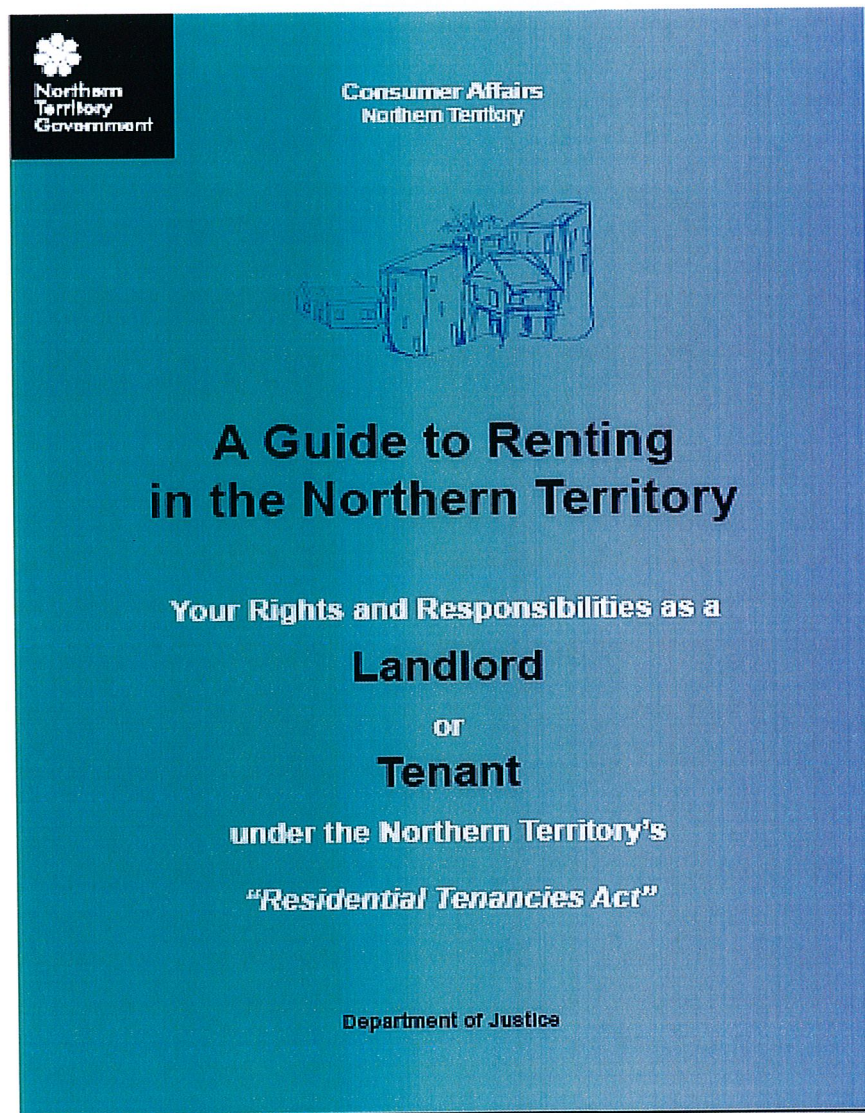
A number of businesses are licensed under the *Consumer Affairs and Fair Trading Act*; however the regulatory role under the Act is administered under delegation by the Licensing Regulation and Alcohol Strategy (LRAS) Division of the Department of Justice.

The following licensed businesses are regulated by the Licensing Regulation and Alcohol Strategy Division as at 30 June 2012:

Business	Current Licences as at 30 June 2012
Commercial and Private Agents	110
Licensed Motor Vehicle Dealer Managers	69
Licensed Motor Vehicle Dealers	94
Pawnbrokers/Second Hand Dealers	27
Travel Agents	84

## RESIDENTIAL TENANCIES

The Residential Tenancies booklet 'A Guide to Renting in the NT' continues to be distributed widely via the Consumer Affairs offices in Darwin and Alice Springs as well as the Real Estate Institute of the NT, Sommerville Community Services, Centrecare, Territory Housing and other local agencies. More than 15,000 copies were distributed this financial year.



## RESIDENTIAL TENANCIES

The *Residential Tenancies Act* allows for applications to be submitted to the Commissioner of Tenancies where a decision is sought in regard to an issue between a tenant and a landlord or his/her agent. These applications may be submitted under various provisions of the Act which can include failure to pay rent, bond retention or eviction of a tenant plus other legislated issues.

## RESIDENTIAL TENANCIES CONTINUED

The Commissioner received 760 applications from tenants, landlords and agents over the reporting period. These applications are reviewed for accuracy of information prior to conciliation taking place. An application cannot be accepted where an incorrect rental ledger is submitted or the correct number of days were not allowed for certain actions to take place. Once the application is received it is important that natural justice for both parties takes place therefore a copy of the application is forwarded to the other party. In some instances the matter can be successfully conciliated at this point where both parties come to a mutually acceptable agreement. If this occurs the application is withdrawn.

