



VICTORIA

ANNUAL REPORT

1985

MINISTRY

OF

CONSUMER AFFAIRS



after

VICTORIA

Report

of the

MINISTRY OF CONSUMER AFFAIRS

for the

Year ended 30 June 1985

*Presented to both Houses of Parliament pursuant to the provisions of
Section 8 of the Annual Reporting Act 1983*

MELBOURNE
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1985



The Honourable Peter Spyker, MP
MINISTER FOR CONSUMER AFFAIRS



David Hall
DIRECTOR OF CONSUMER AFFAIRS

MINISTRY OF CONSUMER AFFAIRS



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November 1, 1985

The Hon. Peter Spyker, MP,
Minister of Consumer Affairs,
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Sir

Annual Report 1984/85

Pursuant to Section 8 of the Annual Reporting Act 1983, I have the honour to present to you an Annual Report for the Ministry of Consumer Affairs for the year ending 30 June 1985 which I have prepared for you to lay before both Houses of Parliament.

This Annual Report incorporates those matters on which I am required to submit a report pursuant to Section 8A of the Ministry of Consumer Affairs Act 1973 and Section 16 of the Credit (Administration) Act 1984. By virtue of Section 5 of the Annual Reporting Act 1983, the laying of this Report before both Houses of Parliament is deemed to satisfy the provisions of these Acts.

Yours faithfully

David Hall

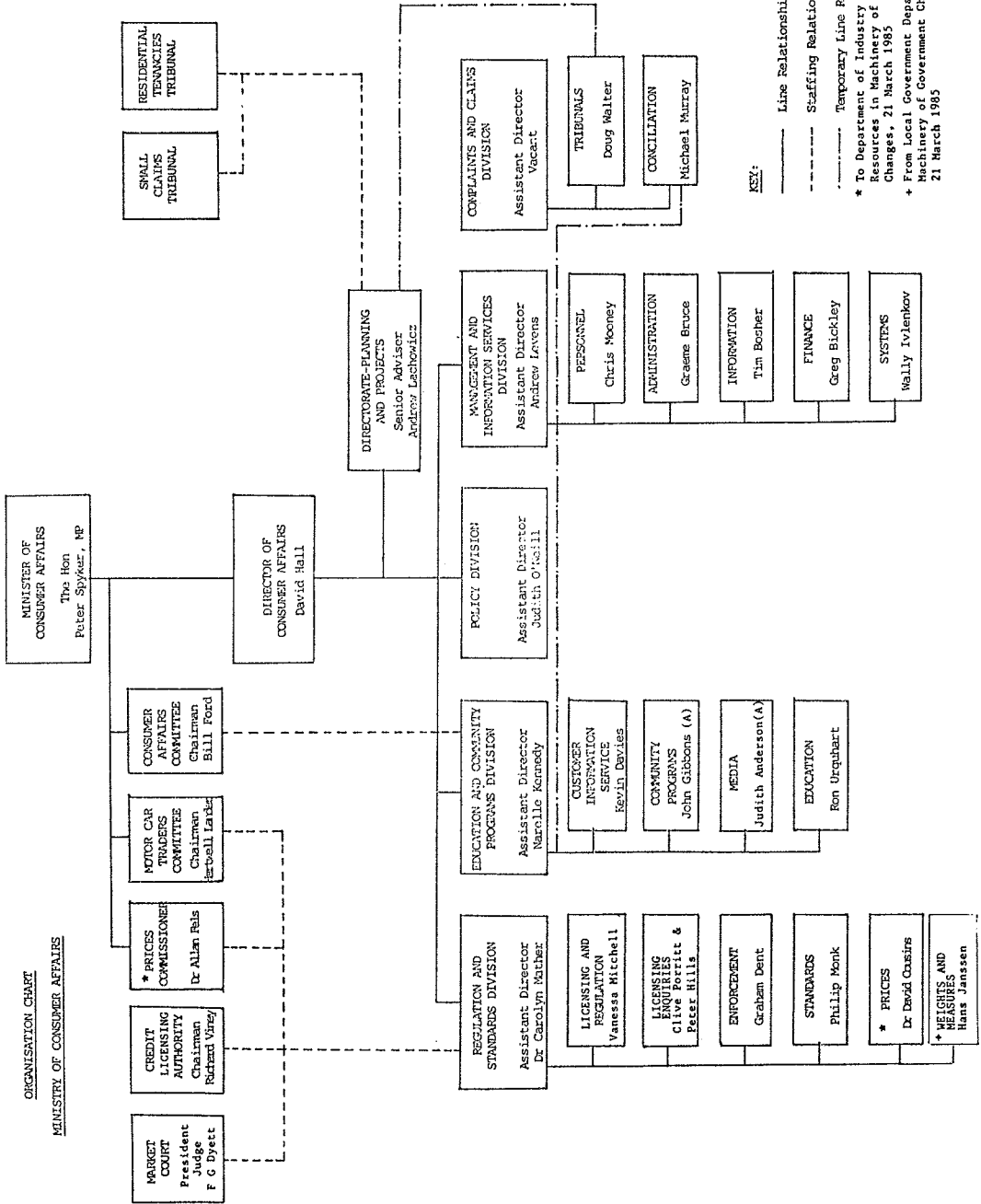
David Hall
Director of Consumer Affairs



VICTORIA 150
GROWING TOGETHER 1984-5
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ORGANISATION CHART

MINISTRY OF CONSUMER AFFAIRS



KEY:

— Line Relationships

- - - - - Staffing Relationships

..... Temporary Line Relationships and Resources in Industry Technology and Changes, 21 March 1985

+ From Local Government Department in Machinery of Government Changes, 21 March 1985

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MINISTRY OF CONSUMER AFFAIRSANNUAL REPORT 1984/85 - OVERVIEW

By virtually any measure, MCA has had its most successful year ever. In terms of sheer breadth and quantity of activity, the Ministry had done more than ever before. The Ministry has also moved much further towards achieving specified objectives, and can claim to have refined its products and procedures quite dramatically. There is also good evidence for claiming improved cost-benefit, especially in handling enquiries and complaints.

Yet, much more has been expected of the Ministry, and many needs remain unsatisfied. There is dissatisfaction in some quarters - not least within the organisation itself - that requests for assistance cannot be answered more quickly, that more errant traders cannot be brought to account, that legislative deficiencies still remain; and that the goals of the Ministry are not better understood.

Rather than throwing up its collective hands in horror, or resigning itself to a beleaguered existence, the Ministry has adopted an assertively targetted approach to change. It has unashamedly pursued 'the main chance(s)' and has deliberately positioned itself to be able to make maximum use of its resources, experience and skills. We've not wasted too much time bemoaning our lack of capacity to do things that just aren't possible yet. We have run where we can, but have also not been ashamed to walk - or even crawl - when that has been the sensible thing to do.

Among the Ministry's achievements have been:

- . the smooth implementation of the new Consumer Credit legislation including establishment of the Credit Licensing Authority;
- . development of proposals for Fair Trading legislation, to provide consumers and traders with conditions of trading that are as far as possible uniform with those applying under the Federal Trade Practices Act;
- . substantial progress towards completion of a corporate plan for all aspects of the Ministry's activities, encompassing broad goals, specific objectives and detailed annual operating plans;
- . negotiation of a Code of Ethics and Business Practice for the Health and Fitness Industry;
- . implementation of the first-ever Consumer Grants Scheme, providing support for community-based programs and initiatives

of direct relevant for consumers;

- . provision of administrative support and operational guidelines for a Consumer Affairs Committee, to advise the Minister for Consumer Affairs on all aspects of the portfolio;
- . participation in national and international forums on consumer matters, including meetings of the Standing Committee of Consumer Affairs Ministers (and Officers), the International Organisation of Consumer Unions, meetings of officials concerning Packaging and Labelling and Trade Measurement Standards and a special conference on Injury Surveillance held in Adelaide;
- . assumption of responsibility for the Weights and Measures Act and provisions of the Local Government Act relating to the liabilities of house-builders and safeguards for consumers contracting with registered house-builders;
- . preparation for reviews of regulatory procedures relating to motor car traders, travel agents and employment agents and the housebuilders' liability provisions of the Local Government Act; and
- . upgraded education and awareness programs for traders and consumers, in co-operation with relevant Government and non-Government bodies; improved industry regulation strategies; and greater initiative in the product safety area.

INDUSTRY REGULATION

There have been major changes in emphasis in the Ministry's approach to regulation of the market place. As well as needing to take full account of the Government's overall economic strategy, the Ministry has developed proposals for new legislation that will embody principles of fair trading which give greater recognition to the needs of consumers and traders for equitable dealing.

Apart from the introduction of a Fair Trading Bill, this emphasis is given effect in the following ways:

- . encouragement of industry co-regulation, whereby the Ministry co-operates with relevant industry groups to put in place codes of ethics and business practice that will give consumers confidence in that industry and provide protection against unfair practices;

- . use of Deeds of Assurance under the Market Court Act to prescribe trading practices that are unfair and to provide publically available guidelines on future behaviour of the trader in question;
- . targeting of investigation and prosecution activity to achieve maximum impact as quickly as possible in relation to trader behaviour of high risk to consumers, and involving close liaison with consumer and community groups;
- . early warnings of risky trader behaviour through media releases and parliamentary statements, and
- . education and consultation programs to increase trader and consumer awareness of acceptable market place practices.

There is always a delicate balance to be struck between over-zealous pursuit of 'the letter of the law' and a laissez-faire approach which allows unscrupulous traders (and sometimes consumers) to manipulate the market place to their own advantage. The Ministry has consciously sought to improve its information sources so as to have earlier warnings of unfair trading practices, and to be able better to position itself to intervene effectively.

Examples of Ministry initiative in this regard during the year include the preparation of a strategy paper on its enforcement activity; action taken in relation to the collapse of the Electronic Sales and Rentals franchises for Geelong, Ballarat and Albury/Wodonga; finalisation of a Code of Ethics and Business Practice for the Health and Fitness Industry; and warning about various undesirable marketing schemes, leading to encouragement of the development of a code of practice for market survey and research organisations, to complement that for direct selling and marketing organisations.

From time to time, concern is expressed that the two previous reports of the Ministry have not named traders. This was part of a deliberate strategy. Consumer protection depends on a quick response to unfair market behaviour, involving enforcement of relevant legislation and regulations, with immediate public statements where necessary. This offers protection to consumers at the time when they are most vulnerable. The Annual Report can then be properly used as a means of documenting trends and issues, informed by relevant case examples.

MANAGEMENT ASPECTS

In December 1982, the Public Service Board presented to the Minister for Consumer Affairs a final report of a review undertaken at the request of the Minister.

Earlier annual reports have indicated the scope of the recommendations of that review and the subsequent action taken. In brief, the Ministry has been radically restructured as a result of the external review: four separate program areas were identified, key objectives of these areas established, and resources allocated in accordance with these objectives. Particular emphasis has been placed on developing the policy capacity of the Ministry, involving research and analysis; gathering information about the climate in which the Ministry operates; and the presentation of policy options. Alongside this, the Ministry has significantly improved its customer handling capacity, its 'outreach' through regional operations, and has embarked on a systematic program of community, consumer and trader awareness and education.

During the year under review, Ministry functions have increased significantly. The new Credit laws have been proclaimed, the Credit Licensing Authority has been established, and the Credit Division of the Small Claims Tribunals is in place to hear the cases where consumer credit contracts are in dispute.

As a result of the Machinery of Government changes, which took effect from 21 March 1985, the Ministry is now responsible for the whole of the Weights and Measures function previously undertaken by Local Government Department and for those provisions of the Local Government Act relating to house-builders' liability. Each of these functions is outlined in detail in the body of the Report.

As can be expected in any organisation which is going through a process of change, and which remains alive to its environment, there has been movement at the senior staff level. During the year, two Assistant Directors transferred to other departments - Dan Hourigan went from Complaints and Claims to Courts Administration in the Law Department and Jim Varghese from Management and Information Services to a Corporate Management position within Department of Premier and Cabinet. The Assistant Director, Regulation and Standards Division acted as Chief Executive Officer and Special Consultant to the Alpine Resorts Commission from November. Each of these officers has contributed a great deal to the development of the Ministry as a corporate body.

In the light of the staffing changes, temporary reporting arrangements were made for the Conciliation (complaints handling) function and the Tribunals Branch (claims-determination) function, resulting in a far clearer focussing of responsibilities. These arrangements have highlighted the positive benefits of bringing the outward-looking orientation of the Education and Community Programs Division to bear on the negotiation of complaints, and have brought home the links between information provision and dispute resolution, as well as emphasising the judicial independence of the Tribunals as adjudicative forums.

Longer-term arrangements for handling complaints and claims are under review.

FAIR TRADING

Of the greatest significance for the Ministry has been the Government's commitment to introduce new Fair Trading legislation. This legislation will mirror the Federal Trade Practices Act, thus drawing on some ten years case experience of the Federal law, and will mean that the business community will be operating under basically the same consumer protection provisions in Victoria as at the Commonwealth level. Several other States have indicated their intention to achieve comparable uniformity of approach as soon as possible. Beyond this, however, it means that Victoria will now have much more substantial (and realistic) penalties for breaches of Consumer Law and that the Ministry of Consumer Affairs will have greater powers to intervene in the market place on behalf of consumers. The Bill will also complement the provisions of the Credit Act.

This is a major initiative in giving effect to the philosophical underpinning of the Review Report: the pursuit of the concept of 'a fair market place' relying on ethical standards for the mutual benefit of consumers and traders.

The Ministry recognises that a complex modern economy encompasses many different and often competing markets at any one time and that therefore differential approaches are needed. What is fair in one situation can be unfair in another. And of course the Ministry is not and cannot ever be the sole instrument of achieving fairer markets.

It is, however, the only agency of Government charged explicitly with the responsibility for balancing the often competing interests of trader and user in the market place. And, as is evidenced by the Machinery of Government changes during the year, the Ministry is being given responsibility for a broader range of functions which have an impact on the relationships between traders and consumers, and where specific measures are available to safeguard consumer interests. All of this provides a new context in which the Ministry must corporately plan its goals and objectives and state and restate the measures of its performance.

PERFORMANCE MEASURES

The Ministry's Corporate Management Group, comprising the Director and the heads of each Division, sets priorities, determines the allocation of resources, and makes decisions on relative emphasis within this framework.

The Ministry, like all agencies directly serving the public, is dealing with the sensitivities of personal and inter-personal affairs. There are high

hopes and consequent expectations, of Ministry staff. Many people approach MCA in sheer desperation: they have reached their 'wits end' and look to us to resolve problems that have built up over long periods and in complex circumstances. Others treat the Ministry of Consumer Affairs as a 'first port of call' on a wide range of questions; and others again simply want a sympathetic hearing and some reassurance that they are pursuing a correct course of action.

It is very hard to measure success in discharging public contact and complaints-handling responsibilities. The assumption that if someone remains disgruntled we have failed whereas satisfaction equals success is too simplistic: MCA's charter is not to achieve 'the greatest happiness of the greatest number', but to act according to the principles of what is fair, reasonable and equitable. Of course, if the two aims happen to coincide, then that is bliss! Fortunately, the indications are that most people, traders or consumers, who have dealings with the Ministry are satisfied that they receive a fair hearing.

IMMEDIATE CHALLENGES

One of the greatest challenges to the Ministry is to make clear the realistic limits of its own charter. Because 'consumer affairs' encompasses so large a part of human activity, it is essential that MCA be able to define quite clearly its 'position' within the spectrum of potential involvement, and set realistic limits on its jurisdiction. It is not helpful to anyone to arouse unrealistic expectations. And of course the Ministry like any Government agency must ensure that it is assisting those who most need its help.

This will be a focus for the coming year, especially given the assumption of new responsibilities. It is expected that there will be some opportunity for rationalising the servicing of various activities, through careful reassignment of duties, on a consultative basis.

The pursuit of excellence must encompass the achievement of improved problem-solving techniques, which focus quickly on the essential difficulties and help the parties concerned to identify the possibilities for corrective action. Simple solutions to complex problems are the essence of true effectiveness.

The Ministry's report for 1983/84 identified the pursuit of effectiveness (as well as efficiency) as being of utmost concern. Central to achieving this aim was the consolidation of the senior management of the Ministry, operating through the Corporate Management group.

There is also a need to reconsider the most effective organisational arrangements to integrate the Weights and Measures functions with the

Ministry as a whole, and to ensure that the regulation and standards responsibilities of MCA are fully in accordance within the fair trading objectives set for it by Government.

The media is showing more interest in consumer matters. The ABC's national television program 'The Investigators' has generated considerable awareness of issues for consumer protection and redress activity. The local ABC Radio 'Open Mike' program provides a ready means for consumers to raise issues of direct concern to them. And the major Melbourne daily newspapers have appointed specialist Consumer Affairs reporters. Nevertheless, it remains difficult to secure adequate media coverage of bans on dangerous and unsafe products, which is critical to the public being informed of potential dangers.

The achievement of responsive and responsible media handling of consumer affairs matters thus constitutes a significant challenge.

PART ICORPORATE SERVICE PROGRAMA. POLICY1. DESCRIPTION

The Policy Division has as its role the development of policies and legislative programs within a coherent and consistent framework, based on rigorous research to enable all divisions to fulfil the Ministry's purpose -- to promote an informed and efficient market place which is free from exploitation of either consumers or providers of goods and services, and in which goods and services available are free from unreasonable or hidden dangers.

The Division, as a sub-program of the Corporate Services Program co-operates and liaises with all other Divisions in the Ministry to ensure that there is effective exchange of information and that the overall goals and objectives of the Ministry are reflected in Policy Division's responsibilities, priorities and activities.

The Division works closely with consumer affairs agencies in other States and Territories to ensure maximum uniformity of legislation and regulations. It has a responsibility to monitor the Ministry's social, economic and political environment, in order to identify issues and inform the Corporate Management Group of anticipated developments which will impact on the Ministry's policies and affect its capacity to provide timely, cost effective, and efficient services. The Division ensures that the Ministry's corporate plan reflects Government policy and community needs in a systematic manner.

2. OBJECTIVES

The objectives of the Policy sub-program are as follows:

- . To ensure that policies on consumer affairs are developed in an equitable fashion to reflect Government policy;
- . To ensure that the needs of all participants in the market-

- place are considered in the development of policies;
- . To ensure that the Ministry's legislative program is based on essential research and investigation, and is processed in an efficient and effective manner; and
 - . To develop policy initiatives to assist operational Divisions in meeting the changing needs of the market place.

The functions of the Division are as follows:

- . Collect, collate, analyse and monitor all relevant data on the MCA's social, political and economic environment, in order to identify issues and trends and anticipate developments which will affect the MCA.
- . Provide information, advice and assistance to facilitate the Ministry in developing appropriate services to meet client needs.
- . Co-ordinate and monitor the efficient and effective implementation of all Government consumer affairs policies.
- . Co-ordinate the development of consumer affairs policies between States and across Government agencies.
- . Facilitate the integration and co-ordination of Government consumer affairs policies and MCA purposes, objectives, programs and activities by co-ordinating the corporate planning process in the MCA.
- . Develop an efficient and effective legislative program through which the Ministry can translate relevant consumer affairs policy initiatives as required into rational, comprehensive and comprehensible legislation.
- . Monitor the legislation on a continuing basis to ensure that it is attaining its objectives, and where it is not, advise the Government of appropriate amendments without delay.
- . Provide accurate and timely legal advice on legislative development and related matters.

3. LEGISLATIVE REVIEW AND AMENDMENT

A program of long term review of the legislation administered by the Ministry is continuing, so that legislation administered by the Ministry can be amended to meet changes in the Ministry's internal and external environment.

The Ministry's major projects in this respect have been the development of the Fair Trading Bill, and legislation to regulate travel agents as well as preliminary work on reviews of the Motor Car Traders Act and the House Builder's Liability provisions of the Local Government Act.

The Policy Division has continued to be represented on, and to contribute to the following working parties which have substantial policy/legislative implications:

- Bailiff's Committee considering consolidation of the laws relating to the operation of the Sheriff's Office and enforcement of debts.
- Co-ordinating Committee, Department of Premier and Cabinet, on the Anti-Poverty Strategy.
- Interdepartmental Committee on Long Term Residency in Caravan parks.
- Review of the classification of National Computer Complaints Statistics.
- Working Party on Uniform Regulation of Travel Agents.
- Working party on Uniformity of Legislation; and
- Advisory Committee to the Attorney-General on the Future of the Magistrates' Courts.

4. LEGISLATION ASSIGNED TO THE MINISTRY OF CONSUMER AFFAIRS

The Ministry of Consumer Affairs has been assigned administrative responsibility for the following Acts:

Disposal of Uncollected Goods Act 1961

This Act regulates the sale of uncollected goods by a repairer seeking to recover the cost of repair, so that the rights of the consumer are protected.

Building Contracts (Deposits) Act 1962

This Act provides that a builder on entering into a contract to construct, alter or add to a dwelling house or any building, structure or fence which is appurtenant to a dwelling house must pay any amount received by way of deposit in excess of \$500 into a special purpose account in a bank in Victoria nominated by the builder, in the joint names of the owner and builder.

Consumer Affairs Act 1972

This Act specifies the powers and functions of the Director and officers of the Ministry of Consumer Affairs in relation to consumer complaints. It prohibits certain dishonest or undesirable trading practices, such as false or misleading advertising. The Act requires the marking of prescribed merchandise, for example, footwear. Under the Safe Design and Construction of Goods provisions of the Act, the Minister can prohibit the sale and distribution of consumer goods that do not comply with prescribed minimum standards, or require the goods to have appropriate warning labels

The Act also allows the Minister to prohibit the sale and distribution of dangerous consumer goods, either on an interim basis (28 days) or permanently.

The Minister can ban the sale and distribution of dangerous goods, either by giving recognition to a decision by a competent safety authority of another State of the Commonwealth to ban those goods, or upon the recommendation of the Director of Consumer Affairs.

The Act also provides for the establishment of a Consumer Affairs Committee to advise the Minister.

The Ministry of Consumer Affairs Act 1973

This Act is primarily an administrative Act establishing the objectives of the Ministry and the responsibilities of the Director of Consumer Affairs.

Small Claims Tribunals Act 1973

This Act requires a Referee of the Tribunals to attempt the negotiation and settlement of a claim, and, if unsuccessful, to adjudicate.

It covers claims made by consumers as defined by the Act.

The Tribunals may hear claims in relation to the supply of goods, the provision of services and contracts of insurance (excluding life assurance).

The Tribunals can make a maximum order of \$3,000. Orders thus made have the full force of the law.

