

Northern Territory Consumer Affairs

Annual Report 2023-24



NORTHERN TERRITORY

CONSUMER

AFFAIRS

Rapid Creek, Casuarina Coastal Reserve, Garramilla (Darwin)



Roe Creek, Mparntwe (Alice Springs)



ACKNOWLEDGEMENT OF COUNTRY

Northern Territory Consumer Affairs acknowledges the Larrakia and Arrernte peoples as the Traditional Custodians of the land on which we work and live in Garramilla (Darwin) and Mparntwe (Alice Springs), respectively.

We pay our respects to their Elders past, present and future, and we acknowledge the continuing connection of all Aboriginal and Torres Strait Islander people to land, sea and community.

The Hon Marie-Clare Boothby
Attorney-General
Parliament House
DARWIN NT 0800

Dear Minister

Re: ANNUAL REPORT 2023-24

The Department of the Attorney-General and Justice 2023-24 Annual Report includes performance reporting on Consumer Affairs in conformity with requirements of the *Public Sector Employment and Management Act 1993* and the *Financial Management Act 1995*.

The Commissioner of Consumer Affairs is a statutory officer and is required to report to the Minister annually pursuant to:

- Section 12 of the *Consumer Affairs and Fair Trading Act 1990*
- Section 15 of the *Residential Tenancies Act 1999*
- Section 11 of the *Retirement Villages Act 1995*
- Section 14 of the *Business Tenancies (Fair Dealings) Act 2003*
- Section 20 of the *Caravan Parks Act 2012*
- Part 5A of the *Building Act 1993*

In accordance with the requirements outlined above, I have the pleasure of presenting the Commissioner's Annual Report for the year ended 30 June 2024.

Yours sincerely



Traci Keys

Commissioner
Northern Territory Consumer Affairs

30 September 2024



Table of Contents

Message from the Commissioner	6
About Consumer Affairs	8
Core Functions	8
Organisation Chart.....	9
Customer Service Standards- how did we do?	10
Promoting Consumer Awareness	11
Education.....	11
Out and About with NTCA	14
Outreach Program	16
Conciliations and Complaints.....	17
Tenancy and Building Disputes	18
Residential Building Disputes.....	18
Retail Tenancies.....	18
Residential Tenancies.....	19
Networks and Collaboration	20
Australian Consumer Law (ACL)	20
Consumer Ministers Network (CMN)	20
Consumer Senior Officials' Network (CSON).....	21
Consumer Education Network (CEN)	21
National Indigenous Consumer Strategy Reference Group (NICS)	22
Regulatory Compliance Network (RCN).....	22
Fair Trading Operations Group (FTOG) and other working groups	23
Interagency Building Reform Working Group.....	23
Compliance	24
Motor Vehicles	25
Residential tenancies	27
Scams.....	27
MyFuel NT.....	28
Other Statutory Responsibilities	29
Retirement Villages	29
Caravan Parks.....	29
Appendix	30
Northern Territory Consumer Affairs - legislation and statutory offices.....	30

Message from the Commissioner



Traci Keys
Commissioner

I am pleased to present my first Annual Report as Commissioner of Consumer Affairs. I am excited to be working in an area that contributes positively to the lives of Territorians and improves social outcomes. I intend to be a visible Commissioner, listening to the views of diverse consumers and supporting practical and meaningful outcomes for all Territory consumers.

Important and aligning with this vision, significant reforms to the *Residential Tenancies Act 1999* commenced on 2 January 2024. They included reforms to support tenants experiencing domestic violence, including expedited termination of a lease, processes and increased ability to make security modifications, and important privacy protections to ensure safety.

Having personal agency over safe housing is a critical part of returning control to those living with domestic violence and in keeping them safe. I have been active in sharing these reforms with the domestic violence sector to ensure they are known and being used as intended.

I have also actively engaged with local media to ensure the public know their consumer rights, with regular monthly sessions with ABC Radio Darwin and Central Australian Aboriginal Media Association (CAAMA) radio in Alice Springs. I hope to expand this work in the 2024-25 year.

I visited Alice Springs shortly after commencing to meet with critical stakeholders as the office in Alice Springs had been closed due to staffing constraints. There have been further visits from Northern Territory Consumer Affairs (NTCA) staff to keep connected with the central Australian community. I am also pleased to report that the office in Alice Springs is now open again.

I have also actively reached out to stakeholders in the Top End, ensuring I met with a diverse range of groups. I look forward to the work that will come out of these connections in later years. I have been extremely grateful for the many opportunities I have had to present to different forums and the many events I have been able to attend. There are many highly motivated people in the Northern Territory keen to make real change and I am eager to work with them.

In taking up this role it was clear to me that 2023-24 has been a very busy year. This was compounded by many vacancies in the office. I appreciate the staff's willingness to pitch in as we worked our way through these challenges, with many staff picking up tasks outside of their usual roles, and doing so without complaint. I also appreciate the many hours of work by staff to recruit new staff. I am pleased to report that at the end of the financial year we have a full and committed team going into 2024-25.

Territory tenants have been challenged with issues relating to renting, including terminations of agreements, unfair rent, and bond returns. Landlords were required to become familiar with the legislative amendments this year to the *Residential Tenancies Act 1999*, on which NTCA provided free training and support. Under the Australian Consumer Law, we continue to see Territory consumers dealing with faulty cars and having difficulty getting their issues addressed.

We have seen many complaints about airlines, particularly following the collapse of Bonza.

Flight cancellation however, has been an issue for a number of airlines and a reason for many calls to Consumer Affairs.

Scams continue to be an issue plaguing Territory consumers. In 2023-24 we saw two scams very close to home. One was a scam telling Aboriginal people in the Northern Territory that if they paid a small sum they would receive their stolen generation compensation payment of \$75,000; a particularly cruel scam. Another was fake tickets being sold to the Aileron Rodeo. NTCA is active in the scams space in educating the public through education sessions, traditional media, and social media. Our compliance team is also active in finding fake websites. In 2023-24 they identified 34 fake websites, saving \$411,830 in potential losses that we are aware of.

We have also received a number of residential building applications, and have been hearing about issues out in the community. The high interest rates are putting stress on this sector and NTCA is hearing some concerning stories. We will continue to look for avenues to raise the concerns of consumers, that cannot be resolved through our legal frameworks.

It has been a year of change for NTCA and I thank them for their support and patience as the organisation has transitioned to my leadership. I would particularly like to acknowledge Rebecca Davey who so competently led Consumer Affairs while awaiting the appointment of a new Commissioner. I am pleased Rebecca remains as my very capable deputy, and am excited to see what we can achieve together. I would also like to acknowledge Danielle Wilks who stepped into the Acting Deputy Commissioner role during this period.

