

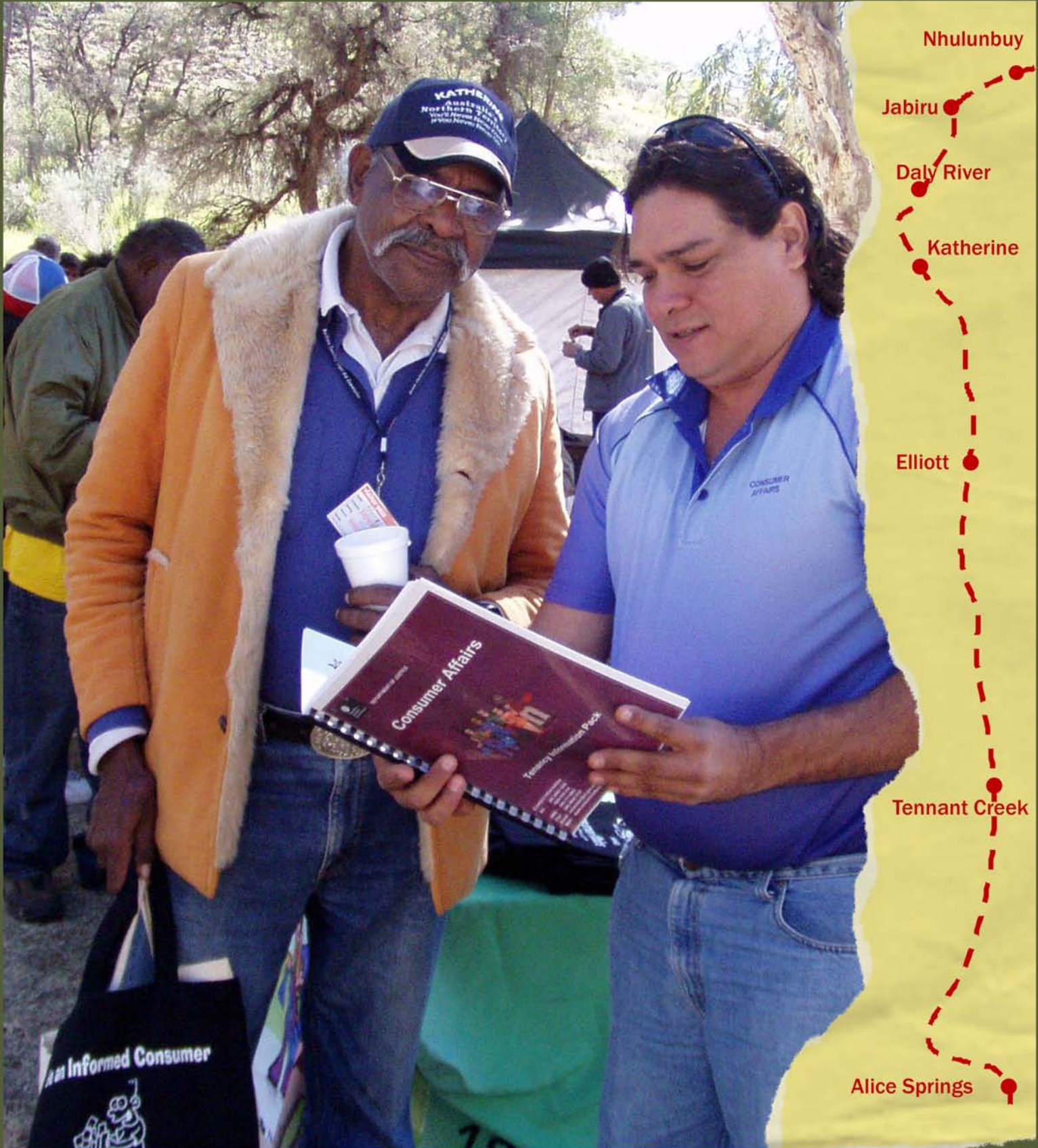


Northern Territory Government

The Consumer

Consumer Affairs

2/2010



a safe Territory

A Territory Government Initiative

www.safeterritory.nt.gov.au

'Connecting with Communities'

From the Commissioner of Consumer Affairs

In this edition of our newsletter we highlight some of the calls, enquiries and complaints Consumer Affairs staff have been receiving. Consumers have recently raised concerns about building or renovating their home, professional photographers and car compliance plates.

The latest research on seniors and online fraud is discussed, along with some general guidelines and tips about buying groceries on line, keeping on top of your mobile costs, the importance of keeping receipts, and re-registering with the 'Do Not Call Register'.