Motor Car Traders Act 1973

This Act provides for the establishment of the Motor Car Traders Committee, whose functions include issuing licences to motor car traders (including wholesalers and auctioneers) and the administration of a Guarantee Fund.

The Act stipulates that contracts for the sale of motor vehicles must be in writing, and prescribes statutory warranties for used cars. It also prohibits the sale of used cars unless a notice of prescribed particulars is attached to the car, and provides that second-hand motor vehicles sold by licensed traders have (depending upon the cash price of the vehicle) a statutory warranty.

Market Court Act 1978

The Market Court provides the Director of Consumer Affairs with two avenues to restrain persons who repeatedly engage in conduct which is unfair to consumers.

Firstly, the Director can bring an action against a trader before the Court. The Court can, by order, restrain a trader from engaging in unfair conduct.

Secondly, the Director can enter into a Deed of Assurance with a trader, which has the same effect as an order of the Market Court but is less costly and time consuming than an action before the Court.

Credit Reporting Act 1978

Under an agreement reached between the Attorney-General and the Credit Reporting Bureaux under Section 14 of the Act, certain rights are bestowed on credit users if they want to verify the information kept by the Credit Bureaux on their file. The Director of Consumer Affairs also assumes responsibility under the agreement for the investigation of any file allegedly containing wrong information.

Residential Tenancies Act 1980.

Section 7, Part II,
Sections 64, 71, 77 (4)-(7), 96, 100, 101,
ent, 106, 108, 111, 112, 113, 127-135, 136 (4)-(6) and
Part VI (See comment on machinery of Government changes below)

This Act sets out the rights and responsibilities of both the tenant and landlord in relation to residential tenancies.

The Act also establishes the Residential Tenancies Tribunal to resolve disputes between tenants and landlords. Decisions by the Tribunal are final and binding on the parties.

Employment Agents Act 1983

This Act, which has not yet been proclaimed, set out to control or regulate employment agents.

As the time of writing this report, consideration was being given to comments received on a discussion paper issued by the Ministry. In the paper the Ministry outlined a number of alternative strategies to regulate the industry.

Weights and Measures Act 1958, excluding Section 58B (See comment on machinery of government changes below)

This Act regulates packaging and labelling and the design of equipment. It also provides for the examination of weighing and measuring equipment by inspectors appointed under the Act.

Credit Act 1984

The Credit Act 1984 regulates consumer credit and so applies to non-corporate borrowers where the amount financed is no more than \$20,000, or the credit contract relates to a commercial vehicle or farm machinery. It has been developed in consultation with the NSW Government and is uniform with the Credit Act 1984 (NSW) and so

represents a major advance in uniform consumer laws.

The broad principles under the Credit Act 1984 are:

- To establish a qualified and effective administration to regulate the credit industry through a licensing system for credit providers.
- To identify all the various forms under which credit may be provided, so that the rules applicable to each will essentially be the same and will relate to the substance of the transaction.
- To provide for the disclosure of the actual dollar cost of credit and the annual percentage rate of interest, so that the consumer is aware of the cost of credit and can compare costs between credit providers.
- To provide regulation and protection for consumers in the enforcement of credit contracts by credit providers, particularly in relation to the provision of notices of intention to enforce a credit contract. This will allow the consumer the opportunity to determine the best course of action according to his/her circumstances in coping with enforcement.
- To provide a mechanism by which debtors suffering genuine hardship can obtain relief from the immediate enforcement of a credit contract by the credit provider.

The Credit (Administration) Act 1984. This Act provides the administrative framework for implementing the Credit Act.

It also provides for the establishment of Credit Licensing Authority to conduct licensing of credit providers. The Credit Licensing Authority has the power to suspend or cancel a licence where a credit provider is acting in an unfair or illegal manner.

The Act also provides for the Small Claims Tribunals to hear disputes between consumers and credit providers.

The commencement date for the Credit Legislation was February 28, 1985.

Local Government Act 1958 (Sections 918A to 918U - House Builders' Liability).

(See comment below on machinery of Government charges).

Sections 918A to 918U of the Local Government Act have the aim of protecting purchasers of dwelling-houses from builders whose work is unfinished or defective. This is achieved through a guarantee which varies according to the magnitude of the defect and the value of the work.

The guarantee can be given by a guarantor or an insurer, but at present the only guarantor is Housing Guarantee Fund Ltd, a private company formed by the Master Builders' Association of Victoria and the Housing Industry Association. As well as acting as a guarantor, this company must by law maintain registers of builders whom it recognizes and of houses it has guaranteed.

Finance Brokers Act 1969.

This Act regulates Finance Brokers through a system of licensing. Under the Act, the Registrar has the power to cancel licences and impose restrictions upon commissions that may be payable to a Finance Broker. The Act has provisions relating to unfair advertising and misrepresentations.

5. LEGISLATION INTRODUCED IN PARLIAMENT DURING 84/85

Fair Trading Bill

This legislation is modelled upon the 'prohibitions' or 'protections' found in Division 1 of Part V of the Trade Practices Act, with the accompanying remedy and enforcement provisions.

The development of Fair Trading legislation has been an exercise in the development of uniform consumer protection legislation between the Commonwealth, States and Territories to which all Ministers of Consumer Affairs are committed.

The Fair Trading Bill will overcome the fundamental deficiency existing in the Consumer Affairs Act. As well as false and misleading advertising generally. The Fair Trading Bill covers misleading oral statements and deceptive conduct. The Bill also prohibits false representations in relation to employment and provides for more adequate penalties -- the maximum penalty for a person found to be in contravention is \$10,000 and the maximum penalty in the case of a corporation is \$50,000.

The Bill also enables the County Court on application of the Minister, the Director or any other person, to grant an injunction restraining a person from engaging in false or misleading conduct.

The Bill also empowers the Minister or Director to apply to the County Court for an order requiring a person to undertake corrective advertising.

The Bill is currently before Parliament.

6. INTERSTATE UNIFORMITY OF LEGISLATION

In previous years, the Ministry's annual reports have made mention of the establishment of a more formal approach to the development of uniform consumer legislation.

Work continues on the uniform regulation of travel agents, Fair Trading legislation, packaging and labelling laws and door-to-door sales legislation.

The significance of the successful development and implementation of the Credit Acts 1984 jointly between Victoria and New South Wales stands as a landmark for what can be achieved through the consultative processes between the States and Territories in relation to consumer affairs legislation. This legislation has also been introduced in W.A., Queensland and the A.C.T.

7. MACHINERY OF GOVERNMENT CHANGES

In March 1985, the Premier, the Hon. John Cain, MP, announced a series of government administration changes.

For the Ministry of Consumer Affairs, the machinery of government changes have resulted in certain significant changes in terms of administration of legislation.

Residential Tenancies Act 1980

Responsibility for policy and legislative development of tenancy legislation has been transferred to the Ministry of Housing. The Residential Tenancies Tribunal and associated functions continue to be located within the Ministry of Consumer Affairs and administration of those provisions are retained.

Fuel Prices Regulation Act 1981

Petroleum Retail Selling Sites Act 1981

The administration of these Acts, including the office of the Victorian Prices Commissioner established under the Fuel Prices Regulations Act 1981, has been transferred to the re-organised Department of Industry, Technology and Resources.

Local Government Act 1985 (Sections 918A - 918U House Builders' Liability)

The House Builders' Liability provisions of the Local Government Act have been transferred to the administration of the Ministry of Consumer Affairs.

Weights & Measures Act 1958

Administration of the Weights & Measures Act 1958 was transferred from Local Government Department to the Ministry.

8. RESEARCH AND FORWARD PLANNING

Responsibility for initiating, monitoring and co-ordinating research activities in the Ministry comes within the Policy sub-program. Over the last year, major research projects have been undertaken in four broad areas of the Division's responsibility.

- (1) In respect of the Policy Division's responsibility for monitoring the market place, a media and journal monitoring service has been provided, alerting Ministry Officers in other Divisions to recent material of consumer relevance. A research paper was also written on factors influencing consumer choice and behaviour in the market place. In addition, this Division has provided the convenor and secretarial support for a regular Branch Managers' Meeting, one function of which is to facilitate the communication of market information throughout the Ministry.
- (2) The Division has a responsibility for recommending appropriate forms of industry regulation where necessary or desirable. A major policy white paper was prepared on protection of consumer prepayments. Advice and assistance was given to officers in the Regulation and Standards Division concerning the formulation of a code of practice for the health and fitness industry. Considerable research effort went into analysis of basic policy issues concerning the need for, the appropriate

method of regulation of travel agents. Policy which informed the development of the Employment Agents Act was re-examined in the light of the Ministry's new Fair Trading legislation.

- (3) The Division has completed a number of studies of consumer complaint handling and resolution processes, options and facilities provided, or which should be provided, by this Ministry or other agencies. The progress and recommendations of the Parliament's Social Development Committee's investigation into handling of health complaints have been carefully assessed and the subject of continuing consultations between the MCA and the Health Commission. A paper was produced concerning the relevance to Ministry responsibilities of the recommendations of the Retail Tenancies Advisory Committee involving the setting up of a Retail Tenancies Tribunal to resolve disputes between retail lessors and lessees. The Policy Division and a group of La Trobe University academics have carried out a joint survey of users of the SCT. Preparatory work has been completed on a Policy Division survey of users of Ministry complaint handling services.
- (4) The Policy Division has been involved in a number of internal reviews of MCA roles, structures and functions. The Division has supplied support services for the internal Working Party reviewing Ministry roles and functions. A paper has been produced which elaborates the Ministry's philosophy regarding its associated Tribunals. Work has also been done on documenting the network of informal links between the Ministry and these Tribunals.

In addition to ongoing research responsibilities already detailed, major new research projects are planned in the following areas in the forthcoming year.

- . Consumer representation on boards of government and industry bodies providing goods and services to the public.
- . Assisting community-based credit organisations in providing direct advice and financial services to low income people.
- . Developing, in consultation with the relevant State and Commonwealth Government agencies, an EFT code which protects consumer rights.
- . An integrated Licensing Authority.

A review of the secondhand motor car trading industry as part of the legislative review of the Motor Car Traders Act.

Corporate Plan

The Policy Division has co-ordinated and provided the key research and administrative and support services for the implementation of a corporate planning process in the Ministry during 1984/85. The commitment to the implementation of systematic planning reflects a determination to establish a clear course ahead for the Ministry as a whole which will enable us to set our priorities effectively and to achieve speedy and efficient implementation of Government policy.

A participatory approach was adopted in this implementation process. Everyone in the Ministry has had an opportunity to influence priorities and to assist in the design of a corporate plan that is appropriate in terms of Ministry responsibilities, needs and resources.

The Ministry of Consumer Affairs Corporate Plan is a set of three interrelated plans - a Master Plan, a Medium Range Plan and An Annual Operating Plan.

The Master Plan takes account of Government consumer affairs policy, legislation affecting this Ministry, current Divisional responsibilities, the present position of the Ministry with regard to the fulfilling of its purpose, objectives and functions, as well as the many issues facing the Ministry of Consumer Affairs. On this basis, the Master Plan establishes the general goals that the Ministry intends to pursue. These goals are supported by corresponding basic philosophies that will guide the Ministry in the achievement of the goals.

The Medium Range Plan indicates how the Ministry will move towards its long term purpose, as defined by the Master Plan. The Medium Range Plan details objectives that the Ministry intends to achieve over the next four years and outlines the strategies by which it intends to realise these objectives. The Annual Operating Plan translates the Medium Range Plan to detailed aims and action plans for the year 1985/86. The Annual Operating Plan includes a detailed operating schedule indicating the interconnection and interdependency between items in the Divisional action plans.

9. CHANGES IN THE ENVIRONMENT OF THE MINISTRY OF CONSUMER AFFAIRS

There are several issues in the economic, industrial, political and social environment of the Ministry of Consumer Affairs which will affect all of its operations during the coming year.

The Federal Government was re-elected in December 1984 on a platform which proposed that the public sector's share in the Australian economy in its post recovery phase should be limited in the interests of further productive investment, job creation and growth by the private sector. Policies of the Federal Government designed to implement this platform proposal and the Government's general goal of redirecting the Australian economy onto a long-term, sustainable, non-inflationary, higher growth path will have far reaching implications for all Australian consumers and state consumer affairs agencies.

Firstly, the adoption by the Federal Government of economic policies favouring rationalisation of market regulation by Government relates to Victorian Government policy and is guiding actions of the Ministry in this area.

The Victorian Government's Economic Strategy seeks to affect the market environment in a manner that will make Victorian firms more able to compete and grow in order to maximise long term economic and employment growth in Victoria. One of the key measures to achieve this will be a review and reform of regulation in Victoria. The Ministry of Consumer Affairs will have to ensure that its regulatory mechanisms are the most efficient and effective way of achieving community and Government consumer affairs objectives, and that they do not unnecessarily inhibit the economic and social development of the State.

Secondly, financial payments to the States will be restrained by the Federal Government's trilogy of election commitments not to increase tax revenue and Government expenditure as a proportion of GDP over the life of the current Federal Parliament, to reduce their budget deficit in money terms in 1985/86 and to reduce the deficit as a proportion of GDP over the life of the Parliament.

Borrowings by the States through the Loan Council will be similarly restrained. This is in line with the Federal Government's policy that deficit reductions are required to slow the growth of public debt.

The Victorian Government was re-elected in March 1985 on the basis of a platform which promised improved equity in distribution of, and access to Government services, as well as improved quality of life of Victorians. The Ministry's Corporate Plan takes full account of the Government's consumer affairs policies as well as these platform priorities.

In response to Government policy and recommendations of the Public Service Board Review, the Ministry of Consumer Affairs is currently well advanced in reforming its approach to consumer protection in the market-place. The Ministry has moved away from piecemeal regulation towards self and co-regulation strategies, comprehensive and effective legislation on fair trading practices, as well as an improved Ministry capacity to monitor practices and trends in the market-place.

B. MANAGEMENT AND INFORMATION SERVICES

1. OVERVIEW

The Division of Management and Information Services is responsible for the provision of corporate and administrative services to the Ministry. This includes the implementation of divisional programs and monitoring of performance against corporate objectives, reporting, reviewing and evaluating the efficiency and effectiveness of each program. Finance, personnel, freedom of information, transport, stores, registry information systems, staff development, communications, security, library, data base systems, accommodation, are administrative services provided.

Early in 1985, Mr Andrew Levens, formerly Secretary of the Environment Protection Authority was appointed as Assistant Director, Management and Information Services.

The successful implementation of the Credit Act 1984 and the Credit (Administration) Act 1984, together with the continued development of the Ministry's corporate plan, information plan and the program budgeting pilot study caused increased demand on services, particularly personnel, accommodation, finance and general support.

2. PERSONNEL

Recruitment procedures have been established and back-up training for supervising and managerial staff initiated during the year.

Further re-organisation of the Ministry's structure together with implementation of policy and other initiatives, has resulted in an increase in staff numbers from 145 to 163 in this period. The effect of the March 1985 machinery of government changes will be reflected in the report for the 1985/86 year.

Organisation and Classification

The Public Service Board approved method of job classification is now well established, and is being used in the preparation of job documentation, evaluation and associated tasks. Delegated powers under the Public Service Act are also in operation.

A program of review of the Ministry's branches is being implemented with the aim of improving internal structures and resolving anomalies in classifications.

Recruitment

The appointment of an additional officer to the Personnel Branch during the year has enabled the Ministry's recruitment and staff selection procedures, preparation of selection panel reports and the offering of post selection counselling, to be substantially improved.

During the year a net total of 18 additional Public Service staff were recruited to the Ministry. The following table indicates the areas in which recruitment took place and reflects the movement of staff in various classifications, both inward and outward during 1984/85.

CLASSIFICATIONS	Staff Recruited	Staff Departed
ADMINISTRATION	17	19
CLERICAL	34	21
KEYBOARD	16	14
TECHNICAL	2	-
SCIENTIFIC	-	-
PROFESSIONAL	3	-
INSPECTORIAL	-	-
GENERAL PHYSICAL GRADES	-	-
TOTALS	72	54

The principles of merit protection and equal employment opportunity have been actively applied throughout the year and in the case of EEO, monitored by the Ministry's EEO Consultative Committee.

COMMUNITY EMPLOYMENT PROGRAMDETAILS OF PROJECTS IN WHICH CEP PERSONS INVOLVED

The Ministry employed 17 staff in CEP projects during the year. The table below indicates the range of projects serviced by CEP personnel.

LIBRARY	1 Librarian	Anne Bain - Employed with Conservation Forests & Lands.
	2 Clerical Officers	Margaret Finlan - Employed by Women's Refuge & part-time parole officer. Carol Sheffield - Position at Long Service Leave Board
REGIONAL OFFICE (FOOTSCRAY)	1 Typist	Chris Papadopoulos - Employed for 12 months with MCA as Customer Information Officer
PERSONNEL	1 Clerical Officer	Greg Scott (half) - Permanent position Housing. Kate Clarke (half) - Employment overseas.
FINANCE	1 Clerical Officer	Sharon Naudi - Permanent position in finance - Ministry of Employment & Ind. Services.
POLICY RESEARCH	3 Administrative Officers	Tim Scrase - Further studies. John Iliadis - Position with Commonwealth Public Service. Annalisa MacCagnan - Employed for 12 months - in MCA. Ray Brereton - Still employed under CEP scheme vice T Scrase till mid July 1985.
SUPPORT SERVICES	4 Clerical Officers	Ada Duiker - Permanent position at Ministry of Employment and Industrial Affairs. Leane Groves - Permanent

position at State Insurance Office.

Paul Thayil - Permanent position at State Insurance Office.

Gary White - Position at Long Service Leave Board.

COMMUNITY 3 Community Workers

Dale Chant - Unknown.

Mandy Sharples - Unknown.

Jeff Skolnick - Unknown.

Staff Development

This function is now a key factor in the Ministry's management of change. The co-ordinating of staff development activities with the needs of management and staff is well established and liaison between line managers and the Staff Development Officer is ensuring improvement in practical skills, training and delivery of service. Staff feedback from these activities has been excellent.

An effective induction process is in operation with built-in procedures for review to ensure that it remains up to date and relevant.

A significant event has been the presentation of the Ministry's first Supervision Course. It was very well received and has produced important action plans now being implemented by the participants.

The tables below provides details of staff development courses held during the year.

STAFF DEVELOPMENT COURSES CONDUCTED WITHIN THE MINISTRY

<u>TOPIC</u>	<u>DURATION</u>	<u>IN ATTENDANCE</u>	
		<u>M</u>	<u>F</u>
Writing Skills	2.5 days	14	4
Working with Legislation	1.5 days	10	11
Writing Skills (2)	2.5 days	12	6
Conciliation Skills	2.5 days	19	5
Credit Legislation Training	1 day	57	35
Customer Contact Training	1.5 days	1	9

Supervision	3 days	3	3
Customer Contact Training(2)	1.5 days	2	5
Total Attendance		<u>118</u>	<u>78</u>

EXTERNAL COURSES ATTENDED BY MINISTRY STAFF

<u>TOPIC</u>	<u>DURATION</u>	<u>IN ATTENDANCE</u>	
		<u>M</u>	<u>F</u>
Cabinet Documentation Guidelines	1 day	1	
Industrial Democracy and Employee Participation	1 day	1	
RAIPA Victorian Division Annual Conference	1 day	4	
PSB Executive Seminar	1 day	1	1
ASA Annual Congress	2 days	2	
Principles & Practice of Investigation	10 days		1
RAIPA National Conference	3 days	1	
Court Procedures	.5 day	2	1
Data Base Introduction	1 day	1	
Points Factors Evaluation System Training	2.5 days		1
Lotus 1,2,3	2 days	2	
DOS Survival Skills	1 day	1	
Getting more from DOS	2 days	2	
CLIRS Data Base	.5 day	4	1
Points Factor Evaluation Training System	1 day	2	
PC - DOS/MS - DOS	2 days		1
Introduction to Database III	2 days		1
Programming in Database	2 days	1	1
Points Factor Evaluation System Training	2.5 days	1	1
Problem Solving & Decision Making	3 days	1	
Government Financial Management	1 day	1	
Total Attendance		<u>28</u>	<u>9</u>

Study Leave

Eleven officers have been granted part-time study leave during the year.

Industrial Action

Two instances of industrial action during the year highlighted the need for careful assessment and accounting for stress arising from the process of change.

3. INFORMATION SERVICES

This branch is responsible for information management, registry services, word-processing, typing, secretarial services, statistics, library services, and the administration of the Freedom of Information Act.

Registry Services

Late in 1984, a Commonwealth supplied microcomputer was installed to provide complex data on consumer complaints. This system is a significant improvement on the previous process of manually collating data, both in terms of labour saving and data available.

A new and separate registry system, serving the Credit Licensing Authority was successfully established early in 1985.

It is anticipated that further development of the computerisation of manual systems during the coming year will provide easier access to information by all Ministry staff.

The Ministry's responsiveness, consistency of approach and analytic capacity will increase as a result.

Freedom of Information

The FOI Act came into operation on July 5, 1983. The information now held by Government and some public agencies in documentary form is, with certain exclusions available upon request under this Act. This includes files, reports, manuals of procedure, and other documents in possession of this agency.

The Ministry of Consumer Affairs has responded to 58 requests for access to documents in its possession (FOI Details Part VII).

Library

The Ministry's reference material was re-organised and expanded into a formal library facility available for policy and research. The development of the library to support the Ministry's work will be continued in the coming year.

4. FINANCE

This year was the first full year in which the Ministry operated independently of the Department of Labour and Industry (now incorporated in the Department of Employment and Industrial Affairs).

In developing the finance function, the Ministry participated in a trial program (during 1983/84) as a means of testing the practical application of program budgeting. This program was reviewed and evaluated with the aim of assisting the implementation of program budgeting throughout the public sector, and upon completion, a report prepared by officers from MCA and Department of Management and Budget was presented to the respective Ministers.

During 1984/85 the Ministry continued to operate under a Program Budgeting framework.

The charts below summarise the major areas in which the Ministry's budget has been utilised and the sources of revenue.