Lastly I would like to acknowledge Shelagh Leonard who retired in April 2024. Shelagh had been with Government for 35 years, and 20 of those years with NTCA. Shelagh has been a stalwart at our office, having worked in various roles and also in our Alice Springs office on multiple occasions. We will miss Shelagh's steady presence in the office, but feel grateful to have had her for the many years we did.

Traci Keys
Commissioner



Rebecca Davey
Deputy Commissioner



Shelagh Leonard, educating Northern Territory's young and senior consumers in 2008 and 2023



About Consumer Affairs

NTCA administers and regulates consumer protection laws by providing education and dispute resolution processes to consumers and businesses, and undertaking investigative activities to monitor compliance and detect potential breaches of legislation.

NTCA is led by the Commissioner of Consumer Affairs, Ms Traci Keys. The Commissioner is an independent statutory position appointed by the Attorney-General and Minister for Justice under the *Consumer Affairs and Fair Trading Act 1990*, and is responsible for promoting fair trading practices and the interests of consumers. The Commissioner has other statutory functions arising from Northern Territory consumer protection legislation, including the Commissioner of Tenancies, Commissioner of Residential Building Disputes, Commissioner of Business Tenancies and Controller of Prices. The Appendix contains a complete list of legislation administered by NTCA.

A large part of our work involves administering the Australian Consumer Law (ACL), a national uniform consumer protection law that is managed under a multi-regulator model. We actively participate in national consumer groups to provide consistent application of the ACL across Australia and respond to consumer protection matters of national significance.

The *Residential Tenancies Act 1999* is another key piece of legislation we administer. NTCA staff have helped countless Territorians understand their rental rights, enabling them to advocate for themselves when in dispute. We also provide education and training to landlords and real estate agents to increase awareness and reduce the risk of non-compliance with the Act.

NTCA applies a regulatory approach that is intelligence led, risk-based and outcome focused. Our staff are passionate about providing high quality services to our clients, whether that be empowering consumers to exercise their rights or supporting businesses to meet their obligations under the law.

Core Functions




Promote consumer awareness through consultation, education and conciliation



Respond to consumer policy issues of local and national importance



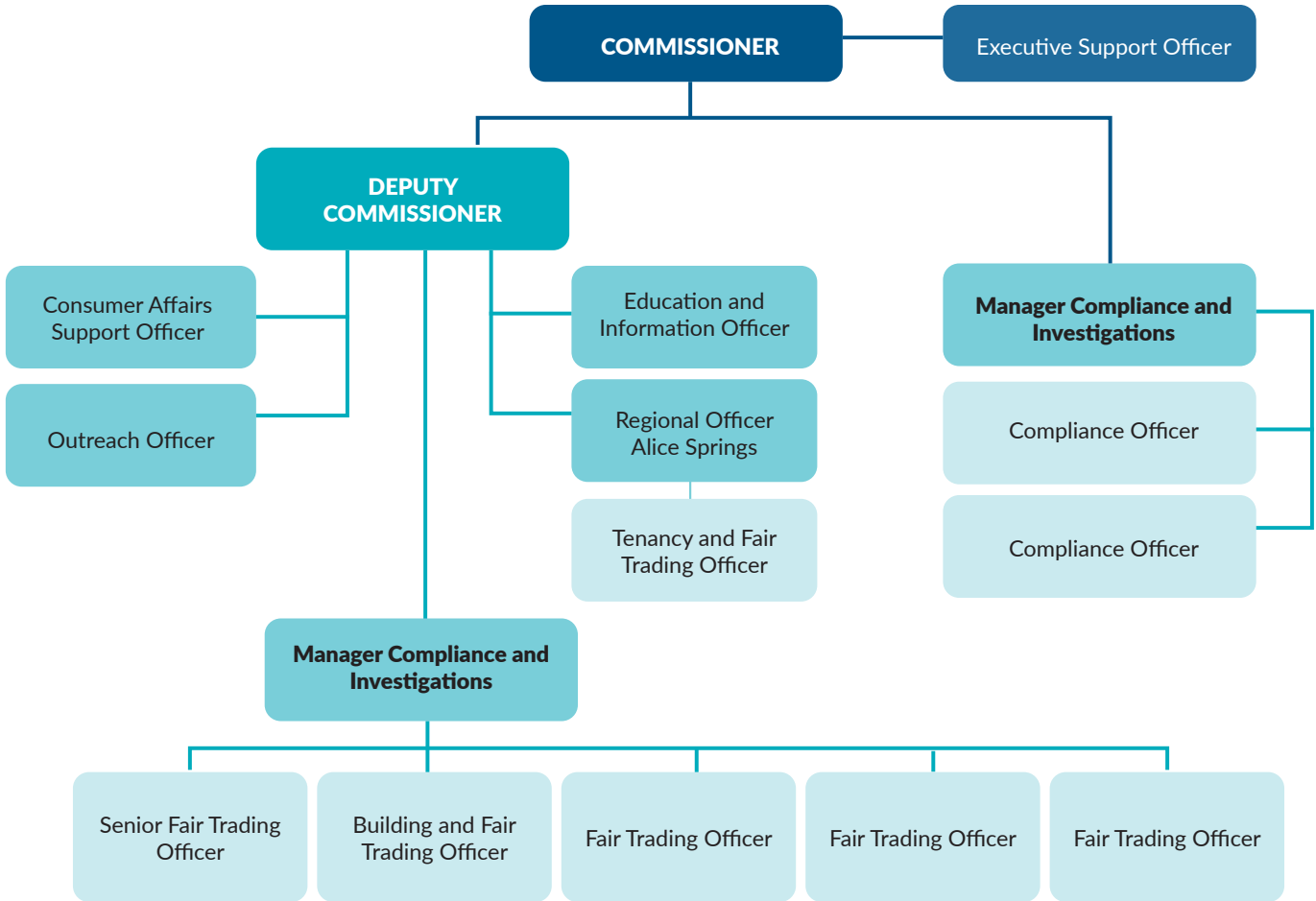
Provide a compliance and enforcement service to protect Territorians



Administer the MyFuel NT scheme

Organisation Chart

With 17 staff spread across our main office in Darwin and our regional office in Alice Springs, NTCA is able to provide services to a range of Territory consumers and businesses.



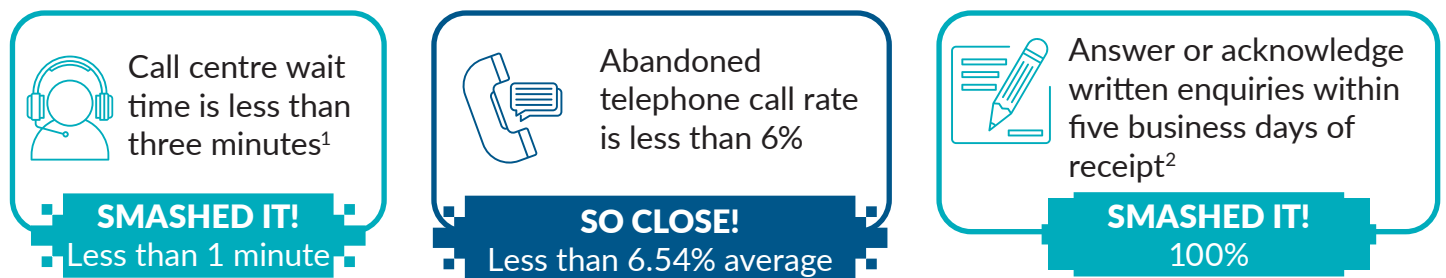
Customer Service Standards

– how did we do?