My staff have been visiting the regions to liaise with traders and consumers. Recent visits have included Katherine and Nhulunbuy, as well as attendance at an Indigenous Men's conference in Alice Springs. The story on this Central Australian event is worth a read.

We would also like to draw your attention to the new developments at a national level with the Australian Consumer Law. A number of national reform projects agreed to by the Council of Australian Governments

(COAG) will affect laws currently administered by NT Consumer Affairs and will take effect between 1 July 2010 and 1 Jan 2011. These include Trade Measurement, National Financial Services and Consumer Credit, which will be moving across to the Commonwealth. Consumer Affairs is working closely with Commonwealth agencies to ensure a smooth transition of these important consumer protections.

My staff are here to assist and advise Territory consumers. Please contact us if you are concerned about a consumer issue.

Gary Clements



Building or renovating your home? *Look after your rights, keep informed*

Building your dream home, or renovating the existing one? This can be an exciting and eventful time, but unfortunately, sometimes the end result does not turn out as expected.

Consumer Affairs has recently been involved in disputes between traders and consumers regarding large delays in completion dates or work being completed when it was not specified in the contract. In some situations, work has been completed but not to the standard which the consumer initially thought it would be.

Other consumers have found themselves in a position where they have paid money to traders and the work has never begun.

Consumer Affairs has put together some tips to assist in making building or renovating a comfortable and unproblematic exercise.

- Ensure you are provided with written quotes – if there are extras added, ensure you know how much they will cost and make sure these amendments are made to the quote.
- Liaise with the builder/renovator so they can assist if there is a problem.

- Ensure both parties are clear on the terms of the contract – if you are uncertain on specifics seek some independent advice.
- Discuss time frames – ask your builder/renovator when the work will be started and finished.

Remember, it is always best that details are made in writing. If a dispute does arise, this provides you with evidence.



TIP
**MEASURE
TWICE,
CUT ONCE.**

For good advice, phone

Consumer Affairs on 1800 019 319

Choosing a photographer for that special function

It is that once in a lifetime event. It could be anything from your wedding to grand-dad's 90th birthday. The venue is perfect, everything falls into place, the lights, flowers, food, friends, music and beverages. It is an occasion that you want to remember forever.

One of the most important people at any memorable event is the photographer, and choosing the right person for the job can be very stressful.

Our office has recently received complaints relating to photographers, and consumers not receiving what was contracted.



There are steps you can take to protect yourself before you sign anything or part with your money so you can be assured of at least being able to get compensation in the case of a disaster caused by your photographer.

- Before you decide on a photographer ask for recommendations from friends and acquaintances
- Check the Australian Institute of Professional Photography (AIPP) website for an accredited photographer who works in your area (www.aipp.com.au/).
- The AIPP encourages, promotes and maintains the highest standards of competence in both the reproduction of photographic images and in the conduct of photographic businesses. Anyone can call themselves a professional photographer. It is harder to become accredited.

Before you sign anything, make sure all your questions have been answered, that you have seen and read the terms and conditions, that you understand the pricing and the payment schedule, and that you know what the cancellation costs and taxes are. Never allow yourself to be pressured to sign anything, make sure any extras are included in the contract, not just verbally agreed to, and above all, if in doubt – don't.

- Once you've made a shortlist, go to each photographer and talk to them, ask about their qualifications, remembering that some very skilled photographers have never had formal training, but should have taken steps to become accredited.
- Ask to look at any examples of their work, make sure they have plenty of variety in their shots, and are creative. Ask them for references, and actually go and have a look at their photos if they will let you.
- Discuss what the photographer's back-up plan includes for various scenarios (such as pouring rain, unwell photographer or a camera malfunction). Discuss any special requests you have, such as posing in a certain location outside the venue, to see if there is an extra charge.
- Now talk money. See what packages are on offer. How many hours do you get for the price? How many photos shot on the day? How many will you get as part of the package? Do you get all the proofs? Are they full-sized and not watermarked? Do you get an album? Are you allowed to reprint the photos? If you receive the digital files – will they be low or high resolution?





Buying groceries online

More and more grocery shops are offering consumers the opportunity to shop for their groceries online, have them delivered to their door or pick them up from the shop.

Grocery shops that offer the service usually ask you to register first on their website. Online shoppers can then browse for food items by category at any time of the day or night. A search function makes it easy to find specific items or brands quickly and a single 'click' adds each item to a virtual shopping cart.