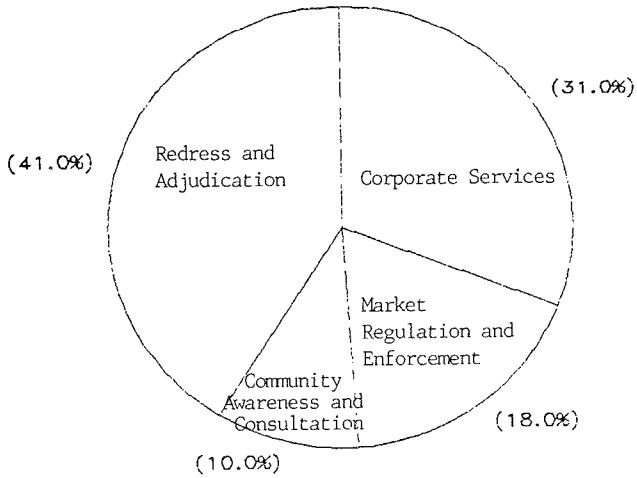
Uses of Budget (Expenditure)

	1984/85		1983/84	
	<u>\$'000</u>	%	<u>\$'000</u>	%
Corporate Services	2,045	32	1,453	31
Market Regulation & Enforcement	1,177	19	817	18
Community Awareness & Consultation	1,091	17	456	10
Redress & Adjudication	2,016	32	1,924	41
	<u>6,329</u>	<u>100</u>	<u>4,650</u>	<u>100</u>

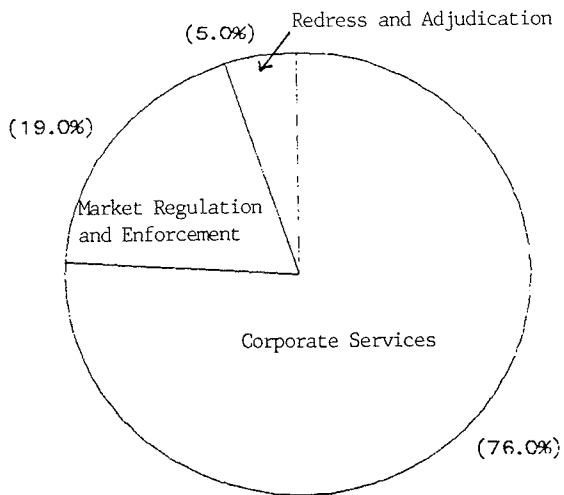
Sources of Revenue (Programs)

	1984/85		1983/84	
	<u>\$'000</u>	%	<u>\$'000</u>	%
Corporate Services	3,425	69	2,827	76
Market Regulation & Enforcement	1,397	28	681	19
Community Awareness & Consultation	-	-	-	-
Redress and Adjudication	167	3	200	5
	<u>4,989</u>	<u>100</u>	<u>3,708</u>	<u>100</u>

USES OF BUDGET (EXPENDITURE) 1983/84

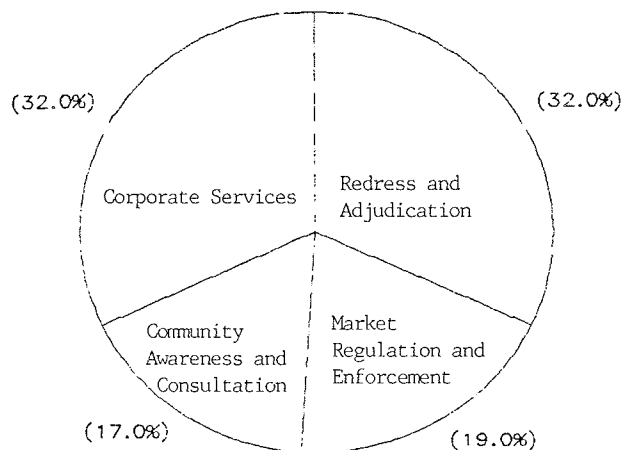


SOURCES OF REVENUE (PROGRAMS) 1983/84



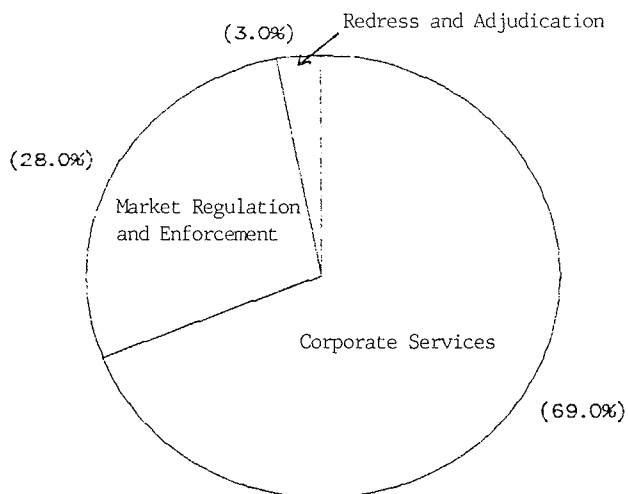
USES OF BUDGET (EXPENDITURE)

1984/85



SOURCES OF REVENUE (PROGRAMS)

1984/85



The Ministry was one of seven agencies selected to participate in a trial manpower control system, designed to improve the framework of controlling salary expenditure within the funding appropriation. This should ultimately lead to agencies having more flexibility in appointments of staff, classifications of positions etc than that currently available under the existing procedures.

As agreement has not been reached with the Department of Management and Budget on the basis to be used for the control system, the trial has not been effective to date.

Accounting Services

Attention was devoted to developing procedures for the collection of revenue with particular emphasis being placed on the introduction of the Credit Act and related payment of licence fees. Existing procedures were reviewed and updated and new procedures put in place.

A review of purchasing procedures in the Ministry was conducted, under the direction of the Accountant, in late 1984. As a result of this review, a more comprehensive and informative requisition format was introduced.

A successful development relating to the payment of salaries and allowances involved a computerised interface program enabling fortnightly details of payrolls to be recorded on the Ministry's computerised expenditure ledger thereby substantially reducing manual data input.

Residential Tenancies Fund

The Residential Tenancies Act 1981 requires financial institutions to retain records of bond moneys received from landlords and that the interest on these monies must be paid into the Residential Tenancies Fund administered by the Director of Consumer Affairs. Details of the funds are set out below.

Inspections

To monitor the payment of bond moneys as indicated above, five officers from finance branch were appointed as Inspectors under the Consumer Affairs Act to conduct inspections of the financial records of landlords, estate agents and financial institutions to ensure compliance with the Act.

During the year 50 inspections were undertaken of the financial records of estate agents and financial institutions to ascertain compliance of these organisations with the above requirements. Cases of alleged breaches of legislation were referred to the Enforcement Branch of the Ministry for further action.

RESIDENTIAL TENANCIES FUND
(Inception - November 1981)

YEAR ENDED 30th June	RECEIPTS	EXPENDITURE
1982	801,745	456,225
1983	2,232,621	1,315,670
1984	2,944,642	1,325,766
1985	3,515,352	1,912,792
Current balance in the fund		4,483,907

Financial Statements

Audited Ministry financial statements for the year ending 30 June, 1985 prepared pursuant to the provisions of the Annual Reporting Act 1983 are presented under a separate section of this report.

5. GENERAL ADMINISTRATION

Accommodation

The Ministry's accommodation requirements have remained critical throughout the year, despite additional space being provided within National Bank House for the library and credit staff.

Negotiations are presently continuing to gain additional accommodation with the primary objective of providing functionally integrated accommodation for staff and quality service for the visiting public.

Transport

During the year the Ministry's transport fleet was increased following the acquisition of 3 additional vehicles to meet the demand for increased number of inspections.

Communications

The Ministry commenced installation of a Commander Telephone System to upgrade the communications network. The Minister's and Director's offices have been equipped with this facility and the remainder of the system will be installed throughout the Ministry in

conjunction with planned accommodation.

Security

In recent years, the staff of the Ministry have been subject to certain occurrences of violence, particularly in the vicinity of the Residential Tenancies Tribunal and Small Claims Tribunals. These incidents prompted the formation of a working party to examine the whole security question. As a result a guard has been engaged on a full-time basis and alarm systems have been installed. During the year the incidence of security risks has dramatically decreased.

The safety of staff and public has been enhanced as far as possible with the presence of these security measures.

Support Services

Other services provided include building maintenance, office equipment, stores, etc., with the aim of providing safe, cost effective and comfortable working conditions for management, staff and clients.

6. DATA SERVICES

Early in 1985, this branch was established with responsibility for providing an effective EDP function. Computers are now being used extensively throughout the Ministry.

Corporate Level Information Plan

During 1984 the Ministry with assistance from consultants developed a strategic plan for the use of computers in achieving the organisational objectives of the Ministry. This plan sets out the broad strategic computerisation path of the organisation for the next ten years, and focuses on introduction of microcomputerisation, minicomputerisation, word processing, communications and associated networking.

Mini & Micro Computerisation

The system analysis and planning work necessary for the implementation of micro and mini computers has been completed.

PA McNaught (Management Consultants) have assisted in part of this project and SDM70 Methodology is being used as the major system accounting tool. The necessary hardware and software will be

purchased to facilitate development of major office systems in the Ministry during the coming year.

For minicomputerisation, development of the Claims and Customer Information Services system has been scheduled as the priority application to be implemented.

For microcomputerisation, several applications spanning a number of tasks are scheduled for development including some networking of data bases.

It is envisaged that the introduction of computers, coupled with maximum staff involvement, will be a positive step in improving productivity, increasing staff morale, and providing a better service to the public.

7. FORWARD LOOK - MANAGEMENT AND INFORMATION SERVICES

In general, the staffing situation in the Ministry has been difficult. These difficulties are likely to remain in the coming period. The increasing emphasis on sound management practices, in particular in regard to personnel management can do much to meet the demands arising through the general process of change in the Public Service and the implementation of Government policies in the consumer field.

The implementation of the Public Service Board's Action Plan on Equal Employment Opportunity and the specific departmental Action Plans, has placed new demands on the resources of personnel branches. The impending implementation of policies in occupational health and safety will add substantially to these demands. The outcome should result in a better Public Service, a better department with a staff whose interests and aspirations are given increasing consideration. The difficulties in achieving these worthwhile measures cannot be minimised.

The replacement of manual systems with modern technology is an ongoing one. The Ministry is striving to keep abreast with the latest and most efficient office automation systems. Arrangements are in hand for the installation of a Vax Minicomputer to develop and improve services initially in the areas of Customer Information and Claims. The Ministry will continue to introduce and develop micro computer systems for general use right through the Ministry.

The eighth floor of National Bank House, the Ministry's present location, has been made available to accommodate some units of the

Ministry, probably from around December 1985. The acquisition of this floorspace will allow the Ministry to provide accommodation for units acquired as a result of the recent machinery of government changes, and will also provide better facilities for the public using our Tribunals, customer information and conciliation services.

PART IIMARKET REGULATION AND ENFORCEMENT PROGRAM

The Market Regulation and Enforcement Program has the objective of achieving a fair marketplace for the people of Victoria by removing from it unfair business conduct and unsafe and misrepresented products. The Program identifies areas that will affect a number of the activities of the Ministry's other programs, as well as policy direction. It also has a responsibility to anticipate potential problems with regulatory and product matters and, where problems emerge, to ensure that they are resolved appropriately.

The broad and specific objectives of the Program have been incorporated in the Corporate Plan of the Ministry. Work is progressing on the establishment of clear and achievable goals both for the long and short term, together with a comprehensive action plan to ensure their attainment.

The Market Regulation and Enforcement Program comprises the following functions:

- . Developing product information, packaging and labelling and safety standards through investigation of consumer needs and consumer safety requirements, and through implementing these as legislation.
- . Monitoring the marketplace for unsafe or hazardous products and banning from sale those whose alleged hazards are upheld through rigorous laboratory testing or analysis.
- . Promoting and contributing to self-regulation and co-regulation of the business sector by assisting industry, trade and professional associations to achieve self-regulatory schemes that are in accordance with Government policy and objectives.
- . Regulating industry through a licensing system where this is considered necessary to ensure adequate consumer protection. At present this encompasses motor car traders, credit providers and finance brokers.
- . Granting exemptions, as appropriate to "owner" builders from the relevant house builders liability provisions under the Local Government Act.

- . Investigating alleged breaches of consumer legislation and prosecuting identified breaches so that the Ministry's powers and capacity to detect illegal activities are recognised and act as an effective deterrent against further malpractice.
- . Ensuring that weighing and measuring equipment used in trading is accurate, and maintaining and re-verifying trade measurement standards.
- . Until the 21st March, 1985, examining and monitoring prices of consumer goods and services and, where appropriate, investigating pricing procedures and determinations to ensure the protection of the economic interests of consumers. Developments in prices policy and their effect on consumers were also monitored.

During the year a number of major issues of importance to the development of the Regulation of Business Conduct and Enforcement Sub Programs arose:

- . The Credit Act 1984 and Credit (Administration) Act 1984 commenced operation.
- . The Ministry's Working Party on Self-Regulation reported its findings.
- . The Ministry's 'Program Support' unit was rationalised with functions being transferred from the Complaints and Claims Division to a number of other Divisions including the Regulation and Standards Division.
- . The Residential Tenancies Bureau was redeployed and the inspections function, resourced by six staff, was transferred to the Regulation and Standards Division.
- . As a result of machinery of Government changes, the administration of the House Builders Liability provisions (Section 918A to 918U of the Local Government Act) were transferred to the Ministry from the Local Government Department. These provide for the registration of builders and include responsibility for the granting of exemptions to "owner" builders from the requirements, for an indemnity fund to protect the purchasers of houses from certain defects in the first six years after their completion, and the prosecution of a range of offences under the Act, including unregistered builders. Also as a result of the

machinery of government changes, the Prices Commissioner and Prices Branch, together with the administration of the Fuel Prices Regulation Act 1981 and the Petroleum Retail Selling Sites Act 1981, were transferred to the Department of Industry, Technology and Resources.

- The administration of the Finance Brokers Act was transferred to the Ministry from the Law Department in August 1984. However, accommodation and resourcing questions delayed the actual transfer until June 1985.

The essence of the change is simple. As a result of the resourcing under the Credit legislation a new Licensing Investigation Section was established.

Its functions are the review of applications for licences for credit providers, motor car traders and finance brokers, vetting of industry documentation, the conduct of investigations under the relevant legislation and the presentation of any objections on behalf of the Director of Consumer Affairs to the Credit Licensing Authority, Motor Car Traders Committee and Registrar of Finance Brokers.

As a result of the report of the Working Party on Self-Regulation a new Self and Co-Regulation Section was established and its functions are outlined below.

The review of the Sub-Programs and the activities of these sections demonstrated a high degree of interaction and need for co-ordination between these two sections and the existing Enforcement Branch. These three areas were therefore amalgamated into a larger "Industry Regulation" Branch comprising the Licensing Investigation, Self & Co-Regulation and Enforcement functions as separate sections.

A. REGULATION OF BUSINESS CONDUCT

1. DESCRIPTION

The types of control used to provide regulation of business practice and conduct are:

- Promoting self regulation in those businesses which have strong associations capable of imposing approved standards of conduct on their members;
- Licensing those industries where there is a great potential for consumer abuse and which do not or cannot have adequate self regulation. The issue of licences is

dependent on specified conditions and minimum standards being met by the licensee. Disciplinary action, when needed, is taken by the licensing body;

- . Prescribing conduct or imposing penalties under the Market Court Act for traders or individuals who have repeatedly engaged in unfair conduct;
- . Determining whether exemptions should be granted to "owner" builders from the house builders liability provisions of the Local Government Act.

2. OBJECTIVES

The objectives of the Sub Program are:

- . Promoting and contributing to the self regulation of business and industry;
- . Licensing motor car traders, credit providers and finance brokers;
- . Restricting and eliminating the unethical trading of individuals, thereby promoting a fair market place; and
- . Assessing applications for exemption from the house builders liability provisions of the Local Government Act.

3. ACTIVITIES

Licensing - Motor Car Traders

The Licensing Branch meets the administrative needs of the Motor Car Traders Committee to enable it to fulfil its functions under the Motor Car Traders Act 1973. The Committee is a statutory body, comprising five part-time members and is serviced by a Secretary.

The operating costs of the Committee and the nine public service administrative staff are funded from the Motor Car Traders Guarantee Fund pursuant to Section 48(4) of the Act.

The amendments contained in the Motor Car Traders (Amendment) Act 1983 have added to the protection of consumers and licenced motor car traders alike. Motor auction houses and wholesalers are now required to be licenced and must meet their statutory obligations. In the case of wholesalers, the licensing requirements in conjunction with the amendments to the Stamps Act will make it more difficult for unlicensed traders to operate.

The increase in licence fees during the latter part of 1983, together with the provision that any single payment from the Guarantee Fund be limited to \$20,000, has contributed to a substantial increase in the balance of the Fund (52.7% increase at the end of 1984). In addition, the setting up of the Vehicles Securities Register in the Road Traffic Authority has minimised the risk of purchasers picking up a bad title from a licensed trader and thereby possibly putting the Guarantee Fund at risk.

The licensing powers of the Committee are contained in Part III of the Motor Car Traders Act 1973 (Sections 14 to 25). The staff process applications for licences, assist in investigations leading to the revocation of licences and reprimanding of traders, process the renewal of licences and record traders' changes of circumstances (for example, change of address or change in partnership arrangements, etc.). They also process applications for claims against the Motor Car Traders Guarantee Fund.

Applications for licences and for renewals of licences are referred to the Enforcement Branch. The Director is entitled to object to applicants. The Licensing Investigation Section handles any such objections on the Director's behalf.

Under the direction of the Committee, the staff refer matters to the Enforcement Branch for the investigation and prosecution of motor car traders who, it is alleged, have breached the provisions of the Motor Car Traders Act or Regulations.

Sectionalised Repairs Task Force

This Task Force, established by the Minister on 24th August, 1983 in response to the increasing concern regarding the lack of proper standards and irregular practices occurring within the sectionalised repairs industry, submitted its final Report to the Minister in December, 1984.

The Task Force made the following recommendations to ensure that adequate standards of workmanship are attained throughout the industry and unfair trading practices are minimised:

- There be a definition of sectional repair, minimum workshop equipment and sectional repair procedures specified in Regulations made pursuant to the Motor Car Act 1958;
- All insurers be required to cancel registration and notify the Road Traffic Authority whenever a vehicle is treated as an economic or total loss (that is, when it is considered a "write-off");

- . All auctioneers and motor vehicle wreckers who acquire registered total loss vehicles from sources other than insurers be required to cancel registration and notify the Road Traffic Authority accordingly;
- . The Road Traffic Authority record information on total loss vehicles similar to that recorded for stolen vehicles, to enable proper inspection of that vehicle if it is submitted for re-registration;
- . Records of total loss vehicles be held nationally, to ensure that registration authorities are alerted when such vehicles are submitted for re-registration; and
- . Consideration be given to the establishment of a Vehicle Identification Number (VIN) system in Australia similar to that used in the United States of America and Europe wherein the VIN identifies major vehicle components including the chassis. Such VINs should be recorded on the Road Traffic Authority Data Base.

The Report of the Task Force will be released for public comment by the Minister during the 1985-86 financial year.

Licensing - Credit

The Credit Administration Act 1984 provides that a person who is carrying on the business of providing credit must hold a licence. However, the provision is not as broad as it may first appear as there are two limitations on this requirement.

First, it is only those persons who provide credit as part of a business, and under credit contracts, within the meaning of the Credit Act 1984 who need to hold a licence. Speaking generally, the credit contracts regulated by the Act are loan contracts, credit sale contracts and continuing credit contracts where the borrower is not a corporation or the crown, where the credit provided does not exceed \$20,000 and in the case of a loan contract, where the interest charged exceeds 14%.

Second, a number of credit providers are exempt from the licensing requirement. Some of these exemptions are contained in section 38(1) of the Credit (Administration) Act 1984. The list includes banks, insurance companies, friendly societies, building societies and credit unions. Further exemptions have been made by Order-in-Council.

An unlicensed credit provider is liable to both criminal and civil penalties. The criminal penalty involves a maximum fine of \$10,000. The civil penalty is that a debtor is not liable to repay either the credit (ie. the amount advanced) or the credit charge (ie. the interest). This provision is the same as the civil penalty under the old Money Lenders Act

1958 which the Credit Act replaced. If the credit is provided under a continuing credit contract the debtor is not liable to pay any of the credit charges that accrue while the credit provider does not have a license. Credit providers can seek relief from the civil penalties under section 85 of the Credit Act.

Licensing - Finance Brokers

Pursuant to machinery of government changes, four staff administering the Finance Brokers Act 1969, were transferred from the Law Department to the Ministry of Consumer Affairs during the latter part of June, 1985. It is expected that one of these staff will transfer to the Licensing Investigation Section with the other three officers remaining in the Licensing Branch.

The licensing scheme under the Finance Brokers' Act vests the power to licence with the Registrar of Finance Brokers. The Registrar, however, must refer an application to a Magistrate's Court where the application is opposed or where there is any doubt about the capacity of the applicant to fulfil the duties of a finance broker.

These activities are central to the licensing function. Other areas of activities within the section, such as the handling of complaints and the conducting of investigations and random checks on Finance Brokers will continue to be carried out by the Licensing Branch initially but will be dealt with by other areas of the Ministry as the Finance Brokers section is reviewed and reorganised.

ASSESSMENT

Motor Car Traders

The number of businesses licensed for the six years up to 1983 remained fairly constant. However, the Motor Car Traders (Amendment) Act 1983, referred to above, meant an increase in the number of licence applications at that time.

	1984/85
Total Number of Licences (Business)	2360
Number of New Licences Granted (Business)	316

As in previous years, renewal notices were slightly late in getting out to traders for 1984/85. The processing of renewals was accomplished having regard to the varying responses of the traders. A systematic follow up of unpaid renewal fees has been carried out.

During the year, large inroads have been made into the backlog of advised changes of circumstances. In most cases, the Ministry is now awaiting the return of information requested from the licensed traders. The increasing use of the word processor is proving of great benefit in speeding up these procedures.

Credit Providers

The requirement under the Credit Administration Act 1984 is that anyone carrying on the business of providing credit needs to apply for a licence within the first three months of operation of the legislation to avoid the imposition of the civil and criminal penalties. Anyone who did apply within that time can continue carrying on business while the application is being processed. During the initial three month period 347 applications were received. This number was less than anticipated and consequently the Authority conducted an extensive advertising campaign inviting licence applications. Thirteen late applications were received in June.

As part of this process the Authority took several thousand telephone calls about the need for a licence. Also during this period applications for licences were processed, further information sought and checks made on the details of those applications. Some applications reached the stage where they could be referred to the Director of Consumer Affairs for his consideration with a view to whether or not an objection should be lodged to the granting of a licence.

As at 30th June 1985, no hearing had been conducted for Credit Providers' licences. It is expected that hearings will commence in September 1985.