NTCA strives to deliver a high-quality customer service to our clients and stakeholders. Our services can be accessed by telephone, email and through our website and social media pages.

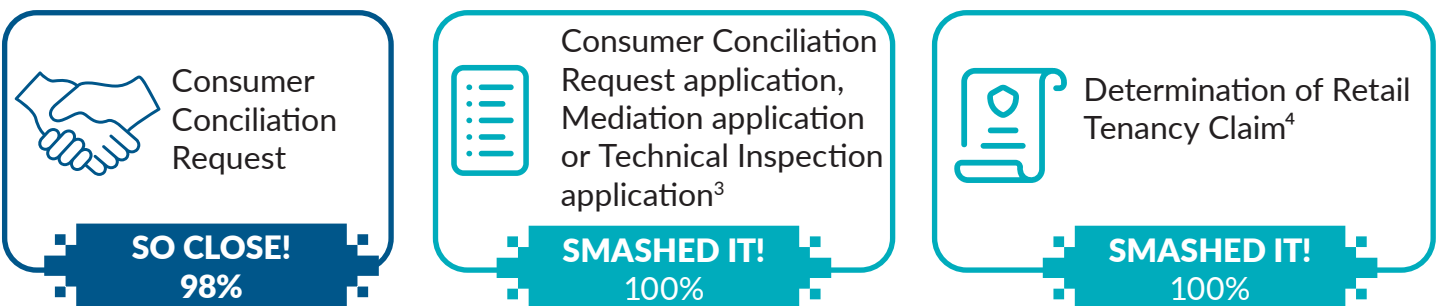
We specify measurable targets so that our clients know what they can expect from us when making inquiries, submitting applications and engaging with our office. Let's have a look at how NTCA performed in 2023-24:

Enquiries

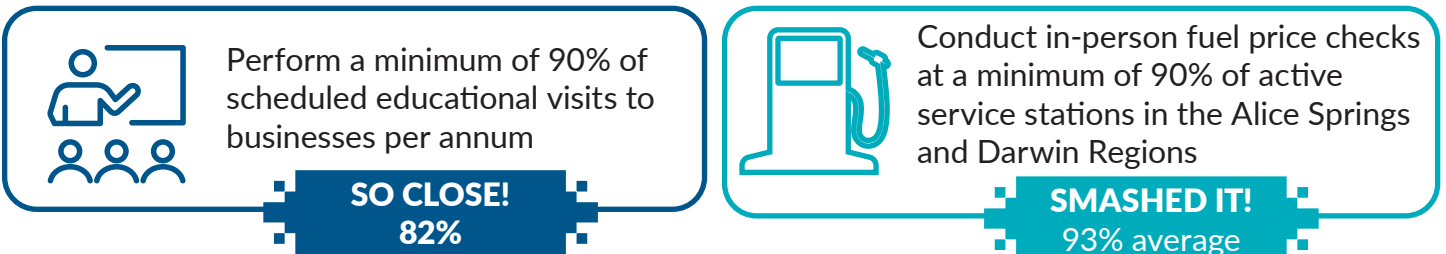


Applications

Provide written advice on acceptance (or non-acceptance) of applications within 10 business days of lodgement, subject to the provision of all required information and payment of any applicable fee:



Other



In a year with lots of resource constraints, NTCA are proud of our achievements. We may not have met expectations in all areas, as we needed to prioritise and ensure the most important services were provided to our clients. NTCA is committed to continuous improvement and we will use these results to inform our practices into the future.

¹Based on a quarterly average

²Excluding correspondence received during approved office closure periods

³Under the *Building (Resolution of Residential Building Work Disputes) Regulations 2012*

⁴Under the *Business Tenancies (Fair Dealings) Act 2003*

Promoting Consumer Awareness

Education

One of the most effective ways to promote awareness about consumer protection laws is through education. By empowering consumers and businesses with knowledge about their rights and responsibilities, NTCA aims to increase compliance with laws, decrease disputes and legal action between parties, and most importantly, reduce harm.

NTCA provides a variety of ways for clients to engage with our staff, including a dedicated call centre, walk-in service in Darwin and Alice Springs, email, media engagements, community events, customised education sessions, trader visits, social media, and a comprehensive website.

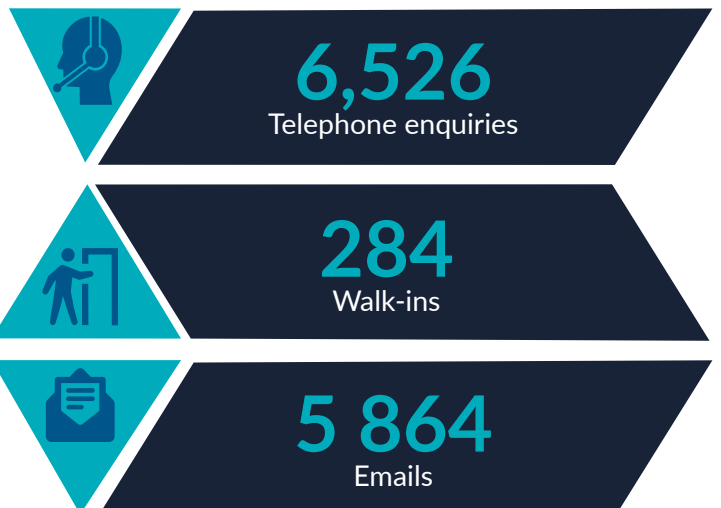
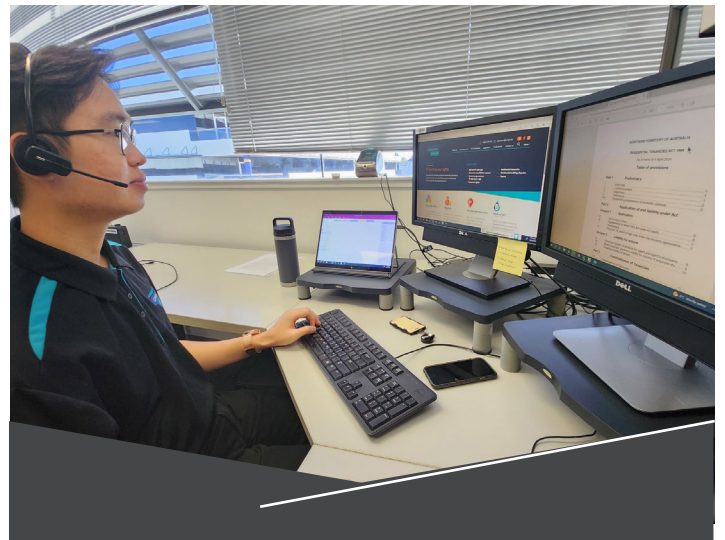
Enquiries

Our Fair Trading Team is the heart of NTCA, with this small group of staff answering thousands of enquiries each year through phone, email and in person. The Fair Trading Team provides advice and education on consumer rights, residential tenancies, and a range of other legislation administered by NTCA. We also refer clients to other services where appropriate.