If the matter cannot be successfully conciliated or is not withdrawn the matter will go to formal inquiry. A delegate of the Commissioner of Tenancies hears the Inquiry. Over the reporting year delegates heard 798 matters. This was an increase of 12% on the previous year.

The inquiry is similar to a court where both parties have the opportunity to put forward evidence to be heard by the delegate. Once all the evidence has been presented and a decision is made, a court enforceable order is issued as well as reasons for the order, for either the tenant or the landlord to take a certain course of action. The delegate may also make a decision at the inquiry to adjourn the matter or withdraw the application.

The Commissioner of Tenancies office provides a free service to landlords, tenants and agents throughout the Northern Territory.

## BUSINESS TENANCIES

In the Northern Territory, commercial business leases fall under the *Business Tenancies (Fair Dealings) Act* provided they meet the requirements of this Act. The requirements may include the size of the commercial property and the type of business. The Commissioner of Consumer Affairs is the Commissioner of Business Tenancies.

Fair Trading Officers received 18 enquiries regarding business tenancy matters over the reporting year. A consultation process takes place prior to formal applications being received. None of these enquiries were escalated to a formal complaint.

# COMPLIANCE

## STATISTICS

Investigations conducted	38
Investigations concluded	36
Complaints withdrawn, resolved to the satisfaction of the complainant or where no breach was disclosed	3
Complaints referred to other organisations	12
Traders placed on notice	5
Investigations referred for prosecution	0
Trader visits	26
Compliance education provided	80
Contracts annulled or varied	2

## COMPLIANCE PROGRAMS

Compliance activities are aimed to identify and amend existing and emerging business practices which may lead to breaches of fair trading and consumer protection laws. An important aspect of compliance programs is an educative role, to promote voluntary compliance and assist businesses to fulfil regulatory requirements. Compliance operations over the reporting year have included:

- Proactive inspections to determine whether traders engage in bait advertising, misleading or deceptive conduct or false or misleading representations about goods or services. As a result, consultation has led to amended store procedures with respect to bait and misleading advertising and lay-by policy. One major retailer was placed on notice in this regard to potential breaches of these provisions over the reporting period.
- The investigation of photography businesses operating from shopping centre stalls following an increase in the number of complaints from vulnerable consumers, mainly indigenous Territorians. One trader has been placed on notice and is under further investigation for non compliance of provisions of the Australian Consumer Law (ACL).
- The investigation of a motor vehicle dealer in relation to improper transactions surrounding the sale of a motor car under the *Uncollected Goods Act*. This ultimately resulted in the consumer being refunded the money paid to reclaim the car.
- The investigation of a local pool building business resulting in some improved operating practices. The trader is on notice. A review of further amendments and monitoring of consumer complaint practices is continuing.
- The investigation of a telecommunications company following receipt of a complaint from an indigenous consumer in a remote community who was signed up to a phone contract via a telemarketing campaign. The complaint was resolved by cancellation of the contract. The business was warned that their sales practices were considered to be engaging in unfair business practices owing to the telemarketing approach. Pleasingly the business immediately amended the telemarketing campaign and associated processes.

## NATIONAL COMMITTEES

Consumer Affairs continues to participate as an active member of national committees including the Compliance and Dispute Resolution Advisory Committee (CDRAC) and the Fair Trading Operations Group (FTOG). In conjunction with fellow regulators, the Northern Territory was representative in the reform of compliance and enforcement policy and protocols, emerging issues and dispute resolution principles on a national basis.

Consumer Affairs also contributed to targeted national working party projects including :

- **CDRAC (Consumer and Dispute Resolution Advisory Committee)**  
The National Consumer Guarantee Project which aimed to increase awareness of and compliance with the consumer guarantee provisions of the ACL by traders within the telecommunications, whitegoods and electronic goods industries.
- **National Travelling Con Men Campaign**  
This campaign was launched to raise awareness in consumers about the identification of unlawful selling practices by travelling con men.



In July 2011, following detailed reports of some 'bitumen bandits' operating in the Katherine area, Consumer Affairs officers took prompt action to alert the public. As a result the con men fled interstate. However vital information was shared through the formal operational relations between ACL regulators to assist future enforcement responses against these conmen as they travelled interstate.

Consumer Affairs attributes the success of this campaign to the apparent reduction in reports of activity of this nature in the NT.