The following table quantifies some of the activities being carried out by the Credit Licensing section:

	<u>1984/85</u>
Number of Applications for Licenses	360
Number of Applications for Approval of a form of Document pursuant to S 153 of the Credit Act 1984	8

Finance Brokers

Due to the recent transfer of the Finance Brokers function to the Ministry of Consumer Affairs, it is difficult to give an accurate assessment of the activities of the section over the past year. However, the following table is an indication of some of the activities which have been carried out by the Finance Brokers Section for the year ending 30th June 1985.

	<u>1984/85</u>
Number of New Applications for Licences - Corporation	60
Individual	40
Agent	17
Number of Licence Renewals - Corporation	125
Individual	93
Agent	39

4. FORWARD LOOK

It is intended to develop a common approach to the various licensing functions within the Ministry and as part of this process all administrative functions for motor car traders, finance brokers and credit providers are being consolidated into one branch under a Branch Manager.

One of the effects of the proposed restructuring of the Ministry will be to transfer to the Licensing Investigation Section responsibility for assessing applications for motor car trader licences as well as credit provider licences. Investigations will also be conducted by this section where complaints are made about the conduct of a licensee which may be grounds for disciplinary action by the licensing body.

The sections's first priority in the next financial year will be the assessment of the 360 credit provider licence applications received by the Credit Licensing Authority to the end of June 1985. It is anticipated that with the centralising of the licensing investigation roles of the Ministry into this section, it will be possible over the next year to develop procedures and expertise which will be reflected in more effective investigations and a shorter response time to complaints against licensees.

The Finance Brokers section will be reorganised as far as possible within the limitations imposed by the present Act to fit in with the common approach adopted. The licensing function will stay within the Licensing Branch, the investigation function will be transferred to the Licensing Investigation Section of the Industry Regulation Branch and complaints generally will be transferred to the Conciliation Branch. In the longer term there is expected to be a review of the Finance Brokers Act 1969 to update its procedures to reflect the state of the art in licensing.

The Motor Car Traders Act 1973 is also in the process of a major review. This will be accompanied by administrative changes which will see the separation of investigation and conciliation functions from the central role of the Motor Car Traders Committee as a licensing body.

Within the Credit Licensing Section it is expected that hearings will commence in September 1985. Once a routine is established it is expected that all current applications will be dealt with by the middle of 1986.

The following figures are an estimation of likely activities within the Licensing Branch in the next financial year

House Builders Liability

Resources for discharge of responsibility for the house builders' liability provisions of the Local Government Act are expected to be transferred to the Ministry in August 1985. A review of the legislation will be conducted as a high priority. Responsibility for the administrative function will initially rest with the Licensing Branch. However, it is expected that within six to twelve months, the major functions will be transferred to the Industry Regulation Branch.

SELF AND CO-REGULATION

A working party on Self-Regulation was established by the Ministry in April 1984, its main objectives being to assess the general effectiveness of industry self-regulation in promoting consumer interests and to develop guidelines on self-regulation.

The Working Party concluded that the promotion of self-regulation in the consumer interest is particularly well-suited where there are strong and

The Working Party further recommended that if self-regulation is to be used as an effective policy instrument, the Ministry should:

- Give endorsement to self-regulation schemes that it has negotiated with industry and that it considers promote the interests of consumers;
- Ensure adequate Government and industry resources are devoted to self-regulation; and
- Issue guidelines to industry and consumers/community groups on the development and content of self-regulation schemes.

In response to the Working Party's recommendations a separate Self- and Co-Regulation Section has been established in the Ministry.

The unit is responsible for the promotion and contribution to self- and co-regulation schemes for trade, business and professional associations, as well as for ensuring that Government policy and objectives on industry regulation are followed.

It evaluates particular problem areas in individual industries, and assesses industry circumstances and the likely effectiveness of self- and co-regulation schemes in those industries. In addition, it monitors the performance of trade associations and professional bodies against their codes of practice and negotiates modifications to such schemes where necessary to enhance their effectiveness.

The Self and Co-Regulation Section also works with the Enforcement Section in negotiating and settling Deeds of Assurance pursuant to the Market Court Act where it is found that individual traders are repeatedly engaging in unfair conduct in the marketplace.

Health and Fitness Industry

A co-regulation scheme for the health and fitness industry was initiated by the Ministry in response to the serious problems of liquidations, the substantial loss of consumer prepayments, use of unethical business practices, and the Government's concern to re-establish consumer confidence in the industry.

An earlier code of practice drawn up by the Victorian Fitness Industry Association was rejected because it did not deal with the fundamental problems of the industry and, at that time, the Association was not representative of the industry.

Ministry officers prepared and distributed for comment a Draft Code in November 1984. The Code was revised to take into account the positive

suggestions received from industry associations, individual traders, consumers, consumer groups and trade unions to ensure that it offered adequate protection to consumers and was a viable and realistic proposal for the industry.

Implementation of the Code is initially to be overseen by a Committee of Management comprising industry, government and consumer representatives. It is anticipated that in the longer term, the industry will take full control of the Code's operation, and the functions of the Committee of Management through a Trade Association.

The Code has benefits for consumers and traders, and specifies minimum standards of trading to be attained.

The major features of the Code are:

1. the requirement that advance payments exceeding three months be placed in trust accounts,
2. the provision of a choice of casual and longer-term memberships, and
3. the use of equitable contracts, refund policies and advertising and sales methods.

The nature of the industry and the difficulties it has faced recently make it necessary that aspects of the Code be implemented progressively, particularly those requirements relating to trust accounts and staff qualifications. The Ministry is continuing to liaise with the industry to make certain the Code is properly implemented and to ensure that it is effective in dealing with the serious problems that have troubled the industry in the past.

Dry Cleaning Industry

The request by the Australian Institute of Dry Cleaning, Victoria to comment on its Code of Practice Statement presented the Ministry with an opportunity to work with industry in developing an effective self-regulation scheme that offers substantial benefits to consumers and traders alike.

It is proposed that when the suggested amendments are negotiated, endorsement will be given by the Ministry to the scheme as one enabling an industry to effectively regulate itself and trade at a standard beyond the minimum requirements of the law. The Ministry will continue to monitor the operations of the Code and compliance by the Institute's members.

ASSESSMENT

Although work on the Fitness Code commenced in late 1984, the Self and Co-Regulation Section was not formally established until April 1985 when two staff (one on secondment from another Division) were allocated to the function.

The remaining part of the financial year was obviously a learning process as the section began to attract work and enquiries from industry, trade associations, consumers and other agencies. The success of the Fitness Code must ultimately be determined by events in the Industry. Nonetheless it has already acted as a catalyst for significant improvement by many businesses in that industry.

The Section now carries responsibility for Deeds of Assurance under the Market Court Act as these are akin to regulatory codes of conduct for individual traders. In so far as they impose restrictions on a trader's market conduct, a Deed, just like a Code, must take account of market forces and the environment within which a trader operates.

In its brief period of operation the Section has made a significant impact on an area to which the Ministry has in the past found difficulty in committing resources. Its progress will be carefully monitored to ensure that it represents the best avenue for direction of the resources available to the Ministry.

Market Court

The Market Court Act enables the Director of Consumer Affairs to obtain a Deed of Assurance from a trader who has repeatedly engaged in "unfair" conduct. "Unfair" conduct is defined broadly and includes taking advantage of a person's means, needs, level of education, and conduct as simple as breach of contract. A Deed of Assurance is in the nature of a contract between the Director and a trader. It details the conduct which the Director alleges to be unfair, and then sets out a range of conduct from which the trader is to refrain. It may also impose certain obligations upon the trader in the conduct of a business.

A breach of the terms of the Deed renders the trader liable to prosecution in the Magistrates' Court and a fine of up to \$5,000.

There were no applications to the Market Court during the year. However, the review of priorities in the enforcement of legislation and the development of more efficient administrative systems resulted in the Director obtaining five Deeds of Assurance from a total of thirteen persons. The Ministry was well advanced in negotiation on two further Deeds, when the companies concerned went into liquidation. The lack of applications to the

Court is the result of deliberate policy by the Ministry to utilise the mechanisms under the Act, and seek a Deed of Assurance from a trader as a first step prior to consideration of an application to the Court. Only where a trader refuses to enter a Deed which is satisfactory to the Director will an application to the Court be initiated. Such a process results in far more efficient resource utilisation for both the Ministry and the Court.

Details of Deeds of Assurance negotiated during the year are set out below:

1. In January 1985 a Deed of Assurance was obtained from William McKenzie trading as McKenzie Saw Sales and Service. The Director was satisfied that the trader was engaged in a range of unfair practices in his business of chain saw sales and service. This included misleading advertising, misrepresentations as to the capacity of the saws he sold, false comparisons with more expensive models and selling saws with inappropriate bars attached. The trader undertook to restrict the form of his advertising and representations made, and to notify the Director in advance of certain changes in his trading position.
2. In March, 1985, the Director obtained a Deed of Assurance from Jedd Security Doors Pty. Ltd., and its four directors. The trader was engaged in the business of manufacturing, selling and fitting security doors. The Director of Consumer Affairs was satisfied that the trader had repeatedly engaged in unfair conduct including excessive delay in filling orders, instances of poor workmanship and poor quality products, and delays in redressing grievances and meeting Small Claims Tribunal orders. The trader and directors undertook not to take on further orders unless they were realistically in a position to meet the orders on the due dates, to ensure that employees had appropriate skills, to supply goods of merchantable quality and to attend promptly to complaints and Tribunal orders. A breach of the Deed could render the trader and directors, liable to a fine of up to \$5,000 each.
3. Also in March, 1985 the Director obtained a Deed of Assurance from Scenic Home Improvements Pty. Ltd., (trading as Scenic Homes and/or Scenic Landscaping), and one of its directors Pierre Cure. The trader was engaged in the business of landscape gardening and driveway, footpath and carport construction. The Director of Consumer Affairs was satisfied that the trader had repeatedly engaged in unfair conduct. This conduct included a failure to comply with the door to door sales provisions of the Consumer Affairs Act, failure to comply with the deposit security provisions

of the Building Contracts (Deposits) Act, failure to complete contracted works within a reasonable period, (or at all), despite taking payment in advance, and failure to satisfy Small Claims Tribunal orders. In the Deed the trader and its director undertook to comply with certain legislative requirements (embodying such a requirement in the Deed effectively increased the penalty for a breach up to tenfold), the trader undertook to include certain details in future contracts, to restrict deposits or part payments to a maximum of 10% of the total contract price, and to ensure that no new contracts were entered unless at the time the trader could reasonably have expected to be able to fulfil the contract.

A number of prosecutions were also instituted against the company and director for breaches of the law, however these were adjourned at the instigation of the defendant to be heard in the 1985/86 financial year. At the time the Deed was entered into the trader also had a link with a major finance company. This was essential to the trader as the advance payments for many contracts were made on finance arranged by it for consumers. The Ministry subsequently negotiated with the finance company to either cancel the finance contracts or contract with another trader to complete outstanding work at no extra expense to the consumers.

4. In April, 1985 a Deed of Assurance was obtained from Dulwan Holdings Pty. Ltd., (trading as Electronic Sales and Rentals Brunswick and E.S. & R. Brunswick) and two of its directors, brothers Cecil and Marcel Bucello. The trader was engaged in a business which included the renting and selling of colour televisions, video cassette recorders, hi-fi's and video movie swap rights. The Director of Consumer Affairs was satisfied that the trader had repeatedly engaged in a wide range of unfair conduct. This included breaches of the door to door sales provisions of the Consumer Affairs Act; misleading advertising; false "free" inducements to consumers to enter contracts (for example "free" movie swaps, microwave ovens, air conditioners, petrol and other items); misleading value comparisons with other products; misrepresentations as to the level of interest rates for finance accompanying sales; referral selling; and excessively long sales presentations and other conduct. The trader undertook to comply with the door to door sales requirements of the Consumer Affairs Act in every sale; to amend its contractual documentation and advertising to ensure it was clear and not misleading; to supply full price and cost information to consumers; to leave a consumer's premises immediately when requested; to limit the size of its advance sales packages and other general undertakings. Prosecutions were instituted in respect of misleading advertising and these cases were listed for the 1985/86 financial

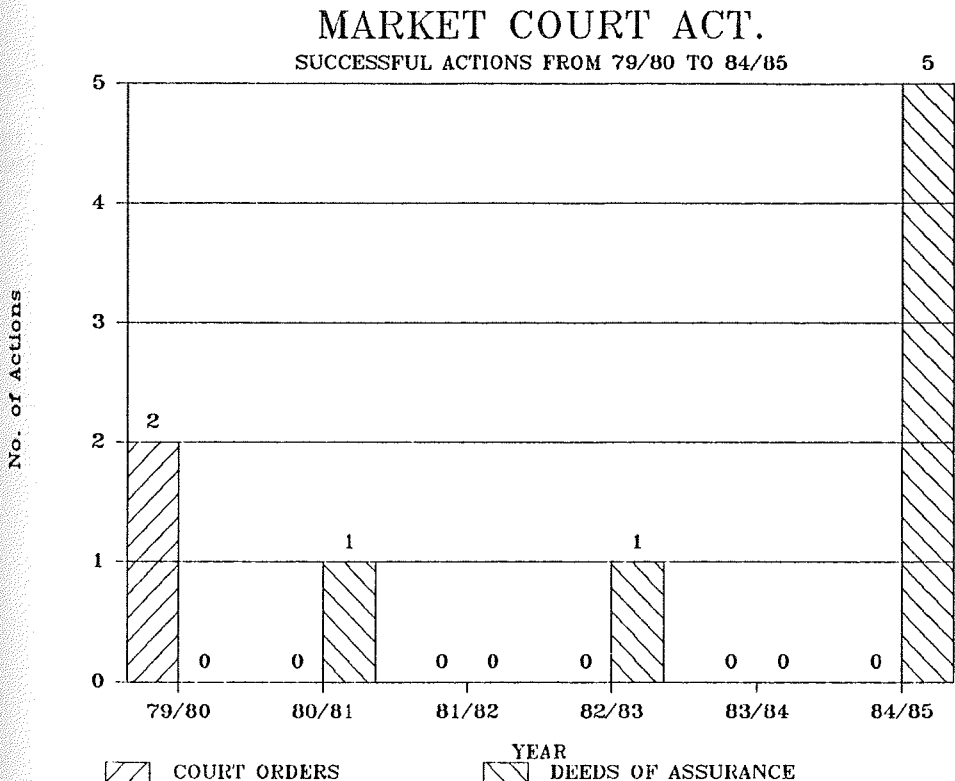
year.

A Deed of Assurance in precisely the same terms was being negotiated with the franchisee of the Electronic Sales and Rentals outlets in Geelong (Adams Electronics Pty Ltd) Ballarat, (Drakon Pty Ltd) and Albury (Adams Electronics (Albury) Pty Ltd). However, the Geelong company went into liquidation and Ballarat and Albury ceased operation before the Deeds were obtained. These companies all operated and survived on advance payments of thousands of dollars for future goods and services which were ultimately not received by consumers.

5. Also in April, 1985 a Deed was obtained from Ski People Pty. Ltd., (trading as Ski People Travel and Central Mountain Booking Service and Reservations), and a director of the company. The trader was engaged in the business of reservations for accommodation at various alpine resorts. It ran into financial difficulties and the Director was satisfied that the trader was engaging in unfair conduct when it was unable to refund bond monies and security deposits to consumers at the conclusion of their holidays. The trader undertook to establish trust accounts to ensure that future bonds of consumers would be refunded. In the meantime the trader is working towards meeting its outstanding obligations.

Inspection of Register of Deeds

Pursuant to the Market Court Act 1978 a Register of Deeds of Assurance is maintained at the Ministry and is available for inspection by appointment.



B. ESTABLISHMENT OF PRODUCT STANDARDS

1. DESCRIPTION

The role of the Standards Sub Program is to develop and maintain reasonable standards for product safety and quality and packaging and labelling. Safety standards and banning provisions for hazardous products are needed to avoid personal injury and damage to property. Packaging and labelling standards are needed to minimise misrepresentation.

Wherever possible, standards developed by the Standards Association of Australia are adopted. Packaging and labelling standards, which include the marking of products, are developed under the provisions of the Weights and Measures Act and Consumer Affairs Act, which also establishes information standards for products such as leather goods and bedding. Unsafe and hazardous products are banned under the provisions of the Consumer Affairs (Product Safety) Act.

2. OBJECTIVES

The objective of the Sub Program is:

- To achieve safe and correctly represented products and remove hazardous products from the marketplace by identifying and regulating products which require standardisation in terms of information available, quality, safety, and packaging and labelling.

3. ACTIVITIES

Although the activities of this sub program were confined by its limited resources, (until January 1985 there was only one officer dealing with all product safety and standards matters), it maintained its performance in dealing with dangerous products and as predicted in last year's report, the more thorough approach to product safety investigations with the appointment of the Product Safety Officer in January, 1985, has led to an increase in the number of products banned.

Product Safety

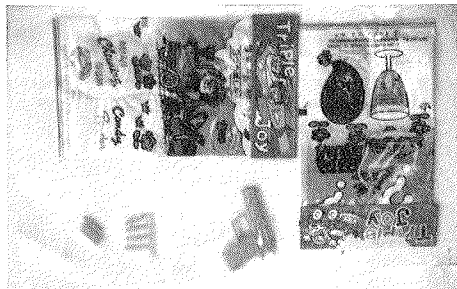
In the period of this report the Minister has signed orders for one temporary ban and eleven permanent bans. These are:

<u>Temporary Bans</u>	<u>Reason for Banning</u>	<u>Date Banned</u>
Skimmer filters for swimming and spa pools which have an open top and do not have a fixed lid	One death and several serious injuries have resulted when young children have used the filter inlet moulding as a seat.	8.5.85



Permanent Bans

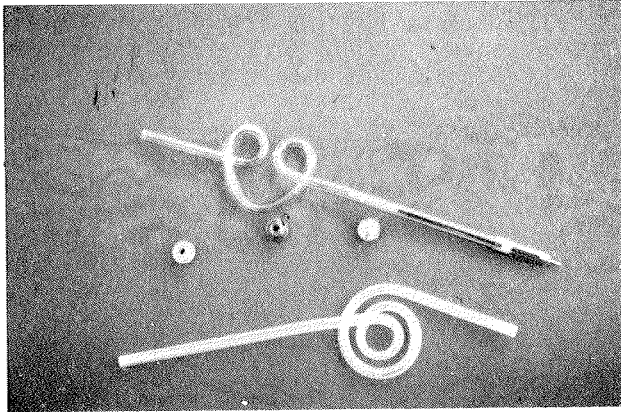
Triple Joy Confectionery containing a toy gun	The gun fires small pellets capable of causing eye injury	22.8.84
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Novelty drinking
straws and pens with
a detachable bead

The beads present a
serious choking hazard

22.8.84



Jewellery, novelties
and toys incorporating
strychnine seeds

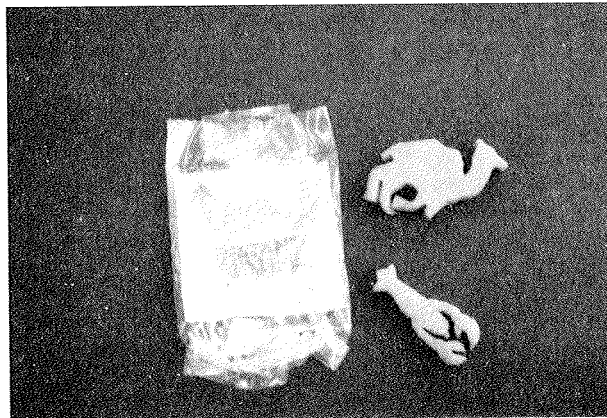
The seeds could cause death
or serious injury if sucked
or swallowed

14.11.84

Expanding novelties

These swell in water
and present an
inhalation and choking
hazard

27.2.85



Polystyrene foam beads as an accessory to toy vacuum cleaners

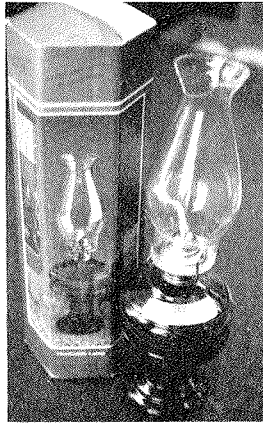
The beads are supplied with the toy vacuum cleaners as "play dirt". They present an inhalation hazard

6.3.85

Novelty wine bottle, intended for use as a lamp when empty - incorrectly labelled

The bottles - shaped like oil lamps can be filled with kerosene; the label incorrectly advised to fill with petrol

27.3.85



Sorpresa Easter Eggs

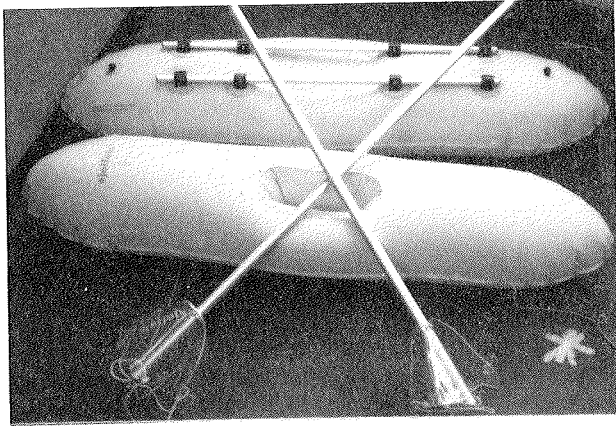
Eggs contain small toys, which are an inhalation and ingestion hazard

3.4.85

Inflatable pontoon shoes for walking on water

e.g. "Sjoffels" water shoes - possible drowning hazard

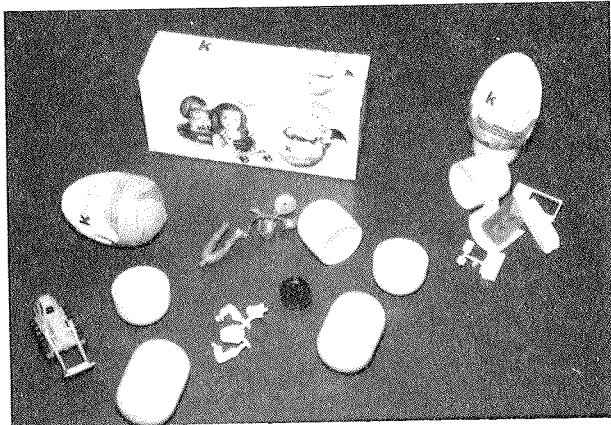
17.4.85



Easter eggs or similar confection containing an inedible toy/object

Toys inside confectionery present an inhalation and ingestion hazard

17.4.85



Toy stunt plane and Launcher set sold under various names e.g. Mr. T., Incredible Hulk, Go Bots etc.