The team has gone through several changes throughout the year, with the retirement of Ms Shelagh Leonard, a long standing Senior Fair Trading Officer, and the welcoming of a new Senior Fair Trading Officer; Mr Mali De Castro and two new Fair Trading Officers; Mr Oliver Vo and Ms Jade Smith.

The new staff quickly got up to speed on everything consumer affairs related and have brought with them a wealth of knowledge and experience from a range of different backgrounds and careers.

We also welcomed the re-opening of our Alice Springs office, with the return of our very experienced Regional Officer Ms Amanda Saunders in April, having completed a temporary transfer elsewhere within the Northern Territory Government. Mandy has wasted no time in engaging with the local community and ensuring Centralians are up to date with their consumer protection information needs. Having staff on the ground in the Alice is essential to ensure we service our southern regional clients who may face different challenges to those located in the Top End.



Social Media



NTCA published information via three social media platforms: Facebook, Instagram and YouTube. The majority of our content is developed to address consumer and rental issues relevant to Territorians.

We published 505 posts across Facebook and Instagram this year, with our most popular post relating to the closure of Bonza Airlines, with a massive reach of over 234,000. Our warnings about fake websites also continued to be popular with consumers across all of Australia. We also increased our year on year views of consumer guarantee YouTube videos in Yolŋu Matha language by 5,644, extending our reach to vulnerable Territory consumers in Northeast Arnhem Land.



Bonza

95

529 comments 159 shares

Northern Territory Consumer Affairs
1 May

Do you have a cancelled booking with Bonza Airlines?

If so, you may be concerned about obtaining a refund. We recommend you contact your bank or financial institution to lodge a chargeback.

A chargeback is when you apply to your card provider to recover money you spent on a product or service that was subsequently not delivered.

Please note that the quicker you apply for a chargeback, the more likely you will receive your money back. Please check with your card provider what terms and conditions apply.

Administrators have been appointed and have established a hotline for customers enquiries: 03 8678 1600.

The Government has established a hotline for stranded passengers: 1800 069 244.

#bonza #bonzaairlines #airlines #chargeback #CC #creditcard #refund #NT #Darwin #Alicsprings #katherine #ntconsumeraffairs #consumeraffairs #fairtrading

NTCA's most popular social media post in 2023-24, providing advice to consumers left stranded by the sudden closure of Bonza Airlines

NTCA actively participates in national campaigns coordinated by the Consumer Education Network, a collaboration of all Australian consumer protection agencies. In the 2023-24 period, this network collectively produced the following social media campaigns, many of which recur annually:

- Well Winter
- Cost of Living
- Halloween (Product safety)
- Scams Week 2023
- Online Sales
- Safe Summer
- Romance Scams
- Dark Patterns
- Mother's Day
- Ladder Safety

Website

The NTCA website is designed to be fully compatible with all devices, including computers, tablets, and mobile phones. Its user-friendly and engaging layout facilitates easy navigation, allowing users to quickly find the information they need. The website is regularly updated and expanded to explain new legislation and address emerging consumer issues identified through our call centre and outreach activities.

The website hosts a comprehensive range of publications on all aspects of consumer and rental rights in the Northern Territory, and information aimed at helping businesses fulfil their obligations. It includes simple English fact sheets to assist Territorians whose first language is not English. Additionally, it provides publications on major consumer and rental issues, and other valuable resources, such as contact details for other agencies that can assist with specific issues outside of our jurisdiction.

This year, NTCA developed six new fact sheets on emerging topics of interest, including chargebacks, fake websites, data breaches, consumer rights for home care, refunds and shopping rights. We also published new flowcharts, factsheets and a Commissioner's list of approved documents for rental applications.



59,458
NTCA website visits

Media

Our call centre, website, and social media platforms are actively promoted through media channels to encourage engagement with NTCA. This integrated approach ensures that individuals have multiple channels to seek assistance and to access the information they need at their convenience.

The Commissioner or Deputy Commissioner have continued NTCA's long established commitment to host monthly segments on ABC Radio Darwin, providing a valuable platform to address the public directly. This year, the Commissioner also commenced monthly appearances on CAAMA (Central Australian Aboriginal Media Association) radio, reaching Aboriginal audiences in urban and remote locations in the Territory and broader Australia. The ABC Radio Darwin and CAAMA segments provide regular opportunities to discuss current and emerging topics of consumer and business interest, and allow the public to ask consumer related questions live on air.



Commissioner Traci Keys with ABC Radio Darwin presenter Rick Hind, discussing local consumer and rental issues in the studio.

Out and About with NTCA

“Thank you for taking the time to deliver your presentation for us, the students really enjoyed it and were a bit surprised by how much they didn’t know”
- Darwin Skills Development



Migrant Resource Centre staff in Alice Springs, with Amanda Saunders Regional Officer and Outreach Officer Janine Mitchell



Commissioner Traci Keys, with staff Shelagh Leonard and Janine Mitchell at the 2024 Welcome to the Top End Defence Expo

“Thank you so much for your amazing presentation and the really helpful and welcomed information you shared” - 54 Reasons, Katherine



NTCA education session at Larrakia Nation



Outreach Officer Janine Mitchell paying an educational visit at a local pharmacy

“Our members definitely enjoyed your session last week. People were still talking about scams through lunch! Thank you for making the session so informative and interesting” - Probus Club Darwin Inc.



NTCA and COTA NT staff at a Darwin shopping centre



Clive Rosewarne of Community Housing Central Australia, discussing residential tenancy matters with Regional Officer Amanda Saunders

“You and your team are always welcome. Thanks for engaging with the community and offering advice to the patrons. We look forward to your next visit” - Alice Springs Library

Outreach Program

The aim of our outreach program is to increase the community profile of NTCA to ensure Territorians know how we can assist with their consumer and tenancy issues. Getting out into the community, listening to people's concerns and providing education about their rights and responsibilities is a critical way in which NTCA empowers both traders and consumers.

Our outreach activities also build relationships with other government agencies, service providers, non-government organisations and other relevant networks to facilitate a coordinated approach to address complex issues in the community.