Be careful before handing over your details. Follow these tips when online shopping:

- Does the business provide its name, address and contact information?
- Does it give a detailed product description and allow you to save a copy of the order?
- Is the sales agreement clear?
- Are the steps for ordering or cancelling clear and simple?
- Is it clear what happens if you are not satisfied with your purchase?
- Does the site provide a secure system for processing your transaction?
- Are you aware of how the merchant will use your personal information?
- On-line consumers have rights, just as other shoppers do.

Consumers should compare the time it takes to shop online with time spent heading to the grocery shop and also the in-store and online prices before deciding if online shopping suits their needs.

Keeping on top of your mobile costs

Mobile phone users will soon be able to contact their phone company and request to block all premium SMS or MMS services, such as ringtones, to help control their phone costs and limit bill shock.

This will be especially useful for parents to make sure their children don't sign up for something without knowing about the charges involved. Consumers will only receive and pay for services they actually want.

It means you will no longer receive, or be charged for, any premium SMS or MMS services to which you are currently subscribed, and you will no longer be able to send premium SMS or MMS from your mobile phone.

There have been complaints by consumers hit by high charges that are often ongoing and only mentioned in the fine print.

The Australian Communications and Media Authority (ACMA) has announced the new rules which will come into effect on 1 July 2010 and is encouraging the industry to allow consumers to use SMS to request the barring and unbarring of services.





Do Not Call Register

It's your call

Re-register to avoid telemarketers

Registration of your phone number on the Do Not Call Register is valid for three years. So if you registered back in May 2007, you need to re-register now if you wish to keep telemarketers at bay.

Any numbers not re-registered by their three-year expiry deadline will be automatically removed from the register. If in doubt about when you listed your numbers, re-register them for another three years anyway. New registrations are also welcome.

It's fast, free and easy – simply call 1300 792 958 or go to www.donotcall.gov.au.

Breaking News: The Do Not Call Register Act 2006 has recently been amended and will affect Australians in three key ways:

- the registration period has been extended from three to five years,
- government bodies and emergency services will be able to register their numbers,
- fax numbers can also be registered.

Keep those receipts!

You'll need that receipt if something goes wrong and you want to negotiate a refund, replacement or repair.

A receipt is your proof of purchase and it is an important record of what you bought, where and when, its price and your method of payment.

It may also carry information on the terms of sale and be useful for warranty issues. Most vendors will automatically issue a receipt when you purchase an item, but if they don't, they are obliged to give you one at your request.

Some consumers have concerns about retail receipts fading, making it difficult to prove a purchase at a later date. It's a good idea to care for your receipts by storing them in a dark, cool environment or by taking a photocopy to ensure legibility.



make safe – buy safe – use safe New product safety website

Looking for information on product safety? The Product Safety Australia website has recently been launched. It is a single 'one-stop-shop' point of entry to consumer product safety information nationally.

The website will assist consumers and suppliers make safe, buy safe and use safe products, and aims to make it easier for consumers to find information about product safety, including

- registering to receive updates on product categories,
- mandatory safety standards, and
- product bans.

The website is available at www.productsafety.gov.au and is one of a range of activities that are being implemented prior to the commencement of the Australian Consumer Law from 1 January 2011.



Seniors and online fraud



Recent research has shown that many seniors are being deceived by online fraudsters.

The scammers usually study the victim's background and modify the details of their scam to suit the person's situation. They often prey on their weaknesses such as illnesses, significant life events, family circumstances, and emotions.

The victims, aged from 50 to 80 years, have:

- Lost between \$4,000 and \$300,000.
- Been ongoing victims for as long as six years.
- Experienced difficulties with the sheer persistence of the scammers.
- Generally believed that this "won't happen to me".

Schemes include receiving inheritance letters and emails, being asked to send money for sick relatives, and business-related scams. They often begin online and progress to telephone or face-to-face communications.

Scammers build a relationship with the victim which then becomes very hard to break.

Many victims don't reveal the full extent of their losses to family or friends as they fear the consequences. Follow these simple tips to help prevent online fraud.

DON'T:

- Give out personal information to strangers,
- Download e-mail attachments from people you don't know, or
- Click on links from unsolicited e-mail offers.

MAKE SURE

- Anti-virus software is installed and up to date.
- Spam filters and Internet browser security settings are on the highest levels possible.

If you are suspicious of a person or company hounding you or a relative, contact Consumer Affairs for advice.

Does your car have the right compliance plate?

Buying a new or second-hand car? Make sure you're getting the right make and model. Don't assume the badge showing the model on the car is correct, as we have received complaints where the badge on the vehicle did not match the model on the compliance plate.

It is an offence to sell a vehicle in Australia unless it can be fitted with a compliance plate that shows it meets Australian standards.