Plastic aeroplane with styrene wings which break very easily. The aeroplane without wings becomes a dangerous projectile when propelled by the powerful launcher - eye injury hazard

1.5.85



Skimmer filters for swimming or spa pools which have an open top and do not have a fixed lid

See Temporary ban

5.6.85

Procedures have been developed to monitor the marketplace for products banned by the Minister for Consumer Affairs under the Consumer Affairs (Product Safety) Act 1983. Staff of the Ministry's Enforcement Branch perform random checks of retail outlets. The Australian Federation of Consumer Organisations is advised of bans so that their network of product safety monitors can be alerted. Announcements are made through the media and advertisements published to alert the general public, and appropriate industry and trade groups are also advised.

The other States, Territories and the Commonwealth are notified of Victorian bans through mechanisms established under the Commonwealth/State Consumer Products Advisory Committee (CSCPAC). CSCPAC maintains a comprehensive Alleged Hazardous Products Register. The Ministry may decide to ban after receiving the Register information detailing the investigations and action taken by other agencies regarding an unsafe product. Through membership of this Committee, the Ministry maintains close ties with all State/Territory consumer affairs agencies and with the Federal Trade Practices Commission on all aspects of product safety.

Packaged Goods

Two officers are employed in this section to administer the packaged goods provisions of the Weights and Measures legislation. Their work involves advising on all packaging regulation carried out by Weights and Measures Inspectors employed by Municipal Councils. In addition, the packaging officers carry out investigations into all aspects of articles packed for sale in advance, including quantity in the packages, and offer advice to Australian industry, importers and trade commissions, and consult on the packaging of articles in accordance with legislation and other uniform packaging provisions.

Consultative Group on Packaging and Labelling

The Consultative Group on Packaging and Labelling was formed in October, 1980 to ensure uniformity in legislative requirements relating to packaging and labelling in Victoria.

The Group has met twice in the last twelve months and has produced an "Information Guide for Manufacturers and Packers of Goods for Sale in Victoria". This guide provides manufacturers and packers with information about the legislative requirements for the packaging and labelling of goods, and provides a directory of relevant Government agencies.

Present membership of the Group comprises representatives from:

- Department of Premier and Cabinet
- Ministry of Transport
- Health Commission of Victoria
- Department of Agriculture
- Department of Industry, Technology and Resources
- Ministry of Consumer Affairs

4. ASSESSMENT

The separation of the product safety and standards functions predicted in the last report did not occur until January 1985 with the appointment of the Product Safety Officer. Therefore, much time was necessarily spent mainly on reacting to urgent product safety matters as they arose. Some 116 allegations of hazardous products were investigated in the twelve month period, leading to the bans already mentioned.

Preliminary work on updating several current product standards, and the introduction of several new ones has begun.

The officers administering the packaged goods provisions of the Weights and Measures legislation have exceeded their predicted workload and have

assessed 1361 items for packaging and labelling requirements during 1984/85.

5. FORWARD LOOK

In the first few weeks of the 1985/86 financial year the newly created position of Manager - Standards Branch will be filled. This will have a significant effect on the operations of the Branch, by separating the product standards and management functions and allowing further development of management procedures, while at the same time freeing the Standards Officer to concentrate on the development of new product standards.

This should result in the introduction of at least six new or revised product standards in the next 12 months.

Over a full twelve month period it is estimated that the Product Safety Officer will investigate approximately 160-180 alleged hazardous products, with a probable increase in the number of products banned.

The packaged goods function maintains a steady workload and it is anticipated that approximately 1,400 products will be assessed by the packaged goods officers in the next twelve months.

C. ENFORCEMENT OF LEGISLATION

1. DESCRIPTION

This Sub Program is designed to enforce compliance with Victoria's consumer legislation. A visible presence in the marketplace is required as a deterrent to unfair and illegal business practices and conduct. Periodic inspections are undertaken in particular categories of business and alleged breaches and particular complaint trends are investigated to ascertain whether legislative requirements are being breached. Breaches are dealt with according to the circumstances of each case. Responses range from warnings and reprimands through to prosecution in the Courts.

If considered to be in the public interest, the Director of Consumer Affairs may defend or initiate an action on behalf of a consumer where the amount claimed against a business owner or operator does not exceed \$10,000.

2. OBJECTIVES

The objectives of the Sub Program are:

- . To maintain a visible presence in the marketplace by checking on business conduct and services to detect incidents of non-compliance with the law;

To have the Ministry's powers and capacity to act against illegal business conduct and practices recognised by prosecuting identified breaches of legislation.

3. ACTIVITIES

Last year's Report of the Ministry outlined the basis of a comprehensive approach to enforcement activities. For the first time, clear criteria were established for setting priorities for investigation to enable the more efficient deployment of resources. This year the use of these criteria began to produce results. However, at the same time the inappropriate staffing structure of the Enforcement Branch was highlighted. The selection of priorities and moves to streamline administrative work pointed to the need for greater specialisation within the Branch.

A number of new administrative procedures were implemented and from the beginning of 1985 a new organisational structure for the Sub Program was put in place. This re-organisation was also necessitated by the transfer of six officers from the former Residential Tenancies Bureau to the Enforcement Sub Program. This took effect on September 17th, 1984. The six officers continue to be occupied full time in residential tenancies duties. Their transfer was prompted by a review of the Bureau which concluded that the conciliation aspect of residential tenancies work should be integrated with the Ministry's general conciliation work, and the inspections work with the Ministry's other inspectorial and investigative functions. The six officers transferred perform the inspection functions under the Residential Tenancies Act. These include reports on excessive rent, abandoned goods and repairs.

The changeover was accomplished smoothly with the related administrative functions being absorbed into the existing structure of the Enforcement Branch. This has resulted in easier access to a suitable computerised information record and retrieval system, and administrative support.

The reorganisation has resulted in the staff of the Enforcement Branch being allocated to four teams, with members responsible to a team leader, who in turn is under the direction of the Branch Manager.

All incoming matters for investigation are assigned for inspection to a team, and although each team has a specialist area of legislation which their investigatory activities are concentrated upon, overlap does occur.

Team 1 investigates breaches of the Motor Car Traders Act, Team 2 investigates breaches of the Consumer Affairs Act, Residential Tenancies Act, the Local Government (House Builders' Liability) Act and the Building

Contracts Deposits Act. Team 3 is the Initial Action Group, responsible for the initiation of all matters into files, the maintenance of computer records, general administration, and support services for the Branch, and the investigation of certain breaches of the Consumer Affairs Act. Team 4 negotiates and resolves disputes between tenants and landlords which involve the requirement of a physical inspection of premises.

Team leaders review all matters assigned and make allocations to team members for inspection or investigation. Because of the restructure and specialisation of each team's operation, files can be quickly assessed and directed for investigation to the most appropriate channels. Inspectors are now also responsible for the recommendation of matters for prosecution and the preparation of briefs. This has considerably assisted in the streamlining of the ongoing enforcement program of the Ministry and has added a new depth to the work of the members of the Branch.

The restructure of the Branch has resulted in a faster turnaround time for file creation and allocation, more efficient and productive investigation leading to early completion of file investigation and/or appropriate recommendations for prosecution. These improvements have been reflected in the year's results, which are more significant when it is realised that the Branch was down on its full staff complement owing to the absence of the Manager for three months on other duties and the secondment of an inspector to the Education and Community Programs Division for one month.

MINISTRY OF CONSUMER AFFAIRS

REGULATION AND STANDARDS DIVISION

Details of Court Prosecutions for Financial Year 1984/1985

<u>Trader's Name</u>	<u>Offence Dates</u>	<u>Offence Details</u>	<u>Date of Hearing</u>	<u>Result of Hearing</u>
MIKE GOOD MOTORS	210384	Motor Car Traders Act Sec 23, Sec 26 (11 counts), Sec 40 (7 counts, Sec 41 (2 counts).	110784	Proven on one count of Sec 23 (fine \$10) 8 counts of Sec 26 (fine \$240) 5 counts of Sec 40 (fine \$150), 2 counts of Sec 41 (fine \$60) Costs \$352.

EDWARDS B T	010484	Motor Car Traders Act Sec 14	130784	Proven (fine \$200) Costs \$75.
STUDD G J	100184	Motor Car Traders Act Sec 14	020884	Proven (fine \$200) Costs \$112.
MARK PITMAN	210384	Motor Car Traders Act Sec 26 (10 counts) Sec 40 (6 counts) Sec 41 (1 count)	080884	All proven (fine \$800) Costs \$434
PLUMPTON R J INVESTMENTS	120184	Motor Car Traders Act Sec 26 (4 counts) Sec 40 (11 counts)	220884	All proven (fine \$1015). Costs \$285.
BROWN C G	011184	Motor Car Traders Act Sec 14	070984	Proven (fine \$250) Costs \$162)
RODERICK G J	260484	Motor Car Traders Act Sec 25 (1 count) Sec 26 (4 counts) Sec 40 (17 counts) Sec 41(1A) (5 counts)	100984	All proven (fine \$500) Costs \$474
DAVIDSON G	060383	Consumer Affairs Act Secs. 15, 20A, 32F	120984	All proven (fine \$170) Costs \$308
TIERNEY L	060383	Consumer Affairs Act Sec 15	120984	Dismissed
PADEJORE PTY LTD	011284	Motor Car Traders Act Sec 26 (18 counts)	260984	All proven (fine \$900) Costs \$218
RENSTAR PTY LTD	OCT/DEC 1984	Motor Car Traders Act Sec 14	031084	Proven (fine \$10) Costs \$105.50

QUANTUM INVESTMENTS 1984 PTY LTD	FEB/MAR 1984	Motor Car Traders Act Sec 14. Consumer Affairs Act Sec 13 16 counts	091184	All proven (fine \$1200) Costs \$300
PERSONAL BEST	SEPT 84	Consumer Affairs Act Sec 13A(2) (4 counts)	291184	All proven (fine \$300) Costs \$280
LAMMERETZ L (HIGHWAY AUTO IMPORTS P/L)	MAY 84	Motor Car Traders Act Secs 26, 29 Consumer Affairs Act Sec 36	301184	All proven (fine \$240) Costs \$259
AKKA P/L (HIGHWAY AUTO IMPORTS PTY LTD)	MAY 84	Motor Car Traders Act Sec 40	301184	Proven. (fine \$70) Costs \$259
TALBOT DIAMOND	MAY 84	Residential Tenancies Act Sec 146(A)	021284	Proven. 12 months bond \$100. Costs \$167
BERNARDO S P	MAY 84	Residential Tenancies Act Sec 146(a)	051284	Proven. 12 months bond \$100 Costs \$150
DARRINGTON G	SEP 84	Residential Tenancies Act Secs 40, 146(A) Consumer Affairs Act Sec 65(4)	071284	All proven (fine \$750) Costs \$243.66
BOBAR PETER	JUN 84	Consumer Affairs Act Sec 13.1 (5 counts)	060285	Five charges proven. Fine \$1000. (costs \$518)
THE AD AGENCY P/L	JUN 84	Consumer Affairs Act Sec 13.1 (5 counts)	060285 110385	Five charges proven. Fine \$1000.

MURKON P/L (ES&R SUNSHINE)	JUL 84	Consumer Affairs Act Sec 13(a)1	200285	Proven. Fine \$300. (Costs \$200.15)
GARRY ROGERS MOTORS	JUL/SEP 1984	Motor Car traders Act Sec 40, Sec 41, Sec 26	220285	All proven. Fine \$600 Costs \$168
CURMI INVESTMENTS (KEW MITSUB.)	1984	Motor Car Traders Act Regulations 403 (4 counts)	040385	12 month bond \$250 (Costs \$192)
RICHARD CYRIL KENNEDY	JUN/JUL 1984	Motor Car Traders Act Sec 14, Sec 54, (3 counts)	060385	All charges proven. Fine \$600. Costs \$168
GRAHAM HOLMES & ASS. P/L (CITY MAZDA)	MAY/JUN 1984	Motor Car Traders Act Regulation 403 (5 counts)	070385	All charges proven. Fine \$250. Costs \$218.50
EDWARDS DOROTHY (WEIGHT CONTROL)	SEP/OCT 1984	Consumer Affairs Act Sec 13 (4 counts)	150385	All proven Fine \$350 (Costs \$156)
DANDENONG MAZDA	OCT 84	Motor Car Traders Act Regulation 403 (3 counts)	220385	All proven 12 month bond \$100(costs \$156)
GLORIA MARSHALL FIGURE SALONS AUST. P/L	NOV 84	Consumer Affairs Act Sec 13A (6 counts)	170485	All proven Fine \$420.(costs \$250)
KONTIKI NOMINEES (LIFESTYLE)	AUG 84	Consumer Affairs Act Sec 13. (2 counts)	010585	All proven \$100 (costs \$118)

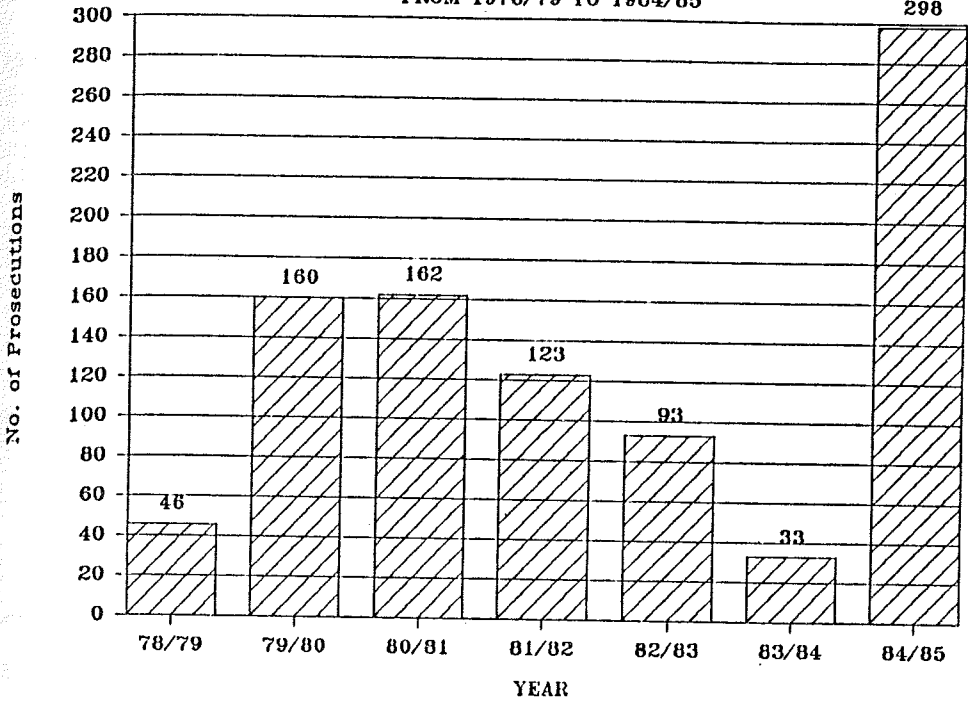
HEALTH CLUB
WAVERLEY)

MICHAEL BARNETT INV. P/L (JAMES MICHAEL OF MENTONE)	DEC 84	Consumer Affairs Act Sec 36. Motor Car Traders Act Sec 26, Sec 29, Sec 40.	080585	All MCTA proven. Fines \$800 (costs \$338)
MANDEL EVA	JUL 84	Residential Tenancies Act Sec 122	080585	Proven. \$200 Bond. (costs \$189)
BARLO INDUSTRIES	OCT 84	Consumer Affairs Act Sec 15, Sec 20(1)A.	150585	Proven. Fines \$300. (costs \$134)
NEWTON JOHN (BARLO INDUSTRIES)	OCT 84	Consumer Affairs Act Sec 15, Sec 20(1)A	150585	Proven. Fines \$300. (costs \$135)
JUSTMATT PTY LTD (ESR DAND.)	JAN 85	Consumer Affairs Act Sec 15(1)	170585	Proven. Fine \$150 (costs \$354)
ETHERIDGE PTY LTD	JUL 84	Consumer Affairs Act Sec 13.	310585	Proven. Fine \$200 (costs \$219)
HEROS MAODA NOM. P/L (GRAHAM WERNER TOYOTA)	OCT/NOV 1984	Motor Car Traders Act Sec 26 (81 counts) Sec 40 (25 counts)	070685	Sec 26 x 81 proven. Fine \$1620. Sec 40 x 21 proven fine \$1050 Sec 40 x 4 dismissed.

DUHIG FORD P/L	JUN 84	Consumer Affairs Act Sec 36. Motor Car Traders Act Sec 29 Sec 56 (2 counts)	120685	All proven \$500 bonds x 4 (costs \$275)
BARLO INDUSTRIES	NOV 84	Consumer Affairs Act Sec 15, Sec 20	250685	All proven. Fine \$200. Costs \$433

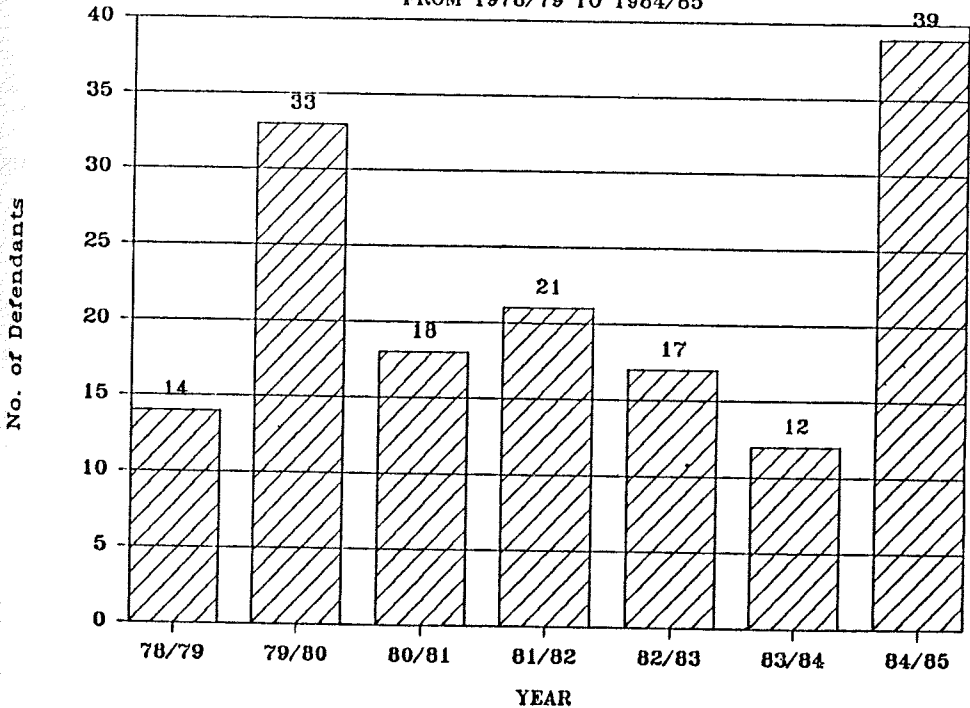
NUMBER OF SUCCESSFUL PROSECUTIONS

FROM 1978/79 TO 1984/85



DEFENDANTS SUCCESSFULLY PROSECUTED

FROM 1978/79 TO 1984/85



The Enforcement Branch has historically spent much of its time and resources investigating matters related to the motor car industry. The details of prosecutions listed earlier in this Report bear this out.

As in previous years activities such as odometer tampering and unlicensed motor car trading have constituted the bulk of motor car trader investigations. It seems that both of these activities are on the increase despite a corresponding increase in the number of prosecutions.

Motor car trader investigations and prosecutions are constantly hindered through legislative inadequacies. Many areas of concern such as unlicensed motor car trading, odometer tampering, warranties, special licensing, regulatory requirements and advertising have been identified and are being considered in the overall review of the Motor Car Traders Act 1973.

Although branch policy and procedures have augmented the efficiency of investigations, priorities and procedures are constantly reviewed to meet the changing demands placed upon the Branch.

In the past, the operation of the Enforcement Branch has been perceived to be one of prosecution only. As a result it was virtually impossible to identify the workload other than in terms of numbers of prosecutions. With the advent of the branch restructure, program indicators have been redesigned to reflect a more accurate picture of the workload and nature of the work conducted by the Branch. The use of these new indicators will commence next financial year.

The Branch has an increasing involvement in preventative activities. Monitoring of market trends and practices coupled with industry and community consultation has enabled the Enforcement Branch to work towards the Government's goal of "fairer market places".

An example of this activity has been the Branch's involvement with market research organisations ensuring that information provided by consumers retains its confidentiality and that consumers have the right of redress concerning products which are supplied as a result of consumer response to such campaigns. Similarly the Branch is seeking to develop and maintain further involvement with the Royal Agricultural Society concerning marketing of show bags at the Royal Melbourne Show.

During the past year the investigation and prosecution activities of the Enforcement Branch have extended to a wider variety of industries.

Weight reduction, health and fitness, discount advertising, particularly that applicable to blinds and awnings, and courier driver job opportunities (MCT) have come under close scrutiny.

With the introduction of the Credit legislation and the transfer of House Builders' Liability legislation from the Local Government Department, an even wider range of industries will be monitored. Allowance for concentration on these areas has been made in the current restructure of staff.

A significant contribution was also made to the area of Education and Community Programs Branch with Enforcement Branch Officers being assigned duties in that area for a total of 69 days during the year to undertake regional and enquiry services.

SOME SCHEMES WHICH CAUSED CONCERN

UP International Advertising - October 1984

- . Pyramid selling scheme.
- . The scheme revolved around large press advertisements offering earnings of up to \$2,000 per month for people working from their own homes.
- . Consumers were expected to send the equivalent of \$US20 as the initial response, then instructed to place advertisements in their local newspapers offering \$400 per week to part-time photographers.

Action Home Loans - July 1984

- . This organisation lent money to consumers without regard to existing commitments and ability to repay.
- . Interest was 19 per cent per annum flat with a 10 per cent penalty for late payment
- . Their only criteria seemed to be that the borrower had sufficient equity over and above any pre-existing mortgages in real property to cover the loan advanced.

"Neo-Tech" I & O Publishing Company, Inc. - April 1985

- . "Neo-Tech" is alleged to help people in all fields of human relations, both business and personal.
- . The document solicits people to purchase the publication; enabling a person to adopt this new "Neo-Tech", and Australians are invited to send \$98.75.