In 2023-24, NTCA visited Katherine, Nhulunbuy, Tennant Creek, Batchelor and Alice Springs (when the office was closed) to engage with Territorians in regional areas. We also participated in a number of public events for the first time, including NAIDOC Runway, Anglicare NT Couch Surfing for Youth Homelessness Matters Day, NT Electoral Commission's Democracy Dash and the AANT Street Smart High Expo. Other new initiatives include regular open information sessions at Casuarina and Alice Springs libraries, and partnering with COTA NT to provide consumer information at local Darwin shopping centres.

We continued to engage with Aboriginal consumers through regular participation in various community stakeholder meetings in the Top End area, including making a new connection with the Palmerston Indigenous Network.

Educating local businesses is also an important service provided by NTCA. We conducted trader visits, provided valuable information and publications in relation to a business' rights and responsibilities under the ACL and other applicable legislation. We also provided free training sessions for businesses, including real estate agencies.

Some of the other organisations and events we have engaged with this year include:

- Youthworx
- Larrakia Aged Care
- Darwin Skills Development Scheme
- IDA All Abilities Expo - Katherine and Darwin
- BAMARA ParentsNext
- Multicultural Community Services of Central Australia
- Sunrise Centre
- Darwin High School Health Expo
- Marrara and Darwin Probus
- COTA Seniors Expo - Alice Springs, Darwin and Katherine
- Calvary Home Care
- STEPS Education and Training
- Northern Territory Police Force
- Welcome to the Top End Defence Expo

706

Trader visits



2016

Community engagements



88

Presentations



14

Events



Conciliations and Complaints

Our Fair Trading Team regularly informs consumers of their rights and how to best negotiate with a business when a problem arises with their purchase of goods or services. If people are unable to resolve a dispute themselves, NTCA also provides a free conciliation service to assist the parties come to a resolution. This year, we received 184 applications for conciliation, of which we successfully resolved 56 per cent of cases.

Some of our successful conciliation matters included:

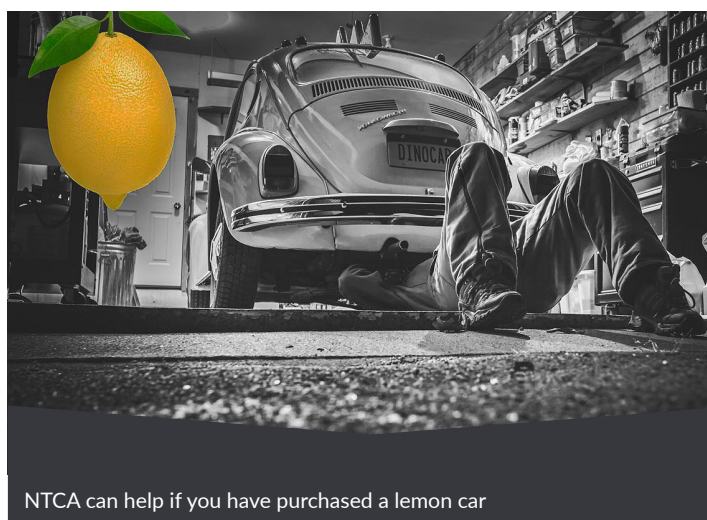
Full refund for lemon car

A consumer purchased a brand new vehicle from a motor vehicle dealer, and soon after delivery identified a number of minor and major faults. The vehicle was returned to the dealership workshop for assessment where it remained for more than two months, before the consumer requested a refund. As the vehicle was subject to both a number of minor faults and a major fault, and could not be repaired within a reasonable time frame, the consumer was entitled to a refund. As the consumer was unable to settle the matter with the dealership directly, they requested conciliation through our office. Our team were able to successfully resolve the issue and the consumer received a full refund of almost \$50,000.

Consequential losses for delay in solar panel and battery installation

A consumer paid for the supply and installation of solar panels and a battery in order to save on energy bills. Sometime after installation, the consumer reviewed their power bills and noticed no reduction in the cost and no record of any power being exported to the grid. The consumer contacted the business who advised the issue was the non-installation of the new meter by an external body. The new meter was finally installed 9 months after the initial works were carried out.

As there appeared to have been a delay by the business to notify the relevant authority of the completion of the works and requirement for a new meter, the consumer sought consequential losses for the higher than expected energy bills. Initially, the business declined to provide financial redress to the consumer, however through the conciliation process they paid a sum of almost \$2,000 to the consumer as compensation.



Client Feedback

“Amanda was very professional and so polite. She kept me in the loop the whole way with email updates and magically turned everything around. I’ve now received a full refund! I can’t thank her enough for turning a very stressful situation for me into a happy ending. Thank you Amanda and NT Consumer Affairs!”

“We are very happy with the outcome and very grateful for the help and guidance of all at NT Consumer Affairs.”

“Thanks so much to you and the other staff who have been a wonderful help for me to sort out the problem”.

Tenancy and Building Disputes

Residential Building Disputes

Holding the statutory position of the Commissioner of Residential Building Disputes, the Commissioner of Consumer Affairs has the power to conciliate matters or determine breaches of consumer guarantees that apply to prescribed residential building work under the *Building Act 1993*. This includes making orders for rectification or compensation up to \$100,000, by agreement or by order following a finding of a breach. If the Commissioner makes an order for a respondent to pay compensation over \$100,000, the dispute decision must be referred to the Northern Territory Civil and Administrative Tribunal (NTCAT).

In 2023-24, NTCA received 50 residential building related enquiries, three Applications to the Commissioner for Decision, one Technical Inspection Application and one related complaint.