To register a vehicle in Australia it must have a compliance plate attached. Compliance plates vary in shape and style from manufacturer

to manufacturer. They include the words "This vehicle was manufactured to comply with the Motor Vehicle Standards Act 1989".



On passenger cars, the compliance plate is usually on the firewall and can only be fitted to an imported vehicle by a registered compliance plate approval holder.

Log onto our website:

www.consumeraffairs.nt.gov.au

Changes ahead ... national reforms to consumer laws

A number of national reform projects agreed to by the Council of Australian Governments (COAG) will affect laws currently administered by NT Consumer Affairs and will take effect between 1 July 2010 and 1 Jan 2011.

The Australian Consumer Law

The Australian Government has stated that a single national consumer law is required to rationalise the numerous consumer laws around Australia in order to reduce consumer confusion and reduce compliance burdens for business. The Australian Consumer Law (ACL) is a single, national law concerning consumer protection and fair trading, which will apply in the same way nationally in each state and territory.

The new law is to be based on the consumer provisions of the *Trade Practices Act 1974* and drawing on best practice in state and territory consumer laws.

The main changes being implemented in the ACL will be new:

- Unfair contract terms covering standard form contracts.
- National product safety law and enforcement system.
- National law guaranteeing consumer rights when buying goods and services, which replaces existing laws on conditions and warranties.
- Enforcement powers for Australia's consumer agencies, including substantiation notices, infringement notices and public warning notices.
- Civil penalties for breaches of the ACL, including civil pecuniary penalties and disqualification orders.
- Powers for courts to order redress for consumers affected by breaches of the law.
- Simple national rules for lay-by agreements.
- National regime for unsolicited consumer agreements, replacing state and territory door-to-door sales and other direct marketing laws.

The ACL will enable Australian consumers to have the same protections and expectations about business conduct wherever they are in Australia, while business will have the same obligations and responsibilities wherever they operate.

Trade Measurement Goes Commonwealth

From 1 July 2010, the Commonwealth will take responsibility for legislation and administration of trade measurement through the National Measurement Institute (NMI).

The NMI is responsible for maintaining the primary standards of measurement and providing the legal and technical framework for the dissemination of measurement standards.

This national legislation covers:

- pre-packed articles
- vegetables
- the use of measuring instruments for trade
- testing and certification of measuring instruments in use for trade
- transactions by measurement
- public weighbridges
- instrument certifying businesses (servicing licensees)

Trade measurement legislation aims to create consumer and business confidence in the marketplace by ensuring that consumers get what they pay for and businesses benefit by reducing the over-supply of goods.

National Financial Services and Consumer Credit

From 1 July 2010, regulation of consumer credit and finance broking will be the sole responsibility of the Commonwealth, taking over from the various states and territories. The Australian Securities and Investments Commission (ASIC) will administer the legislation.

The following will be regulated under Commonwealth legislation and administered by ASIC.

- home loans
- personal loans
- credit cards
- consumer leases
- pre-arranged overdrafts
- line of credit accounts

ASIC will continue to make information about the new regulatory framework available on its website. This includes the legislation, licensing process, general obligations and the timeframe in which the changes will take effect. Visit www.asic.gov.au/credit.



Consumer Affairs attends 'Stop the Violence' conference

More than 150 men from remote communities met in May to discuss ideas and solutions and to commit to working together to 'Stop the Violence' at a five-day Ingkintja Congress Male Health conference held at Inteyerrkwe, Ross River, 80 kilometres east of Alice Springs.

The men came from as far afield as Kintore on the Western Australian border, Finke River in the south and the town camps of Alice Springs

Senior cultural men, young leaders and future leaders were joined by representatives of government and non-government, Indigenous and non-Indigenous organisations to develop recommendations to help 'Stop the Violence'.

Consumer Affairs used the opportunity to increase its profile throughout the Central Australian region communities.

The men will be able to share information about general Consumer Affairs services, along with specific information and messages directly relevant to people's lives in remote areas, where access to services is often limited.

Money troubles related to purchasing and repairing vehicles, electrical equipment, signing contracts, mobile phones and other debt issues were identified as factors contributing to family stresses. The men also heard what is being done by



Andrew Japaljarri Spencer, Kintore, NT: (ex) Senior NT Community Police Officer.

Consumer Affairs to assist people in regard to door-to-door traders.

Specific activities such as pursuing rogue door-to-door sales of questionable equipment and services are also carried out with the help of staff within organisations, such as councils, who often are the first to bring stories of these traders to our attention.

The most important message taken away by participants was: **"If you think it is NOT FAIR or sounds 'fishy' you have a right to complain. If you are not sure, ASK anyway."**

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