Green Letter - April 1985

- . Questionnaire delivered to every suburban home.
- . Sought details of products purchased and financial situation.
- . Fee required to obtain sample goods.

- . The main concern of MCA was that consumers' details could have been sold to other direct marketing organisations.
- . Consumers advised of possible repercussions.

Residential Guaranty - May 1985

- . Company sought to act for Estate Agents and Landlords in Residential Tenancy matters and to maintain a registry of tenants.
- . MCA most concerned that Residential Guaranty did not appear to be in the general philosophy of the Residential Tenancies Act.
- . Following discussions with officers of MCA the company has decided not to operate in Victoria.

Trump Card - May 1985

- . Pyramid-selling type organisation.
- . A multi-level scheme which relies on recruiting participants to sell franchises to other participants.
- . MCA is very concerned and examined the scheme in relation to pyramid selling. Subsequently MCA officers negotiated with promoters and the scheme was modified so that it did not offend the legislation.
- . It was agreed that the participants would have a 15 day 'cooling-off' period during which they could recover all money invested.
- . A similar provision is to apply to consumers who purchased a Trump Card.
- . Ultimate product to be sold to consumers is the Trump Card which gives them access to a computerised buying service.

A Hyde, Trading as Mail Order - Queensland - May 1985

- . Advertisements in newspapers offering 'part-time work at home, filling and mailing envelopes, average income \$60-\$100 per week. For more information send SAE to Mail Order, PO Box 367 Ashgrove, Queensland 4060'.
- . Consumers responding to the advertisement receive a letter and are asked to send \$5.00 to the same PO Box.
- . Those who send the \$5.00 are then sent another letter which advises them to rent a PO Box and run the same type of advertisement.
- . Queensland Trade Practices Commission and the Fraud Squad are investigating.

4. ASSESSMENTANALYSIS OF COMPLETED ALLEGED BREACH INVESTIGATIONS

	1983/84	1984/85
Number of offenders prosecuted successfully	12	39
Number of charges - prosecuted successfully	*33	298
Number of charges prosecuted unsuccessfully	2	5
Files completed (Not Prosecuted):		
Offence detected; not prosecuted owing to:		
(a) Inadequate evidence	16	18
(b) Witness unavailable/unwilling to appear	5	3
(c) Breach remedied by offender	54	63
(d) Offender disappeared	13	9
(e) Lapse of time prevented prosecution	10	10
(f) Failure to supply information under Section 64 of the Consumer Affairs Act resolved by reply or Tribunal hearing	4	0
(g) Company in liquidation	1	7
(h) Printer's error or advertising agent mistake	1	0
(i) Explanation accepted once, offender cautioned and activities monitored	13	26
(j) Referred to another agency (Trade Practices Commission, Police, etc.)	36	22
(k) Warning only issued		16
(l) Licensing objections lodged - reprimand only	0	1
(m) Market Court Deed of Assurance or Order obtained	0	5

(n) No offence detected - allegations unjustified	219	60
- no apparent breach	66	30
- investigation inclusive	8	32
Number of enquiries via Minister's or Director's office	N/A	119
<hr/>		
Total Number of alleged breaches received	458	744
Total Number of files completed		459

* not included in total because these figures do not represent the number of matters referred but the number of charges arising from matters proceeding in Court.

The large number of complaints for investigations on Residential Tenancies matters, can be analysed as follows:

<u>Type of Investigation</u>	<u>Number</u>	<u>Percentage</u>
Inspection - excessive rent	319	21.3
Inspection - repairs to premises	573	38.2
Inspection - abandoned goods	557	37.2
Referrals from Residential Tenancies Tribunal (inspections, notices of hearing and notices of restraints)	27	1.8
Termination of lease	15	1.0
Bond security deposit	8	0.5
	<hr/>	<hr/>
	1,499	100%

5. FORWARD LOOK

As outlined above the year under review has been one of change. The coming year will see a consolidation of some of these changes and further development with new program indicators being utilised to provide a more comprehensive overview of the sub-program activities. Although the year reviewed saw a record number of prosecutions and a record number of Deeds of Assurance, it is anticipated that the benefits of the changes implemented will see further improvements in the coming year with an estimated 50 plus

traders prosecuted in respect of over 300 charges.

A paper on the rationale of enforcement activity in the Ministry was completed during the year for release to the public in the 1985/86 year. Copies are available on request.

D. WEIGHTS AND MEASURES

The Weights and Measures Act and Regulations are jointly administered by the Weights and Measures Branch (Central Administration) and Weights and Measures local administrations comprising municipalities forming Weights and Measures Unions or Local Authorities.

As a result of recent machinery of government changes, the responsibility for the central administration and the supervision of the local administration of the Weights and Measures Act 1958 was transferred to the Ministry from the Department of Local Government on 21st March 1985.

Some 35 officers of the Weights and Measures Office (Central Administration) have now been integrated into the Regulation and Standards Division of the Ministry.

1. DESCRIPTION

Weights and Measures administration is designed to ensure that weighing and measuring equipment used in trading is accurate and fair to both trader and consumer.

Apart from its responsibility to preserve State standards of mass, length and volume and to regularly re-verify all the standards used by Weights and Measures Inspectors, the Branch has the responsibility to verify the accuracy of weighing and measuring instruments which are not the responsibility of local administrations (e.g. weighbridges, pharmaceutical scales, farm milk tanks, fabric and leather measuring instruments), and to investigate and prosecute for non-compliance with legislation.

Additionally the Branch provides scientific, technical and educative services required by the Branch and local administrations, and liaises with other States and the National Standards Commission in the moves towards uniformity in the verification and use of trade instruments, standards and training of inspectors.

2. OBJECTIVES

The objectives of this function are:

- . To facilitate fair trading in the marketplace, ensuring that prescribed types of instruments used in trade remain accurate and that they are not used fraudulently;
- . To liaise with, assist and to a limited extent supervise the local authorities in their administration of the Weights and Measures Act and Regulations;
- . To advise and assist industry and the general public in relation to Weights and Measures matters.

3. ACTIVITIES

Inspection Services

The Inspection Services Section of the Branch is responsible for the daily scheduling of the inspection and verification program and for the maintenance of performance records of all trade instruments verified by the Branch within the State. The reverification periods are determined by legislation. The Branch's program continued successfully in 1984/85.

Local Authorities

The Weights and Measures Act 1958 charges local administrations with the responsibility of administering certain provision of the legislation.

The functions of the local administrations include:

- The verification, reverification, inspection and stamping of all types of weights, measures and weighing and measuring instruments used in trade other than those which are the responsibility of the Branch;
- The enforcement of the Act and Regulations;
- The testing and examination of packaged goods for content and labelling requirements.

The local administration of the legislation is performed by qualified Weights and Measures inspectors employed by local municipalities which either form a Weights and Measures Union or a local authority in its own right, under the Weights and Measures Act.

The Branch is charged with the responsibility of standardising the overall administration of the legislation by local administrations and this continued over the period in question.

Scientific Services

The Scientific Services Section of the Branch is responsible for the maintenance of the State standards of mass, length and volume, and for the periodic certification of local authority weights and measures standards and equipment. The Section also inspects and verifies certain weighing and measuring devices submitted to it at the request of persons and organisations in government and industry.

In addition, the Section is involved in the developmental phase of a calibration program for the L.P. Gas Meter testing unit. An L.P. Gas Meter Testing Unit has been designed and constructed by a private L.P. Gas Company. It is currently being calibrated for accuracy by the Scientific Officers of the Branch.

The Section was also involved in a major seminar for local authority inspectors in March 1985, to instruct them in measuring techniques used in the verification of subsidiary standards of measurement. As a consequence a number of local authorities have now been authorised to sign certificates under Regulation 80 of the Weights and Measures (National Standards) Regulations.

Trading Standards Course

The Superintendent of Weights and Measures is charged with the responsibility of training inspectors of Weights and Measures for use by the central and local administrations.

In 1985 some 25 people are undertaking a revised and more comprehensive two year correspondence course leading to a certificate in Weights and Measures. This course, formerly known as the Weights and Measures Course, was developed by the Branch in conjunction with the National Standards Commission (NSC) and the T.A.F.E. network in Victoria. The theoretical content of the course is being conducted through T.A.F.E. colleges in Victoria while a two week practical component of the course will be provided through the Weights and Measures Branch. All qualified persons with appropriate work experience will be eligible for accreditation by the N.S.C. for a national certificate which will enable the certificate holder to practice as a Weights and Measures inspector in any State or Territory in Australia.

4. ASSESSMENT

Inspection Services

The table below details the instruments verified/inspected during the period March 1985 to 30th June, 1985. Full year details are in brackets.

Farm Milk Tanks	- Inspection	36 (152)
	- Verification	709 (2,058)
Weighbridges		258 (688)
Pharmacies	- Scales	219 (850)
	- Weights	1913 (7,423)
Oil Meters		280 (738)
Fabric Measuring Instruments		122 (1,280)

Local Authorities

Under the provisions of the Act, Local Administrations are required to report annually to the Superintendent of Weights and Measures setting out statistical information embodying all verifications and inspection work performed for the twelve months to the 30th September each year.

No statistical information is yet available to the Ministry on the activities of local administration.

Scientific Services

The section has continued to provide advice to the public in general in relation to metric conversions and measurement calculations.

The number of verifications performed and phone enquiries received during the period 21st March 1985 to 30th June 1985 are:

Weights, Measures, Weighing and Measuring Instruments and Standards verified	410
Phone enquiries requiring metric conversion or more detailed calculations	210

Trading Standards Course

It is expected that the new course which has been developed will significantly improve the standard of the inspectorate in Victoria, and,

more importantly, it is anticipated that it will be accepted nationally by all State and Territory Weights and Measures administrations. The course will therefore achieve nationally uniform training of Weights and Measures inspectors.

5. FORWARD LOOK

One of the most important areas for improved effectiveness and efficiency in the Weights and Measures area is the monitoring of performance through comprehensive information systems.

The Branch has, and continues to, rely heavily on a large and outmoded manual record system. The Branch anticipates that computer hardware will be acquired in 1985/86 to enable it to computerise existing trade records. A computerised data base will enable detailed analysis of the performance of the varying categories of trade instruments and will facilitate the feasibility study of a cost effective system of variable verification periods for the multitude of weighing and measuring instruments currently on record. The data base will also improve efficiency in formulating verification programs.

With the progressive integration of the Branch into the Ministry's structure and programs, it is anticipated that a review of the Branch's current objectives will be undertaken in order to bring these into line with overall Ministry objectives and philosophies.

E. PRICES SURVEILLANCE

1. DESCRIPTION

A separate Prices Surveillance Branch in the Regulation and Standards Division was established in July 1984. The role of the Branch is to promote efficiency and equity in resource usage and distribution. In addition, price control may be necessary to prevent the unjustified exploitation of market power or to prevent rapid price escalation. The prices surveillance function supports the national prices and incomes policy outlined in the Statement of Accord between the Australian Government and the Australian Council of Trade Unions.

2. OBJECTIVES

The objectives of this Sub-Programme are:

- . To maintain a fair balance in the market place between traders and consumers of petroleum products by regulating prices of such products.
- . To maintain price movements and pricing strategies.

3. ACTIVITIES

Petrol Prices

Following the Prices Surveillance Authority (PSA) Inquiry into Petroleum Product Prices (May-June 1984), which led to reductions in maximum wholesale prices set by the Commonwealth as recommended by Victoria, the State Government suspended its own controls over petroleum product prices. An Order revoking all previous Orders made by the Prices Commissioner was gazetted on 20th July, 1984. Victoria agreed to support a single national approach to the determination of petrol prices as part of its commitment to the Prices and Incomes Accord. The NSW, WA and SA Governments also agreed to relinquish their controls over petroleum product prices. (However, WA continued to fix maximum retail petrol prices).

To protect motorists from the possibility of an unwarranted spiral of petrol prices, the Government indicated that it would reimpose controls if prices generally increased beyond a trigger point. The trigger point for the metropolitan area was initially set at the same level as the former maximum retail price. The trigger was subsequently adjusted in line with movements in the maximum wholesale price set by the PSA. The Government also acted to ensure that oil companies and dealers exercised restraint in their pricing policies.

Petrol prices in metropolitan and country centres continued to be closely monitored by the Prices Branch. In the metropolitan area 89 price surveys were conducted during the year, each covering approximately 115 stations. A

graph indicating the general movement in supergrade petrol prices and the trigger price is shown below. Prices fluctuated cyclically with sharp increases followed by slower downturns. An upward trend was also evident particularly in the latter part of the year when crude oil prices rose sharply because of devaluation of the Australian dollar. Retail price movements tended to be closely related to wholesale price movements. These have in turn been strongly influenced by the existence of excess refining capacity, particularly evident before the closure of the BP Westernport refinery.

The Ministry wishes to acknowledge the valuable assistance given by Local Authorities and Weights and Measures inspectors during the year in undertaking petrol price surveys outside the metropolitan area. A total of 52 such surveys were completed, each covering 15 population centres. Country prices tended to be more stable than prices in the metropolitan area but showed the same upward trend. Higher freight costs apply to country areas. The Prices Surveillance Authority determines approved freight rates for each retail location and rates beyond 1.2 cents per litre (cpl) were for most of the year subsidized by the Commonwealth Government under the State Grants (Petroleum Products) Act 1965. The Commonwealth announced, however, on 14th May, 1985 that subsidies would in future apply only on rates exceeding 5.2 cpl.

Task Force on Petroleum Product Prices

This task force was established by the Prices Surveillance Authority following the Inquiry into Petroleum Product Prices (May-June 1984) and comprises officers of the PSA, State Governments and oil companies. The Manager of the Prices Branch has represented Victoria (and also NSW, WA and SA at the request of those States) at Task Force meetings. The major issue considered by the Task Force during the year was the development of an improved method of calculating freight rates for locations beyond towns with fuel depots.

Milk Prices

The Prices Branch continued to liaise with the Victorian Dairy Industry Authority on the implementation of new milk pricing procedures and the Prices Commissioner commented on proposed milk price determinations.

The provisions of the Dairy Industry Act 1984 on milk price determinations are:

"S 45 (1) The Authority shall before it makes any determination under Section 44 consult the Prices Commissioner.

(2) The Prices Commissioner is hereby empowered to:

- (a) commission any person or persons to investigate and report to the Prices Commissioner;
- (b) make use of the services of any officer or employee employed for the purposes of the Fuel Prices Regulation Act 1981; and
- (c) obtain any relevant information, document or report from the Authority -

so as to enable the Prices Commissioner to submit a report to the Minister and the Authority in respect of any determination the Authority proposes to make under section 44."

Following a dispute within the industry over milk prices, the Government referred the issues to Mr. Justice Robinson, Deputy President of the Conciliation and Arbitration Commission for arbitration. The Prices Commissioner and staff prepared two submissions to this inquiry covering relevant matters. The report of the arbitrator recommended substantial changes to pricing and zoning arrangements in the milk market segment of the industry, as well as for the Prices Commissioner to act as a monitoring authority during the implementation of these changes.

Beer Prices

Carlton and United Breweries Ltd. by agreement, continued to notify the Prices Commissioner of changes in brewery prices following the expiration of the Beer Prices Regulation (Temporary Provisions) Act on 30th June, 1984. Notification ceased, however, when brewery prices became subject to surveillance by the Prices Surveillance Authority.

O'Brien Catering Pty. Ltd., have, also by agreement, continued to notify the Prices Commissioner of changes in beer can prices at the MCG and other VFL grounds. Price changes have been evaluated but not formally approved or disapproved by the Prices Commissioner.

Other Matters

The Prices Commissioner agreed to act as an arbitrator under the Broiler Chicken Industry Act 1978 to determine the fee paid to growers by processors.

The Prices Branch took primary responsibility for preparing the State Government response to the Prices Surveillance Authority Exposure Draft on

Voluntary Pricing Guidelines. At the request of the Environment Protection Authority it prepared a paper on the Pricing of Unleaded Petrol. Comments on alternative water pricing policies were also provided for the Ministerial Review of Melbourne and Metropolitan Board of Works Customer Service Policies.

Complaints

The Prices Branch continued to respond to complaints about prices from members of the public and from traders. As staff resources were fully utilised it was not feasible to investigate individual complaints in detail but, where possible, explanations for price changes or price differences were given.

During the year 103 written complaints concerning prices were dealt with by the Branch, 58 of these complaints related to petroleum products. Most frequently people expressed concern about the fluctuation in petrol prices over time and the differences in prices between city and country areas. Whereas prices in Melbourne and Geelong have shown a definite cyclical pattern, prices in many country centres were more stable. When discounting was intense, wide variations in prices between service stations were evident. However, there was little evidence of cross-subsidisation between markets. Rather, discounting reduced oil company and dealer margins and was of benefit to those consumers able to take advantage of it.

Staff also received a number of complaints relating to the display of petrol prices. In some instances complainants considered that display boards were misleading, while others were concerned that no price board at all was being used. There are a number of legislative provisions that apply where dealers display prices. These include provisions of the Consumer Affairs Act (s. 13) and the Weights and Measures Act and Regulations (Nos. 67 to 73). Provisions of the Commonwealth Trade Practices Act (s. 52, 53E) might also apply. The Ministry considers that it is desirable for dealers to display the full price per litre in a way that is clearly visible to the passing motorist and is not misleading. Motorists can themselves encourage good practices by buying their petrol from outlets that do display their prices in this way.

Other price complaints concerned, in particular, grocery items, pharmaceutical items and city car parking. Since there is no general price legislation in Victoria it is usually not possible to take direct action to control such prices. Even if it were possible, controls would seldom have been justified since many complaints arose because consumers had failed to shop around and compare prices before buying. But where complaints related to nationally traded products or concerned companies operating nationally they were, if considered warranted, referred to the Prices Surveillance Authority for possible action. Matters referred to the PSA during the year

concerned kerosene, cigarette and tampon prices. Some complaints were also referred to other pricing authorities such as the Victorian Dairy Industry Authority. Where complaints involved allegations of price fixing these were referred to the Trade Practices Commission.

The promotion of effective competition is an important means of controlling prices and ensuring consumers can buy the goods and services they want at the minimum cost.

Competition can be stimulated by the publication of comparative price information as shown by the experience of the Bendigo petrol market during the year. The publicity given by newspapers to the prices charged by individual service stations was accompanied by a market increase in discounting.

4. ASSESSMENT

For most of the year, the Branch had an equivalent full-time staff of two people. From October 1984, however, the Manager of the Branch was seconded on a half-time basis to the review of the Liquor Control Act, thus significantly reducing its resources. However, it continued to provide its previous functions, if at a somewhat reduced level.

The following Table details the activities of the Prices Branch from 1st July 1984 up to the end of May 1985:

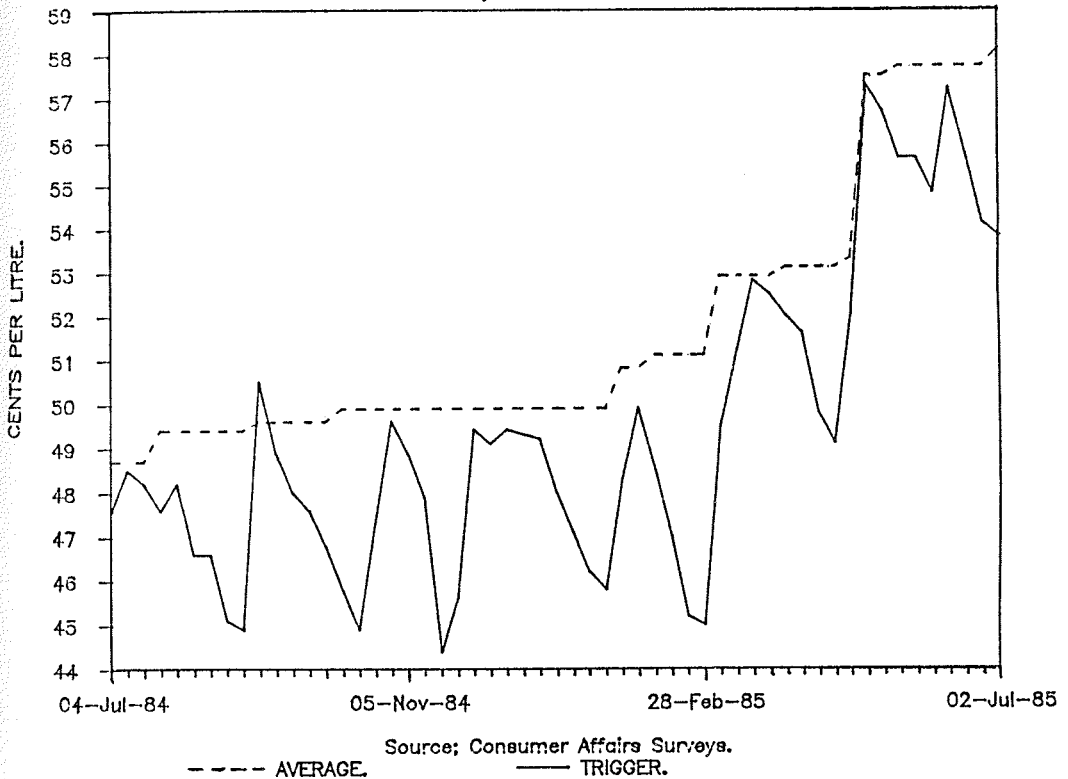
Petrol Surveys: - Metropolitan	89
- Country	52
Number of Price Notifications	3
Number of Investigations	23
Number of Price Orders	1

Transfer of Functions

In May 1985 the Government announced that the functions of the Prices Commissioner would be transferred to the newly created Department of Industry, Technology and Resources. Subsequently, responsibility for the administration of the Fuel Prices Regulation Act 1981 and the Petroleum Retail Selling Sites Act 1981 and the staff members comprising the Prices Branch were transferred to that Department.

Melbourne Retail Petrol Prices.

4 July 84 to 2 July 85.



PART IIICOMMUNITY AWARENESS AND CONSULTATION PROGRAM

The Community Awareness and Consultation Program of the Ministry of Consumer Affairs aims to assist the development of a fair market by:

- (i) developing sufficient awareness among consumers and the business sector of their rights and obligations in the marketplace, so that exchange activities are undertaken without loss or disadvantage to either party; and
- (ii) promoting community awareness of and input into Ministry policies and services to ensure the most effective and informed decision-making on consumer affairs.

Activities to achieve this have been grouped into three sub programs - Community Consultation, Public Access Services and Community Education. The activities of this Program are undertaken through the Education and Community Programs Division of the Ministry, managed by an Assistant Director, reporting directly to the Director of Consumer Affairs.