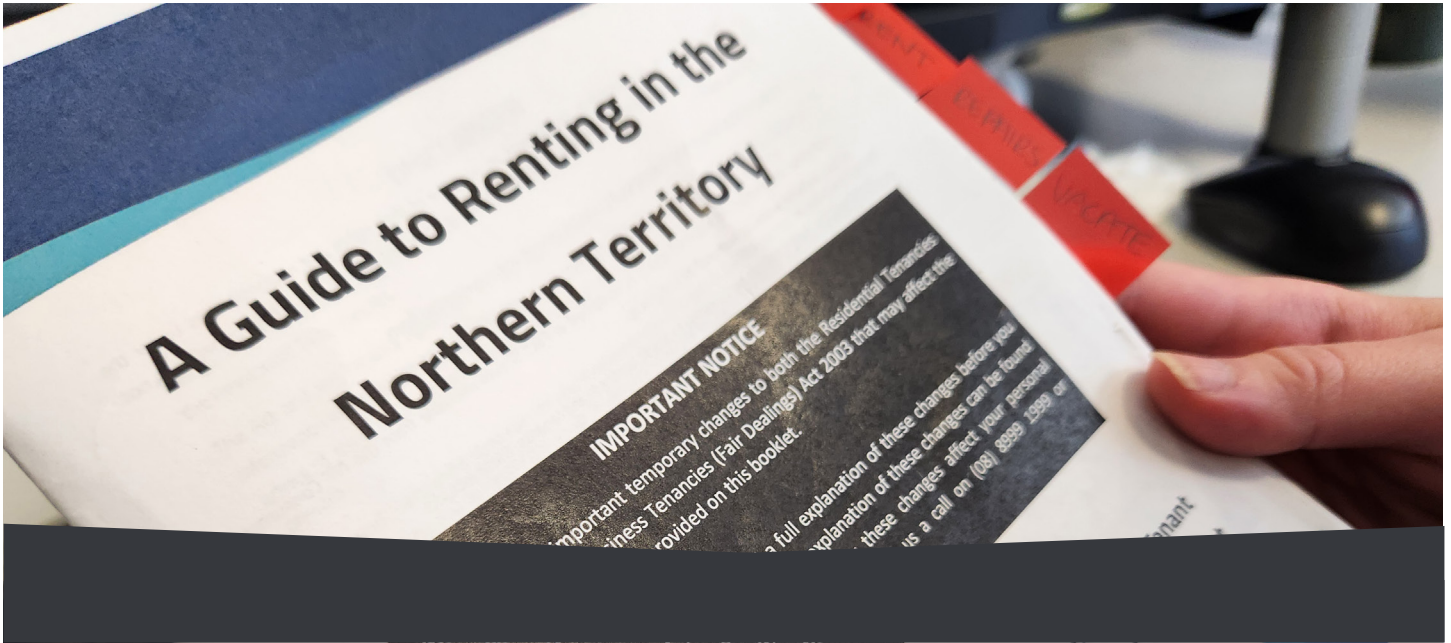


Retail Tenancies

Dispute resolution is one of the main functions undertaken by the Commissioner of Business Tenancies in relation to the *Business Tenancies (Fair Dealings) Act 2003*, in addition to responding to enquiries about how the legislation operates. Applications that come before the Commissioner are often resolved during this process.

In the last financial year, the Commissioner received five business tenancy applications and 71 enquiries about retail tenancy matters. A recent legislative amendment has made it possible for the Commissioner to fast-track applications where the parties do not wish to participate in dispute resolution, by cancelling a conference and issuing a Certificate of Failure to Resolve Retail Tenancy Claim, enabling parties to expedite court proceedings.

Residential Tenancies



The Commissioner of Consumer Affairs holds the statutory position of Commissioner of Tenancies under the *Residential Tenancies Act 1999* and is responsible for administering the legislation, including educating parties to residential tenancy agreements and investigating suspected breaches.

In response to recommendations by the Residential Tenancies Act Review Working Group, reforms to the *Residential Tenancies Act 1999* were implemented, with the Residential Tenancies Legislation Amendment Bill 2023 coming into force on 2 January 2024. This Bill represents Tranche 2 of an ongoing reform program, and implements Items 4, 5, 6 and 7 of National Cabinet’s ‘A Better Deal for Renters’ measures and provides additional protections for tenants.

NTCA was active in promoting the changes through various mediums including stakeholder meetings, information sessions, radio interviews and social media. We also developed a range of publications to provide information about the amendments, including a fact sheet on enhanced protections for victims of domestic and family violence (DV), flow charts regarding establishing experience of DV; termination due to experiencing DV; prohibition on rent bidding; and protection of tenant information.

As part of the Commissioner of Tenancies general responsibilities, throughout the year staff provided advice and education about residential tenancies through the call centre, email and walk-in service. They also participated in two Q & A sessions with the Real Estate Institute of the Northern Territory and their members, and conducted training sessions to real estate agencies in Darwin, Katherine, Nhulunbuy and Alice Springs to answer questions on common tenancy issues and provide advice on the recent amendments.



Networks and Collaboration

Senior staff from NTCA participate in a range of cross-agency and inter-jurisdictional working groups that address consumer protection policy, regulatory, education and compliance matters of local and national significance.



Australian Consumer Law (ACL)

The ACL is a uniform law which applies nationally and has been adopted by consumer protection regulators across Australia. The ACL is administered and enforced under a multi-regulator model, and NTCA exercises this task in the Territory. The ACL aims to promote fair trading and provide protections for consumers.

Consumer Ministers Network (CMN)

The CMN has overall responsibility for responding to national consumer protection issues and undertaking ACL reforms. All other regulatory networks report to the CMN, which meets annually to discuss topics of national importance.

Commonwealth, State and Territory Consumer Affairs Ministers met virtually on 24 November 2023, with Acting Commissioner of Consumer Affairs, Mrs Rebecca Davey appearing on behalf of the Northern Territory Attorney-General and Minister for Justice, the Hon Chanston Paech.

Chaired by New South Wales Minister for Better Regulation and Fair Trading, the Hon Anoulack Chanthivong, attendees heard from the Consumers' Federation Australia, the peak body for consumer organisations in Australia, about key issues impacting consumers and possible areas for policy and law reform.

The CMN committed to improving transparency for consumers by supporting country of origin labelling for seafood in hospitality settings, and agreed to allow the consolidation of tobacco provisions under the ACL into a more streamlined national tobacco control legislation.

Attending Ministers also discussed and agreed on priorities for future work, including:

- consumer guarantees and supplier indemnification provisions
- protecting consumers and small business from unfair trading practices across the economy
- improved collaboration to combat scams and online fraud
- establishing a designated complaints mechanism within the Australian Competition and Consumer Commission for consumer and small business advocacy groups to raise systemic issues under consumer law
- implementation of the unfair contract terms reforms and ACL penalties harmonisation

Consumer Senior Officials' Network (CSON)

The Commissioner of Consumer Affairs is the Northern Territory's representative on the CSON. This committee is made up of senior officials from public consumer organisations from each state and territory as well as New Zealand. The Committee provides support to consumer Ministers to ensure they meet their responsibilities in relation to the Intergovernmental Agreement for the Australian Consumer Law.

Topics discussed by the group in the last year include seafood labelling, consideration of better enforcement options for the ACL, strengthening unfair contract term laws, consumer protection and aviation. Achievements in this reporting period include publication of results from the Australian Consumer Survey which included Northern Territory data, revealing poor knowledge about complaints processes and some apathy to engage in them. This is something NTCA will start looking at in the new financial year.

We have a new designated complaint model for the Australian Competition and Consumer Commission (ACCC), under which bodies designated by the Minister can bring a complaint, removing the need for the individual to do so. This will be available where the issue is:

- A significant or systemic market issue affecting Australian consumers or small business;
- A potential breach of the *Competition and Consumer Act 2010 (Cth)* (including the ACL) or of ACCC powers or functions under this law.

This has now been implemented in July 2024.