Since the "Stop Travelling Con Men" Campaign was launched in October 2011, this joint initiative has resulted in 27 individuals being prosecuted; 33 'fake tradies' (mostly Irish or UK nationals in Australia on tourist visas) have left Australia; and fines and related court costs of \$267,968 have been ordered by the courts.

## CONTAINER DEPOSIT SCHEME

Following the introduction of the Container Deposit Scheme (CDS) in the Northern Territory on 3 January 2012, Consumer Affairs responded to consumer claims that excessive price increases imposed by local liquor outlets were attributed solely to the CDS by traders, potentially misleading the public.

Random compliance audits of liquor outlets were conducted in both Darwin and Alice Springs in an effort to detect any potential contraventions of the Australian Consumer Law (false or misleading representations). No regulatory breach was evident in the specific context of the audits conducted.

## COMPLIANCE CONTINUED

### TRAVEL BUSINESS FAILURE

The failure of a Darwin travel business generated a number of consumer complaints in early 2012. A large number of Territorians, most of whom were seniors, suffered significant detriment when the travel agent did not finalise bookings for their pre-paid holidays.

Consumer Affairs investigated and worked closely with consumers, NT Police and other organisations to provide support and minimise any direct financial or material loss to consumers where possible. A large number of consumers who contacted this office were able to follow advice provided and gain credit card charge backs of monies paid to the Agent thus minimising their loss.

### AIRLINE SERVICE CANCELLATION



Northern Territory consumers were impacted when Air Asia cancelled international services to and from Darwin in March 2012.

Air Asia offered passengers a refund or to transfer bookings to an alternate carrier.

Compliance staff assisted affected Territorians by addressing complaints of lack of communication from Air Asia and significant delays in the refund and transfer bookings process.

### INTERNATIONAL CONSUMER PROTECTION AND ENFORCEMENT NETWORK (ICPEN)

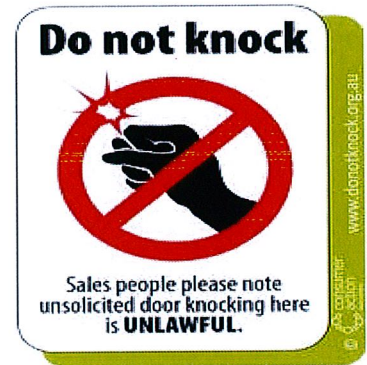
The International Consumer Protection and Enforcement Network (ICPEN) is an international initiative that targets the growth of fraudulent, deceptive and unfair behaviour on electronic media sites. Every year a Sweep Day is organised to target particular areas of focus. The aim of the Sweep is to have a day dedicated to intensive searching to provide a list of suspicious sites for later enforcement action. Participants in the event search through websites, spam and other electronic media to evaluate them against pre-determined criteria to identify potentially deceptive, unfair or fraudulent behaviour.

In 2011 the focus centred on suppliers of non-specified services, for example businesses that generally market goods and services using third party endorsements and testimonials. On Sweep Day Consumer Affairs searched approximately 89 websites and found four that appeared to be suspicious. This data is provided to ICPEN for further investigation.

## COMPLIANCE CONTINUED

### DOOR TO DOOR TRADING

Door to Door sales activity continues to be of concern to Consumer Affairs. A national focus on door to door sales activities has seen the introduction of door to door stickers. Through the use of national media sources consumers have been made more aware of their rights when a salesman knocks on their door. This activity also encompasses unsolicited sales where a stall owner in a shopping centre or market area may step outside of their stall to entice a consumer back to purchase an item. Consumers may not be aware that if this occurs they have the right to a cooling off period whereby consumers can cancel the contract within a 10 day period.



## RETIREMENT VILLAGES ACT

There were no complaints against aged care accommodation providers relating to the *Retirement Villages Act* over the past year. Consumer Affairs continues to maintain a close relationship with those organisations that provide this specialist accommodation. Earlier this year a new retirement village complex opened in Fannie Bay.



The Commissioner met several times during the year with board members and senior staff from the Tiwi Retirement Village continuing the strong rapport which has been in place for many years.

During the reporting year there were two enquiries relating to the *Retirement Villages Act*.

Advice was provided in both instances with no further action taken. A close relationship is maintained with those organisations that provide specialist accommodation in the Northern Territory.

Meetings were held between the Tiwi Retirement Village and the Commissioner of Consumer Affairs to ensure that both parties are kept up to date with current events.

## TOW TRUCK OPERATORS CODE OF PRACTICE ADMINISTERING AUTHORITY

The Consumer Affairs and Fair Trading (*Tow Truck Operators Code of Practice Regulations*) establish an Administering Authority to provide a roster system and service at Police controlled accident scenes. These functions are managed by the Licensing Regulation and Alcohol Strategy Division of the Department of Justice.