The Education and Community Programs Division comprises four Branches. These are as follows:

- * Customer Information Services Branch provides an information and referral service for all consumers, traders, tenants, landlords, and the general public. It acts as the first point of contact for all telephone, and personal enquiries.
- * Community Programs Branch has responsibility for developing community links and consultation mechanisms, for supporting and strengthening consumer groups, and for increasing access to consumer services for all citizens of Victoria. This involves the administration of grants schemes, servicing the Victorian Consumer Affairs Committee, the preparation and conduct of community consultations, provision of a regular visiting service to all non-metropolitan Victorian regions, and the operation of a shop-front office for the Western Suburbs Region at Footscray.
- * Education Branch is responsible for the design and conduct of consumer and trader education programs, the production and distribution of education materials, public speaking engagements, consumer affairs training programs, assisting with school curricula and adult education programs, and supporting consumer and industry groups to conduct their own consumer education activities.

- * Media Branch undertakes public awareness and communications activities of the Ministry. It works with the Government Media Unit to promote consumer awareness, publicise banned and unsafe products and prevalent unsatisfactory or detrimental market practices, and co-operate with daily, regional and ethnic media on consumer affairs matters.

A. COMMUNITY CONSULTATION

The aim of the Community Consultation Sub Program is to assist in developing a fair market by consulting with consumer, trader and community groups in order to assess and act on current consumer problem areas and issues. Also there is a need to examine the effect of Ministry policies, operations and services upon the community.

The major activities undertaken in 1984/85 have been as follows:

* VICTORIAN CONSUMER AFFAIRS COMMITTEE

The Victorian Consumer Affairs Committee was established and its membership appointed for a two-year term from 1st January 1985 to 31st December, 1986. The Committee held its inaugural meeting on 25th February, 1985. The Committee is composed of sixteen members, eight citizen representatives from a combination of the eighteen regions in Victoria and eight members of consumer, industry, trade union and community organisations. Its Chairperson is Bill Ford of the Brotherhood of St. Laurence.

The Committee's functions as stated in legislation are:

- To advise the Minister on any matter referred to it by the Minister.
- To consult with or receive and consider submissions from any person or persons or body corporate or unincorporate, and
- To conduct any other investigation or enquiry which it considers necessary.

The objectives of the Committee are to provide the Minister of Consumer Affairs with informed advice from a variety of perspectives and to act as a consultative body in seeking information and opinions from members' geographic areas and organizations. An important goal of the Committee is to

enhance public knowledge and awareness of consumer issues and of the services and responsibilities of the Ministry of Consumer Affairs across Victoria.

The Committee met five times during the 1984/85 reporting period and has provided advice to the Minister on two major issues - Consumer Prepayments and Industry Self-Regulation. An officer of the Community Programs Branch acts as secretary to the Committee and is responsible for:

- . preparation and distribution of Agendas and Minutes;
- . preparation of background papers and reports at the request of the Committee;
- . provision of a contact point for all administrative functions of the Committee.

The Committee represents a key thrust of the consultative processes initiated by the Ministry in 1984/85. (List of members Table 14)

* CONSUMER AFFAIRS GRANTS SCHEME

The Consumer Affairs Grants Scheme was introduced as a 1984/85 State Budget initiative. The introduction of this Scheme reflects the Victorian Government's recognition of the need to increase consumer awareness and to make consumer services more accessible and relevant to all citizens of Victoria, particularly disadvantaged consumers. Grants schemes are considered an appropriate means of extending the Government's capacity to inform, educate and receive policy advice by utilising the networks and capacities of a range of appropriate consumer and community groups across Victoria.

The purpose of the Consumer Affairs Grants Scheme is to provide an alternate means for the Ministry of Consumer Affairs to fulfill its education, information, conciliation and consultation objectives by resourcing and enabling consumer and community groups to assume greater responsibility in these areas.

The Consumer Affairs Grants Scheme is designed to ensure an increased distribution and variety of consumer services in Victoria, and also to support the existence of a network of

organised, effective consumer groups, which can be called on for information and policy advice.

The objective of the Consumer Affairs Grants Scheme is to provide financial assistance to recognised non-profit consumer and community groups for the purposes of:

- consumer education and awareness
- information and referral on consumer affairs
- decentralising and improving access to consumer services
- community-based consumer redress and conciliation services
- consultation and/or research on consumer policies and operations
- organisation and representation of consumer interests.

Detailed guidelines and eligibility procedures for the Consumer Affairs Grants Scheme were put in place during the year. Fifteen projects were funded for a total of \$145,000 in 1984/85. A list of funded projects is included in Table 15.

In addition to the Consumer Affairs Grants Scheme, four tenancy grants were approved in 1984/85 for a total of \$237,250. These grants were made under Section 11 (1) (f) of the Residential Tenancies Act 1980. They are also listed in Table 15.

* CONSULTATION ON CODE OF PRACTICE FOR THE HEALTH AND FITNESS INDUSTRY:

The Ministry conducted one formal special issue consultation in 1984/85 to assist in the formulation of a Code of Ethics and Business Practice for the Health and Fitness Industry.

A draft code was circulated widely for comment within the Health and Fitness industry, and informal discussions were held with consumers active in seeking redress in cases of health and fitness centre closures.

This consultative process has resulted in redrafting and finalisation of the Code of Practice and associated rules. These are scheduled to be launched by the Minister early in 1985/86, as the basis for sound operations and increased public confidence in the health and fitness industry in Victoria.

* ANTI-POVERTY STRATEGY

In February, 1985, the Government announced an Anti-Poverty Strategy for Victoria. This involves the allocation of funding over four years for a Community Credit Program to be administered by the Ministry of Consumer Affairs.

The Community Credit Program is designed to increase the access of low-income people to the financial market and also to encourage the consumer credit industry to be more responsive to the needs of low-income groups. Organizations such as credit co-operatives, community buying advisory services, and other similar groups helping consumers to meet their financial commitments are being considered under the Community Credit Program.

Given the need to ensure maximum benefit from funds available and maximum impact on poverty, the Community Credit Program is being developed carefully and with the benefit of consultation with various interest groups. Informal discussions have been held with these interest groups to:

- (a) Inform the Ministry of Consumer Affairs of the range and complexity of issues involved in implementing the Community Credit Program.
- (b) Advise relevant groups of current thinking on the Program and engender their interest and opinions.
- (c) Initiate discussions in the non-Government sector on the nature of the Community Credit Program and opportunities it provides.

Interest groups contacted to date have included the Victorian Credit Co-operatives Association, the Community Buying Advisory Service, several individual community co-operatives and financial counsellors, the Brotherhood of St. Laurence, the Financial Counsellors Association, and the Deputy Registrar of Co-operatives.

From this input and other comments received, the Ministry will finalise guidelines, eligibility criteria and operating procedures for the Community Credit Program early in the new financial year. The introduction and precise nature of the Program will be dependent on 1985/86 Budget decisions.

* CONSUMER REPRESENTATIVES SEMINAR

On the weekend of 16th February, 1985, the Ministry jointly sponsored, with the Australian Federation of Consumer Organizations, a seminar for consumer representatives. The seminar was designed to:

- build alliances between diverse consumer interest groups;
- assist participants to learn new skills about representing consumer interests; and
- forge stronger links between the Government and consumer groups.

The seminar was attended by approximately forty participants. It resulted in an increase of knowledge by participants of the roles of and the variety of consumer issues of concern to AFCO, the Ministry of Consumer Affairs, and to particular interest groups. It also suggested areas of action for AFCO and the Ministry in building links within the consumer movement, in sharing information and in having a consumer voice heard at all levels of Government and industry decision-making.

* COMMUNITY PROGRAMS BRANCH

Attention has been given to the staffing structure of the Community Programs Branch during 1984/85. Positions for a Branch Manager and an additional community worker have been created and were in the process of being filled at the end of the financial year. Much of the outreach work and community linkages roles of the Ministry were performed in 1984/85 by utilizing staff employed through the Community Employment Program. It is clear that with the modest staffing addition of two positions, the scene is set to organize the activities of the Community Programs Branch more efficiently and effectively, and to put in place more systematic community, consumer and industry consultation mechanisms.

The 1984/85 year has seen improvements in the community consultation and linkage functions of the Ministry. It has been characterised by the introduction of a limited, but strategic, range of initiatives designed to have maximum long-term impact on the Ministry's ability to consult with interest groups and the community in general, and to assist in organizing a

sound and viable consumer movement in Victoria. These initiatives include the Grants Scheme and the establishment of the Victorian Consumer Affairs Committee. Community Programs activities have been hampered by an unstable and incomplete staffing structure during 1984/85. In the forthcoming year, priority will go to redressing this, and thereby seeking to fulfill community expectations and Government commitments to a more open and accessible Ministry of Consumer Affairs.

B. PUBLIC ACCESS SERVICES

The Public Access Services Sub-Program is designed to reduce barriers to the public's access to the Ministry of Consumer Affairs through the provision of a Customer Information Service and regional and local consumer services, so that accurate information on consumer matters is available, relevant referrals are made, and recourse to remedial action is facilitated.



MINISTRY OF CONSUMER AFFAIRS
Customer Information Services
enquiry counter at
500 Bourke Street, Melbourne

1. CUSTOMER INFORMATION SERVICE

The Ministry's Customer Information Service became fully operational in March, 1984. This service aims to provide a speedy, accurate and appropriate response to all written, personal and telephone inquiries on consumer and tenancy matters. Since its inception, the Customer Information Service has dealt with approximately 200,000 enquiries, of which 60% relate to general consumer issues and 40% to tenancy matters.

Procedures have been successfully set in place to collect and collate data derived from dealings with customers, and to identify issues of concern, trends and problem areas in the market place. This has enabled the Ministry to establish early warning systems, so that that necessary follow-up action can occur with minimum delay.

The major developments in the Customer Information Services Branch in 1984/85 have been the following:

* INCREASE IN PERMANENT STAFF POSITIONS

During 1984/85, permanent staffing positions within the Customer Information Service were increased by the addition of two full time Customer Information Officers and one part-time Customer Information Officer. This brings the total staffing numbers to eleven, being a Manager, Assistant Manager, eight full-time and one part-time Customer Information Officers. Clerical support and reception duties for the Branch were made available through staff employed through the Community Employment Program. However, employment under this scheme ceased in May, 1985.

The additional permanent positions within the Branch enabled a reduction in the rostering arrangements with staff from other Branches of the Ministry. However, minimal support will continue to be required until the Customer Information Service has sufficient staff to be free-standing in its general enquiry handling functions for the Ministry as a whole. The additional staffing has also resulted in more efficient enquiry handling both at the counter and on the telephones.

* NEW APPROACHES TO STAFF TRAINING AND DEVELOPMENT

Training and staff development have been high priorities for the Customer Information Service during the year, so that the accuracy and consistency of advice to the public is of high standard.

With the assistance of the Staff Development Officer, short courses on customer contact skills have been run and provided useful in-service training for enquiry handling staff. In addition, a new approach to staff training for enquiry handling has been developed and trialled in 1984/85. It involves a self-conducted package of training material which serves to introduce new staff to enquiry handling knowledge and skills with minimal guidance and supervision.

The program consists of a range of videos on specific consumer affairs and tenancy topics, together with written notes, case studies, and enquiry observation. The material is organized into separate modules which demand a level of skill to be reached on testing before proceeding to the next module. The program serves both as orientation and training for new staff and as refresher material for existing enquiry handling officers.

It is anticipated that this self-conducted training program will be finalised early in the forthcoming year, and will also be available as an educative tool for the use of consumer and community groups providing general consumer advice to the public.

* INTRODUCTION OF A 008 TOLL-FREE TELEPHONE SYSTEM

The installation of a "008 Toll-Free" service to the Ministry's computerised Automatic Call Distributer (A.C.D.) telephone system has been of great assistance to country Victorians. This service, which is the first permanent installation of its kind for a Victorian Government Department, allows callers from country areas access to the Customer Information Service for the price of a local call, rather than facing high S.T.D. charges. Victorians previously disadvantaged by distance can now have their enquiries readily answered.

Unfortunately, because of its pioneering nature in linking toll-free lines to an A.C.D. telephone system,

there have been substantial technical problems during the year. This has reduced the effectiveness of the service considerably. Efforts are underway by Telecom to rectify these problems.

* REDUCTION IN DELAYS FOR TELEPHONE ENQUIRIES

The Ministry's capacity to handle the volume and complexity of consumer and tenancy enquiries has improved since the introduction of the Customer Information Service. Tables showing telephone enquiry performance and results are included on page 180.

The response time to telephone enquiries has improved during the year. The average waiting time before enquiries are handled has decreased from 14.8 minutes in 1983/84 to 7.5 minutes in 1984/85. A total of 138,570 enquiries have been handled in 1984/85, representing a 2% increase on the 1983/84 composite figure.

This improvement in performance reflects introduction of procedures and guidelines for effective enquiry handling and the availability of supervision for quality control and staff guidance.

* COMPUTERISATION OF THE ENQUIRY INFORMATION BASE

During 1984/85, plans were put into operation to computerise the existing manual information base used for enquiry handling, in order to enable speedy access to and updating of information. This will ultimately lead to greater consistency and accuracy of advice given to the public.

This project has received considerable attention and priority in terms of allocation of time and resources. Extensive analysis and planning has been undertaken by Branch officers as part of the Ministry's computerisation strategy. In particular, the information requirements for enquiry handling were defined in some detail, together with the movements of data to and from other areas of the Ministry to support this function. In addition, hardware and software options have been explored and recommendations made.

The key attributes of the new computer system are flexibility and management reporting capacities. It is anticipated that the introduction of this system in the

new financial year will not only upgrade the quality of enquiry handling, but also provide more accurate information on marketplace trends and practices.

While 1984/85 saw steady progress by the Customer Information Services Branch, the coming year will bring considerable challenge due particularly to the application of new technology. Success with this challenge will bring a more accurate and responsive enquiry service to meet the needs of all Ministry customers.

2. REGIONAL SERVICES

During 1984/85 substantial progress has been made to rationalizing and improving the delivery of the Ministry's services throughout the State. Through the adoption of standard State Government regional boundaries for all regional activities of the Ministry, the Ministry has been able to achieve a highly responsive and cost efficient service based on co-operative regional planning and administration with other Government Departments, local government and community groups.



Ministry of Consumer Affairs Mobile Unit

The Ministry has maintained a regular visiting service to the following regional centres using Victorian Government offices: Geelong (1st and 3rd Monday of month), Ballarat (2nd Monday), Bendigo (3rd Monday), Traralgon (4th Monday) and Wangaratta (4th Monday).

These were extended by:

- (i) the Ministry's mobile unit visiting specific cities and towns in Victoria's country regions on a regular schedule over 46 weeks of the year; and
- (ii) the operation of the Western Suburbs Regional office at 20 Droop Street, Footscray all day on Mondays and Tuesdays and Wednesday evenings.

In undertaking these regional activities, considerable emphasis has been placed on developing networks of relevant consumer and community groups, maximising their awareness of the Ministry and its services, strengthening their knowledge about consumer affairs and tenancy matters, and assessing alternative strategies for the delivery of consumer services on a regional basis.

This approach has been supported by the organization of a series of training and information sessions, undertaken in regions with the assistance of the Education Branch. Training programs and information sessions have been held in the Barwon, Glenelg and East Gippsland regions, as well as in Portland, Ringwood, Leongatha, Coburg, Blackburn and Box Hill. Many of these sessions in metropolitan regions were introduced by staff employed under the Community Employment Program, as an initial step in developing the consumer affairs awareness and skills of organizations dealing with the public, especially disadvantaged consumers.

In addition, the Consumer Affairs Grants Scheme has supported several groups in regions of Victoria to provide consumer advice and referral services on a regional basis. These groups include the Wimmera Information Network, the Barwon Housing and Consumer Resource Centre and the East Gippsland Family Support Centre. These groups are co-operating with the Ministry to extend and enhance consumer services in their regions.

This allows the Ministry to increase public accessibility to consumer services and to enter into partnership with non-Government organizations in the provision of these services.

Regional services activities in 1984/85 have extended beyond complaint and enquiry handling, to regulation, inspections, education and media functions. Details are summarised in

Table 9 on page 182. In short, 113 visits were made to regions of Victoria in 1984/85 and a total of 8,975 transactions occurred, including complaints received, advice given and education and media activities undertaken.

The Western Suburbs office, open two and a half days per week, undertook 4804 transactions, including 614 complaints and 3503 enquiries. See Table 10 for details. This represents a substantial increase of activity for this office over the year. The accessibility of the Western Suburbs office on Wednesday evenings has proved popular and demonstrates a need for an after hours service.

The Ministry also participated in the Committee on Co-ordination of State Government Activity in the Western Region in an effort to share resources and information and to build links with other Government officers working in the West. The Ministry's Western Suburbs office premises were also shared, during 1984/85, with the Department of Industry, Technology and Resources and with an officer of the Environmental Protection Authority. This collaboration has been a cost-efficient and mutually beneficial exercise.

A milestone in 1984/85 was the conduct of a migrant consumer awareness project in the Western Suburbs Region. This project aimed to explore and recommend on feasible strategies for raising the consumer awareness of ethnic communities in the Western Region. The project took place during the latter part of the financial year, through the employment of an exempt project officer and a report was prepared in June 1985. The recommendations in the report were developed in consultation with a range of people from ethnic community organizations, social clubs, church groups and the media. They provide a clear plan of action for the Ministry to extend its education and information activities more effectively to migrant communities, by using electronic media, existing community newsletters and outreach capacities of ethnic organizations, and by modifying current Ministry material to better suit the information needs of high priority ethnic groups. While focusing on the Western Region, the report also provides guidance for general migrant consumer awareness programs across Victoria. It is intended to put such recommendations into effect in 1985/86, depending on the level of resources available.

1984/85 has been a year of consolidation and improved administration of the Ministry's regional services, with emphasis being placed on developing and utilizing links to other Government and non-Government bodies for the enhanced delivery of consumer services. This approach will be maintained in the forthcoming year. However, with the appointment of a Manager, Community Programs Branch and an additional community worker, priority will be given to integrating the diverse activities of the Community Programs Branch, promoting maximum feasible regionalisation and providing increased support for the delivery of innovative community-based consumer services.

C. COMMUNITY EDUCATION

The Community Education Sub-Program aims to educate consumers, traders and the public as to their rights and obligations in the market place and to ensure that knowledge of market practices is available to allow qualitative judgements and freedom of choice by consumers. This Program operates through the Education and Media Branches of the Ministry.

During 1984/85, staffing in these areas was consolidated with the recruitment of an Education Officer and a Credit Education Officer, together with the creation and filling of a new Communications and Publicity Officer position. Consequently, work programs for the Ministry's community education and media activities have been improved and accelerated.

The major activities during 1984/85 were as follows:

* LITERATURE

There has been a reassessment of the Ministry's current consumer education literature during the year and a staged program of review and updating of material commenced. The most popular and widely used publication, "Your Rights as a Consumer", was significantly upgraded and reprinted. Work has also commenced on improving the literature on buying cars and producing material in multilingual form. Considerable effort went into the production of a booklet and a series of pamphlets on the new Credit laws, together with a variety of promotional material.

During 1984/85, the Ministry filled 1099 separate requests for consumer education brochures, pamphlets and other literature. This contrasts with a total of 591 requests

in 1983/84 and represents a 86% increase over the previous year. The sources of these requests were as follows:

Business and Traders	87
Community Groups and Information Agencies	137
Government Departments	80
Individuals (often Landlords and Tenants)	430
Students	190
Teachers	175
Total	1099

A list of current Ministry publications is contained in Part VI on page 184.

* SPEAKING ENGAGEMENTS

During 1984/85, the Ministry received an increased number of requests for speaking engagements from a wide variety of organizations. This led to a reassessment of the effectiveness of "one-off" speaking engagements, in favour of either more organized and well-designed training programs, or else talks aimed at linking several similar groups together to discuss and act on consumer or tenancy matters.

Priorities for handling speaking requests were defined during the year and can be summarised in the following points:

- Preference to assisting teachers and schools with resource material to develop integrated consumer studies courses, rather than providing one-off, general consumer affairs talks to school classes.
- Priority to talks which are designed to assist people to take action as consumers or to advocate for consumer interests, rather than those which aim only at increasing general knowledge or providing an entertaining guest speaker.
- Priority to industry groups, traders and trade associations seeking to develop better knowledge of consumer affairs requirements and improve customer relations and business practices.
- Preference to groups which can access and inform the most "hard to reach", vulnerable or disadvantaged sectors of the population in terms of their consumer rights and

responsibilities.

- Priority to talks which can have a multiplier effect within the community, either by reaching significant numbers of people or by reaching key intermediaries who can further disseminate information widely.

The Ministry undertook 112 speaking engagements in 1984/85. These included specific traders in the manufacturing and retailing sectors, as well as industry training programs, conferences and seminars for groups like the Swimming Pool Association, the Victorian Insurance Institute and the Melbourne College of Textiles. Talks were also given to Chambers of Commerce and service clubs, to primary, secondary and adult education classes, and to consumer and community groups such as the Australian Federation of Consumer Organizations, the Combined Pensioners Association and various Citizens Advice Bureaux. Further, the Ministry undertook speaking engagements with other Government Departments including the Ethnic Affairs Commission and the Office of Corrections.

* TRAINING PROGRAMS

Particular attention was given during the year to more in-depth training programs as a means of educating consumers and traders in a cost-effective manner. A total of 31 training programs were conducted by the Ministry in 1984/85. Many of these were a collaborative effort between the Education Branch and the Community Programs Branch.

Of particular importance were the training programs developed on the new Credit legislation. The Education Branch was responsible for conducting Credit training sessions for Ministry staff and for a range of community organizations. These included sessions conducted for a variety of community information organizations in the Central Highlands, Barwon and Glenelg Regions, together with specific lectures for lawyers and business people. In addition, both the Consumer Credit Legal Service and the Financial Counsellors Association received funds under the Consumer Affairs Grants Scheme to train, assist and inform their members and those working with low-income credit consumers of the provisions of the new Credit laws.

Other major training programs included:

- Sessions designed to train community information and advice services, neighbourhood houses and other helping agencies in the skills necessary to answer consumer enquiries within their community.
- Industry training programs for staff in retail and small businesses to increase awareness of consumer issues and to establish guidelines for improved customer relations and better business practices.
- Programs for the recipients of grants available through the Ministry to increase their knowledge of the roles and services of the Ministry and of consumer legislation, and to equip them with practical skills for working on consumer affairs issues in the community.
- Structured series of classes for primary, secondary and tertiary students on consumer rights, responsibilities and decision-making.