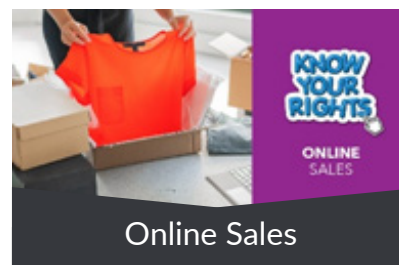


Consumer Education Network (CEN)

The CEN focuses on identifying the information needs of consumers and businesses, and creating national education campaigns to increase awareness of important topics, such as scams, product safety and the ACL. The CEN consists of communications staff from all state and territory and New Zealand fair trading offices, as well as the ACCC, the Australian Securities and Investment Commission (ASIC) and Commonwealth Treasury.

The network considers key priorities and schedules campaigns throughout the year ahead, but must also address emerging issues as they arise. Campaign results are evaluated to help inform future communication strategies.

NTCA participated in several national communication campaigns to raise awareness for consumer protection and product safety issues, distributed through our social media platforms, website and various media engagements.



National Indigenous Consumer Strategy Reference Group (NICS)

There is a chance that Aboriginal consumers are more likely to experience vulnerability due to language, literacy, cultural and geographical barriers. Consumer regulators from across Australia developed the National Indigenous Consumer Strategy in 2005 to help address these issues and improve outcomes for Aboriginal consumers.

Chaired by the ACCC, NICS members include all state and territory fair trading offices, ASIC and non-regulatory member the Indigenous Consumer Assistance Network. NICS is committed to promoting basic consumer rights, improving market outcomes and access to consumer protection services, and empowering Aboriginal people to exercise their consumer rights.

During the year, ASIC led a significant NICS project to refresh the 'Guide to Enforcement: Indigenous Consumer Matters'. A new set of eLearning modules were developed to provide consumer protection staff with insights to help them engage more effectively with Aboriginal communities and consumers in a culturally appropriate way when investigating complaints. The eLearning Guide has been well-received by NTCA staff and will improve accessibility to our compliance processes and other engagements involving Aboriginal consumers.

For further information about the National Indigenous Consumer Strategy, go to

[National Indigenous Consumer Strategy \(nics.org.au\)](https://nics.org.au).

Regulatory Compliance Network (RCN)

Representatives from the Commonwealth Treasury, and Commonwealth, state, territory and New Zealand consumer affairs and fair trading agencies work together to address issues of national consumer regulatory compliance through the RCN. This includes sharing of information and data, and monitoring and responding to emerging compliance trends and issues involving traders with a national presence.

Ongoing collaboration occurred in 2023-24 in areas where jurisdictional compliance priorities aligned. Strategies were also developed to address emerging risks of harm to Australian consumers. For example, a working group was formed to address challenges faced by consumers purchasing poor quality motor vehicles, and collaboration in both the RCN and NICS working groups resulted in ASIC issuing a final stop order against the owner of Urban Rampage retail stores for practices placing consumers at risk of financial hardship.

Fair Trading Operations Group (FTOG) and other working groups

The FTOG is an operational network that met monthly during 2023-24 to monitor and discuss current and emerging consumer issues. The work of this group also informs strategies and approaches for other working groups and networks.

FTOG continued to monitor traders reselling tickets for events, such as concerts, motor sports events, and other shows. Ticket resellers must adhere to the Ticket Resale Information Standard that was implemented in October 2022 under the ACL; however regulators are still seeing resellers offering tickets at prices that exceed the original purchase price and will keep monitoring this issue.

Effects from the COVID-19 pandemic were also observed in the consumer protection space. Online sales skyrocketed during the pandemic, and many consumer transactions are continuing to be completed online. In this context, the drop-shipping business model (where the seller operates a sales website, but does not hold any stock and does not have a warehouse or physical store) has come to the attention of FTOG.

In this context, as the supplier is not a party to the contract, and the seller only has a virtual presence, it can be hard for the consumer to obtain a remedy when goods have not been delivered or are unsatisfactory for other reasons. FTOG has monitored individual drop-shippers, as well as the business model as a whole, and has referred the issues to the RCN to coordinate an approach on a national level.



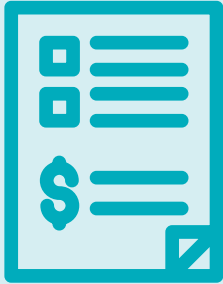
Consumer regulators continued to monitor ticket reselling practices for concerts and other events

Interagency Building Reform Working Group

The Territory Government has committed to reforming building regulation to improve safety and compliance, enhance consumer protections and increase public confidence in the local building industry.

The Commissioner of Residential Building Disputes and key NTCA staff are part of the Interagency Building Reform Working Group and have continued to provide valuable input and work with other NT Government agencies on these key reforms during the year.

Compliance



2

Infringement Notices issued



1

Public warnings issued



81

Trader engagements



79

Preliminary investigations



20

In-depth investigations

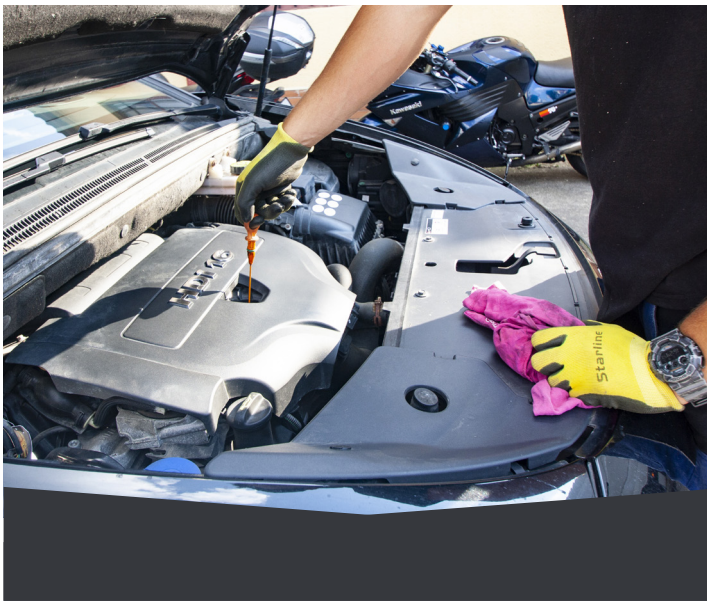
Motor Vehicles

Reports about issues with motor vehicle sales and repairs informed several compliance activities during the year, including participation in a national working group that aims to reduce consumer detriment arising from the sale of poor quality cars, both new and second-hand. In this working group, data about problematic motor vehicle sales is collated and analysed on a national level. This work is continuing into 2024-25.

Engagement with major dealership

The compliance unit engaged with a major dealership in the Territory to explore the cause of a large number of consumer reports and complaints to NTCA.

This resulted in NTCA delivering an in-depth training session to the dealership staff, addressing specific obligations under consumer protection legislation to increase awareness and facilitate better outcomes.



Engagement with small dealership

The compliance unit received a referral from another government department regarding a consumer who was having trouble with a motor vehicle dealer. The consumer had purchased a used motor vehicle which failed on the first day. At the dealer's request, the consumer returned to the dealer to have it repaired. When advised of completed repairs, the consumer picked up their vehicle which, shortly after, failed again. It was again returned to the dealer for rectification of the problem. After the consumer had picked up their vehicle again, it failed for a third time. The consumer asked for a refund, which the dealer refused. Instead, the dealer asked for another opportunity to repair.

Under the ACL, apart from any statutory warranty, the purchased item comes with consumer guarantees. There is a guarantee that the item is of acceptable quality and is fit for purpose. In this particular case, it appeared the vehicle was neither.

Where goods either fail to such an extent that they cannot be repaired, or where they repeatedly develop minor faults, and the consumer would not have purchased them if they had known about this in advance, they may choose a refund.

In this case, the business continued to insist on repairing the vehicle, and refused to provide a refund. This conduct had the potential to mislead the consumer about their right to a refund. The compliance unit engaged with the trader to help them understand their obligations under the ACL, resulting in a full refund, including registration costs.

Auctions

NTCA received a report from a consumer who had purchased a motor vehicle at auction. The vehicle turned out to be faulty, and would have required major repairs. Under the ACL, consumer guarantees do not apply to goods sold at auction, so NTCA could not assist the consumer in this regard. However, the vehicle had also been advertised by the auction house with a significantly lower kilometres than actually displayed on the odometer

Irrespective of whether such a false representation is made intentionally or by mistake, this error constitutes false or misleading representations under the ACL. Under these provisions, the consumer was entitled to damages. The compliance unit engaged with the auction house, and ultimately the vehicle was returned and the consumer obtained a refund.

Linked credit contracts

Due to their high value, cars are often purchased under linked credit contracts (where the financial service provider is associated with the seller). A consumer experienced repeated issues with his new vehicle purchased under such a linked credit contract. The dealer offered a brand new replacement vehicle. The consumer was sceptical about this offer, as the new finance agreement for the replacement vehicle was at a much higher interest rate than the original contract.

Where goods purchased are under a linked credit contract, the supplier and finance company are jointly and severally liable to the consumer for any loss or damage. Therefore, in this case the consumer could have requested a replacement vehicle directly from the finance company under the old finance arrangement.

This information was relayed to the consumer, who was sufficiently empowered to resolve the matter themselves and receive a brand new replacement vehicle while continuing to make payments under the original finance arrangement.



Residential tenancies

Two infringement notices were issued to a real estate agent for breaches of the *Residential Tenancies Act 1999*, for failing to provide a copy of the tenancy agreement to the tenants with either the agent’s or landlord’s signature and requesting the tenant to pay an additional week’s worth of rent as a pet bond.

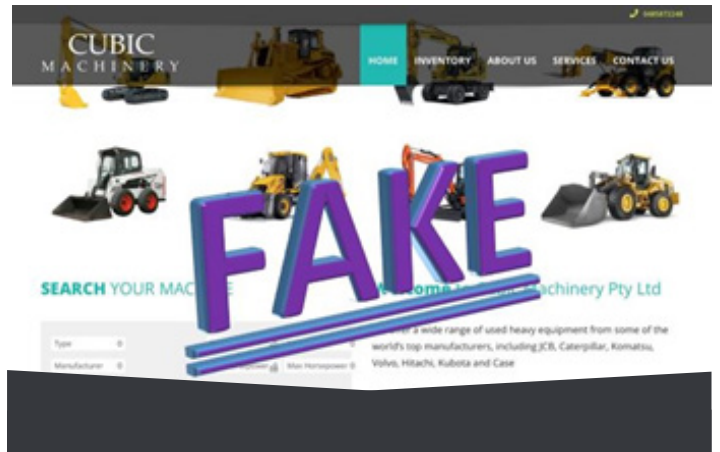
The Commissioner issued a public warning under the ACL about a former real estate agent who continued to present and practice as a licenced agent following the revocation of their licence. Based on the misrepresentation that the agent still had a licence, consumers were cautioned about entering into any legal of financial realty arrangements with the former agent.



Scams

The compliance unit continued their work to expose scam websites purporting to be selling big ticket items such as caravans, tractors, and other farm and construction machinery. The scammers continued to use names and ABNs of legitimate businesses on their fake websites, in order to give consumers a false sense of security.

Over the course of the year, 36 scam websites were exposed. Consumers reported to NTCA that they had lost \$113,790 to these fake websites. But, due to consumers exercising due diligence and NTCA’s warnings through social media, potential known losses totalling \$411,830 were avoided.



MyFuel NT

NTCA administers the MyFuel NT scheme, which aims to improve fuel price transparency and boost competition in the Territory fuel market.

To ensure confidence in the scheme, NTCA conducts in-person fuel price checks at retail outlets throughout the major urban centres of Darwin, Alice Springs and Katherine, and more remotely when possible. Outlets were largely compliant in 2023-24, and it was the first year in which no infringement notices were issued under the MyFuel NT scheme.

The website <https://myfuelnt.nt.gov.au/> contains a feature for members of the public to lodge price mismatch reports if they observe a discrepancy between the price reported to the website, and the price charged at the outlet. Among the price mismatch reports received during the year, one price mismatch report was a bit more noticeable. Upon further investigation, it turned out that a consumer located in the USA must have found the MyFuel NT website by coincidence and mistook a fuel outlet located in the Northern Territory for a service station in Las Vegas, Nevada.



Other Statutory Responsibilities

Retirement Villages

The *Retirement Villages Act 1995* is administered by NTCA. There are currently three retirement villages in the Territory, located in the Darwin suburbs of Fannie Bay, Tiwi and Palmerston. The retirement villages in Tiwi and Palmerston are managed by the same entity.

Under the Act and its Regulations, a Code of Practice was set up that outlines minimum standards of practice in relation to:

- Entering a retirement village
- Operation and management of retirement villages
- Dispute resolution

In 2023-24, NTCA received one enquiry under this Act. The Commissioner met with each of the managers of these services during the reporting period. No issues of concern were identified.

NTCA also provided an education session at one of the retirement villages, informing residents of their rights under the ACL and how to protect themselves from scams.



Caravan Parks

NTCA administers the *Caravan Parks Act 2012*. The Act seeks to regulate rights and obligations between park operators and residents, where residents have entered into a formal rental agreement for 12 months or more. The Act does not cover holiday parks, resorts or tourist parks unless a tenant has resided in the park for five or more years. The Act provides for standardised terms and conditions.

In 2023-24, 11 enquiries were received about rights and obligations under the Act. A majority of the enquiries received in 2023-24 were issues outside the Darwin area, with most being from Alice Springs. A majority of enquires related to rights and obligations about termination of an agreement.

Appendix

Northern Territory Consumer Affairs – legislation and statutory offices

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