* DEVELOPING EDUCATIONAL RESOURCE MATERIAL

The Ministry has been involved in several projects this year to develop and produce key resource materials to assist consumer education programs in either schools or community settings.

The Ministry initiated a joint project with the Office of Consumer Affairs in the Commonwealth Attorney-General's Department and the Victorian Commercial Teachers Association to produce a video on consumer affairs issues and a comprehensive curriculum development kit. This project is aimed at students and young adults to increase their knowledge and capacity to act on their own behalf as consumers. The project will be further negotiated and developed and production commenced in 1985/86.

In conjunction with the Royal Victorian Institute for the Blind, the Ministry has a regular commitment to transposing consumer literature onto Audio Cassettes for use by sight-impaired persons. These tapes are available from the Talking Book Library. In addition, a series of programs on consumer issues has been aired on Radio 3RPH for visually and physically disadvantaged persons.

Plans are also underway for the production of a video tape on product safety. The video will demonstrate a range of unsafe products, and explain key features for consumers to heed when purchasing common household products or toys. The tape is intended for use in training programs and in displays in shopping centres or at other community events.

* CURRICULUM DEVELOPMENT

In 1984/85, the Ministry continued its representation on the Consumer and Business Education Curriculum Committee of the Education Department. Contributions were made to "Centacom", the Committee's newsletter, distributed to teachers across Victoria, particularly on the roles and functions of the Ministry of Consumer Affairs.

A major project during the year has been a student survey in a small sample of secondary schools and the subsequent trialling of a 40 minute lesson plan on consumer affairs, tailored to the needs expressed by students themselves. The results of the survey have been compiled and will provide teachers and Ministry staff with a practical description of student purchasing habits, taking into account gender, ethnicity and socio-economic levels. The lesson plan, based on the survey findings, explores such issues as cost vs utility of goods; student motivation to purchase goods; advertising and peer pressure; consumer concerns; and parental influence on student purchasing patterns. The lesson plan has been designed to stimulate interest and direct discussion in a class setting to better equip students to become informed and active consumers.

* MEDIA AND PUBLICITY

The Ministry's approach to media and publicity activities have been better organized in 1984/85 than in the past. The appointment of a Communications and Publicity Officer has provided a stronger ability both to initiate and respond to media requests for information, interviews and opinions on topical consumer issues.

A total of 174 separate media requests were met in 1984/85. This represents a 49% increase over the previous year. Emphasis has been given to publicising banned and unsafe products and doubtful trading practices.

The Ministry has seen the need to extend its range of services to the public and has participated in a number of community and trader exhibitions and festivals. These include Senior Citizen Week, the Shoppex Trade Exhibition and the Caulfield Festa. In addition, the Ministry has set up a number of displays in shopping centres and other public places to advise consumers of their rights and to distribute literature. One such event was a display in the Bourke Street Mall to celebrate World Consumer Rights Day on March 15th 1985.

To facilitate these events, the Ministry has purchased a series of all-weather display boards which have been used to highlight the Ministry's services to the community. The flexibility provided by combining the use of the Ministry's mobile van with the newly acquired display boards will now permit the Ministry to more effectively participate in community and trader events throughout the State.

The public launch of the Credit Act (1984) and the Credit (Administration) Act 1984 on February 28th 1985 at the Melbourne City Square was the beginning of a major credit awareness campaign targetted both to credit providers and the general public. The campaign involved the production of booklets, brochures and promotional material; the conduct of training programs for staff and for community organizations; joint advertisements in the daily press with the Australian Finance Conference and 195 thirty-second radio commercials over five stations sponsored by the Ministry, the Australian Finance Conference and the Victorian Credit Union Centre. The overall aim of the program was to alert the public to the new Credit laws, to summarise their key features and to direct more detailed enquiries to the Ministry of Consumer Affairs.

As a result of increasing media interest in consumer issues, the Ministry has had regular contact with a number of consumer affairs radio and television programs and with journalists responsible for consumer affairs features.

Further, the use of Community Service Announcements for television is being explored as a cost-effective way of bringing a consumer affairs message to a wide public audience and as a means of increasing point of sale information to consumers. These developments will

continue in 1985/86.

1984/85 saw an improved range of products and activities in the Ministry's education and media work. Priority has gone to improving information and resource material and to working collaboratively with non-government groups to upgrade the skills and knowledge of consumer affairs available in the community. The strategies developed during the year have contributed to increased public awareness of consumer issues and to the Ministry's role in, and services to, the community. They have provided the basis for a further enhancement of education and media programs in 1985/86.

D. FORWARD LOOK 1985/86

Overall, for the Community Awareness and Consultation Program, 1984/85 has been a year of strategic activity in key areas, designed to further the change process to make the Ministry of Consumer Affairs more accessible and responsive to its environment. It has also been a period to consolidate major new developments initiated in the previous year, such as the Customer Information Service.

Within the resources available, all program indicators have been achieved in 1984/85 - grants schemes are in place, consultation mechanisms have been established, particular consultations have been conducted with industry and consumer interests, response times to public enquiries have improved, more enquiries have been handled, regional services are more widespread, increased numbers of requests for speakers, education material and media contact have been met, community-based consumer training programs have been initiated and upgraded education resource materials are available from the Ministry.

These achievements bring with them new challenges and targets to be met in the forthcoming year. The key result areas identified for 1985/86 are as follows:

- * Maintenance and enhancement of the Consumer Affairs Grants Scheme, including possible "contracting out" of certain consumer services to selected non-government organizations.
- * Integration of the diverse activities of the Community Programs Branch and the development of clear objectives, strategies and work programs for consumer and industry consultation, regional activities and consumer services, in partnership with non-

government groups.

- * Improved servicing of the Victorian Consumer Affairs Committee, especially assisting members to build their own constituencies and consult broadly in formulating advice to the Minister.
- * Conduct of regular consumer and industry forums as a means of contributing to consumer affairs policy and decision-making.
- * Movement towards maximum feasible regionalisation of all Ministry services in a co-ordinated and collaborative fashion with other Divisions.
- * Reduction of average enquiry waiting times through increased staffing and upgraded facilities and equipment in the Customer Information Services Branch.
- * Increased throughput of enquiries and consistency and accuracy of advice by computerising the Customer Information Service data base and upgrading staff guidance, quality control and the follow-up of referrals.
- * Increased access by priority target groups to consumer information and Ministry services by informing and educating key "intermediaries" like ethnic groups, local government, Citizens Advice Bureaux, Department of Social Security staff, housing estate workers and other informal information providers.
- * Conduct of systematic information and consumer education programs for traders and industry groups to improve customer relations, consumer dispute resolution and business practices.
- * Production and distribution of multilingual consumer education material, together with consumer awareness campaigns using ethnic media, existing newsletters and ethnic networks and community groups.
- * Increased and more systematic community-based publicity campaigns on consumer affairs through shopping centre displays, community festivals, markets, shows and trade exhibitions.
- * Improved utilisation of demographic profiles, consumer behaviour studies, complaint trends, and analysis of problem traders and market practices to set priority issues and target geographic areas for ongoing consumer education and awareness campaigns.

PART IVREDRESS AND ADJUDICATION PROGRAMA. Description

The adjudication of claims, through Tribunals, which enables the parties to a dispute to obtain a definite settlement by way of a judicial decision comes under the Redress and Adjudication Program of the Ministry.

There are two Tribunals involved in adjudication. The Residential Tenancies Tribunal (\$1,500 limit in addition to orders relating to performance) and the Small Claims Tribunal (\$3,000 limit).

On 28th February, 1985 the Credit Act 1984 and the Credit (Administration) Act 1984 were proclaimed setting up the Credit Division of the Small Claims Tribunals. (Limit on loans or continuing credit contracts of up to \$20,000 except for commercial vehicles and farms machinery).

Consumers, tenants and landlords are able to access these adjudication systems without incurring substantial costs. Legal representation is minimized and claims are determined without undue delay or the formality of the court room setting.

The Referees of the Small Claims Tribunals and the members of the Residential Tenancy Tribunal are appointed by the Governor in Council from the ranks of barristers, solicitors and persons qualified as stipendiary magistrates. They serve both Tribunals and the person appointed to be Senior Referee is also the Chairman of the Residential Tenancies Tribunal.

The legislation provides that the decisions of both Tribunals are final and binding on all parties to the proceedings subject only to review in the Supreme Court on the grounds of lack of jurisdiction or that there had been a denial of natural justice to one of the parties.

B. Objectives

The objectives of the Tribunal services under the Redress and Adjudication Program are:

- . To provide an accessible, informal timely and cost effective adjudication system to hear and finally determine unresolved disputes where conciliation has failed or the parties have made direct application for adjudication.
- . To examine claims to identify trends emerging in the marketplace.
- . To evaluate novel and complex consumer issues arising from adjudication activities.
- . To link with other programs of the Ministry so as to provide advice of new issues and patterns of consumer disputation emerging in the market place.
- . To provide information to corporate management on undesirable practices which may emerge during the hearing of claims and which may require remedial action.

C. CONCILIATION

The Conciliation Sub-Program is part of the Redress and Adjudication Program.

1. OBJECTIVES

The objectives of the Conciliation Sub-Program are:-

- . To provide effective and cost efficient conciliation services in order to assist consumers in resolving complaints.
- . To develop, monitor and review complaint handling policies and procedures using new conciliation techniques.
- . To link with other programs of the Ministry so as to provide advice on new issues and patterns of consumer disputation emerging in the marketplace.
- . To liaise with consumer, trader, industry and advocacy organisations concerning issues involved in the resolution

of consumer disputes.

- . To provide information to corporate management on undesirable practices which may emerge during the processing of complaints and which may require remedial action.

2. ACTIVITIES

Figures for the Conciliation Sub-Program

Figures for the Conciliation Sub-Program for the year in review were:

	<u>1984/85</u>
Number of complaints received	10,752
Number of complaints investigated	9,920
Number of interviews conducted	5,084

The above figures include complaints lodged with the office of the Motor Car Traders Committee in respect of disputes between consumers and licensed motor car traders.

During the year under review the handling of complaints about Residential Tenancies matters was re-organised. Complaints on Residential Tenancies matters are now handled by either the Conciliation Branch or the Enforcement Branch depending on the nature of the complaint.

Conciliation/Trader Discussions

The Conciliation Branch closely monitors complaint trends and the performance of individual traders trading as to the effects their trading practices have on consumer transactions.

The Branch was involved in numerous meetings with traders where it appeared that breaches of Consumer Legislation had occurred or where fair market trading practices were being questioned.

These meetings were often held in conjunction with staff from other branches where appropriate, and on most occasions only a warning about future activities was required. The meetings were also used to arrange more definite lines of communication with the trader in the event of a continuation of complaints being generated.

Complaints against these particular traders have since been closely monitored in case any similar occurrences emerge, and further action is required.

However, there were occasions when this process was considered impractical and that the matters in dispute were beyond discussion. These particular cases were generally referred to the Enforcements Branch giving details of consumer complaints, and recommendations of the action required. This liaison between the Branches resulted in a number of Deeds of Assurance being drawn up and signed by the relevant trader or prosecution for breaches of legislation. (see Part II).

One particular trader in the Health Insurance Industry is currently under review for its hard line approach in rejecting claims.

Many consumers had complained to the Ministry that this company had refused to accept late payments of premiums for renewal of policies. In some instances the consumers had been members of the company for over 20 years and for various legitimate reasons were only a few days late in making their payments.

The company took the view that as consumers were already entitled to a regulatory "grace period" for payments they would not extend the cover for even one day, whatever the reason.

These consumers were then forced to re-join this fund or another and consequently were not able to make future claims for two years on any pre-existing medical condition.

Obviously many of the elderly consumers had a history of medical problems, and could not afford to wait two years before seeking attention and were therefore placed in a most invidious position.

Early discussions with this company resulted in assistance being given to some consumers, but their hard line attitude still prevails as evidenced by recent complaints. Negotiations with the company are still continuing. So as not to prejudice these negotiations, the trader has not been named in this report but obviously more publicity will have to be given to the Company if this trend continues.

Whilst the overall complaints in the motor vehicle industry remained similar to previous years, two companies caused the Ministry concern. One of these being a leading manufacturer of motor vehicles and the other a franchise outlet dealing with both new and used vehicles.

In the case of the manufacturer, the area of concern related to rust and paint defects in a particular model. The company had failed to take proper preventative action in relation to these areas, had failed to tangibly assist consumers in the repair of those vehicles and generally had adopted an intransigent attitude in its dealings with both consumers and officers of the Ministry.

As a consequence the Ministry had discussions with the Customer Relations Manager where it was acknowledged that problems did exist both at the factory level and through its dealerships in an attempt to prevent this reoccurring. It was also agreed to speedily resolve all outstanding complaints and a commitment to improve the company's attitude.

Whilst this discussion took place in the latter part of the year under review already the number of complaints have decreased and relationships with the company have improved markedly. It is to be hoped that this trend will continue.

It was also found necessary to have a meeting with the Management of the franchise dealer, due to the number and type of complaints. The areas of concern related to servicing, used car warranty and general repairs, but in particular there appeared to be a trend towards pressure being applied to consumers when considering purchasing a used motor vehicle. It was pointed out to the company that it was the first occasion in three years that the Ministry had felt the need to arrange a meeting with a motor car trader, which in itself indicated a need for the company to improve its performance. It was conceded that problems did exist and that in future more control would be exerted over personnel, particularly in the used car sales area. It was also agreed to have only one representative from the company deal with any consumer problem.

It is pleasing to report that in the six months following this meeting not one justified complaint against the trader had been lodged at the Ministry.

Specific Areas of Complaint

Some sections of the market place seem to attract a continuing or unchanging stream of complaints. During the year under review the following areas are mentioned as being areas continuing to generate complaints:

Removalists

Complaints continue to be received from consumers who contract with furniture removalists. Most of the complaints concern goods damaged in transit where the consumer has either no insurance or insufficient insurance to cover damages.

Consumers should be aware that most removal companies offer the following types of insurance: all risks, and fire, collision and overturning. In a number of cases, goods were (allegedly) stolen or damaged but not by fire, collision or overturning and subsequently not covered by insurance. It is recommended that consumers seriously consider taking out insurance for all risks, particularly when moving interstate or over long distances.

Consumers should also realise that the amount of insurance cover which should be taken should be to the value of the whole consignment and not a lower amount which they feel will adequately cover any damages. They must be aware that insuring goods for 50% of the total value will result in a 50% reduction of any insurance compensation payout on damages.

Furniture

There was no significant diminution in the volume of complaints received concerning furniture during the year under review. A large proportion of complaints related to alleged inferior construction and use of lower quality materials in the medium to low price range.

Following the liquidation of two furniture manufacturers who produced medium to low cost lounge suites which were sold by several large retailers, the number of complaints decreased. The retailers involved have been particularly helpful in resolving complaints.

There are few complaints about lounge suites manufactured by "quality" manufacturers. However, the cost of such suites puts them out of the financial range of many consumers.

Photography

The most common complaints in this category in the year under review, like the previous year, concerned the failure to supply photographs in either a reasonable time or at all; and increasing prices for wedding albums from the prices quoted prior to the wedding.

The photographer mentioned in the last report continues to be of concern. Despite repeated attempts to locate him and repeated requests of him to supply photographs in a reasonable time, he has failed to respond to the Ministry's approaches.

The Ministry is currently considering action against the photographer in question; Mr. G. Forbes trading as Cowards of Melbourne. Whilst very few consumers do not ultimately receive their photographs, the delay in supplying prints is quite unacceptable.

New Housing

Generally the number of complaints received in respect to new houses has decreased. Of the complaints that are received, the majority concern contractual disputes prior to the completion of the building, or defects appearing after the completion of the dwelling.

With respect to the latter, it appears that consumers are still unaware of the provisions of the House Builders Liability (Local Government) Act particularly in relation to the guarantee provisions and reporting time limits. Further, the consumer and some builders have difficulties in determining whether they are reporting 'defects' or 'major defects' within the of the legislation.

Consumers who encounter these types of problems should be aware of the requirement for them to report the faults in writing to the builder within 30 days of the fault being discovered.

In conciliating disputes, the Ministry has consulted with the major building organisations including the Local Government Department and Housing Guarantee Fund Limited.

Renovations, alterations, additions and repairs

Complaints against home improvement business remain a major area of concern.

Extensions, renovations to bathrooms and kitchens, house cladding, and carports and garages seem to have a greater chance of attracting persons who do not have trade qualifications or expertise. The majority of complaints include the following elements:

- Insufficient "written" contract details;
- no building permits;
- large deposits;
- no commencement or completion dates;

- delays in completion;
- non-attendance to faulty works.

Under-capitalization and liquidity problems seem to be rife in the home improvement industry. Several home improvement firms have ceased trading or entered into liquidation. Often this has resulted in consumers having unfinished building projects despite having paid monies far in excess of the work and materials provided.

Complaints concerning extensions can prove frustrating, particularly when extensions can be as large and costly as new buildings. They do not have the advantage of being covered under the House Builders Liability provisions of the Local Government Act.

Whilst it is appreciated that problems exist in the industry because of the activities of some traders, the Ministry is concerned that consumers are not taking some basic precautionary measures. Consumers who have contacted the Ministry have paid large deposits, signed contracts without sufficient details and paid monies in advance in the misguided hope that works will be completed at a quicker rate.

Consumers for their own protection should -

- Seek references as to the performance capabilities of any trader they are considering contracting with. Membership of a trade/industry association is a guide.
- Only sign contracts which specify in full the work to be carried out; a commencement and finishing date; particulars relating to payments and permit responsibilities.
- Ensure that the deposit (where such exceeds \$500.00) is paid into a special purpose account in a bank in Victoria nominated by the trader, in the joint names of the consumer and trader (Building Contracts (Deposits) Act 1962).
- Keep a written record of any variation agreed to during the course of work. Variations should always be signed by the contracting parties and include the agreed price of the variations.

Door to door Sales

The door to door sales provision of the Consumer Affairs Act provides for a ten day cooling off period. Many complaints, particularly concerning the cladding industry were received, in

relation to door to door sales.

The complaints received against door to door sales companies commonly are:

- No Schedule 1;
- Schedule 2 offered at the time of sale;
- large deposits;
- non-acceptance of cancellation.

Consumers should note that the cooling off period applies only if the contract was entered into as a result of an "unsolicited" sale. Should cancellation be desired, such cancellation must be in writing and delivered within ten days to the sales company.

Consumers can unsuspectingly negate their rights to the cooling off period by signing a form called Schedule 2. This form should not be signed at the time of entering a contract as the Consumer Affairs Act requires the Vendor to post the Schedule to the Purchaser and the Purchaser to return the Schedule by post if confirming the contract order.

Swimming Pools

Complaints received by the Ministry concerning this industry relate to delays in the completion of pools; non-provision of equipment; the payment of large deposits; and not attending to faults.

The co-operation of the Swimming Pool Association in providing technical advice on problems received both against their members and non-members has resulted in the resolution of most complaints.

Consumers are well advised to seek information from The Swimming Pool Association of Victoria Ltd. and to ensure that when entering into a swimming pool contract they use the Australian Standard Contract AS 2160C-1984.

Residential Tenancies

The majority of complaints related to the failure of landlords to return security deposits in line with Section 77 of the Residential Tenancies Act 1980.

The retention of bonds by landlords for reasons other than unpaid accrued rent would indicate that many are either ignorant of or deliberately flouting the provisions of Section 77.

Some other landlord responsibilities under the Act relate to:-

- Issuing of Condition Reports;
- Issuing Statement of Rights;
- Issuing Tenancy Agreements in prescribed form;
- Not re-letting property within six months of gaining possession under Section 122 (except where vacant possession is required for substantial repair, renovation or reconstruction);
- Not obtaining possession without an Order and Warrant from the Residential Tenancies Tribunal. Warrants can only be executed by a member of the Victorian Police Force.

Complaints received at the Ministry indicate that insufficient notice of termination is being given by both landlords and tenants.

Some tenants are also unaware of their rights and obligations under the Act. It is hoped that by their consultation with tenant organisations and the availability of Ministry advice and pamphlets on residential tenancies, the majority of tenants will become aware not only of their rights but also their obligations.

Unusual Areas of Complaint

Case 1

Consumer and three friends went to a large well known hotel for a counter lunch. Mr C was the only member of the group to order dessert and, being a "sweet-tooth" ordered two hot desserts. Mr C was not upset when both desserts were served together and asked the waiter to take one back until he had consumed the first. The waiter obliged but when the second dessert was served Mr C complained that it was not a fresh dessert but the one served earlier which had been kept warm. After complaining to a staff member and not receiving any satisfaction, the consumer left the hotel stating that he would never return. He then wrote a detailed complaint to the Ministry.

The consumer was advised to contact the Hotel Licensee in an attempt to resolve the complaint. Mr C did so and was advised that the kitchen staff and waiter had been reprimanded and the Licensee offered Mr C a free meal. As the consumer's complaint was a matter of "principle" the offer of a free meal was not accepted. The consumer was, however, happy that the Ministry had considered this complaint.

Case 2

Mrs C complained that her 5 year-old carpet was faulty in that the pile was separating from the backing in large clumps. She contacted the manufacturers who sent a representative to inspect the carpet. He advised the consumer that there was not a manufacturing fault. Dissatisfied, Mrs C contacted the Ministry.

The Conciliation Branch contacted the manufacturer who advised that the carpet was made by them but production of the particular carpet ceased 15 years ago. When it was suggested that Mrs C had spoken to a part-owner of the carpet company who had promised to "look after" Mrs C, the manufacturer replied that the part-owner mentioned had died 12 years previously.

The complaint was not resolved to the consumer's satisfaction.

Case 3

Mr C was retrenched and, because of his age, could not find employment. He decided to consult a clairvoyant who predicted that Mr C would soon inherit a large amount of money within twelve months.

Mr C anticipating his impending windfall, embarked on a rather costly gambling spree and lost a considerable amount of money. He did not receive the money predicted by the clairvoyant and contacted the Ministry with his complaint.

The clairvoyant offered to refund his initial consultation fee but Mr C wanted monetary compensation for the money lost on his gambling spree, and for the money which he did not come into.

Case 4

The Ministry was contacted by the Department of Consumer Affairs, New South Wales, and asked to investigate a trader who advertised regularly in a periodical with national circulation. The trader advertised his Melbourne street address and Post Office box but did not reply to letters from the Department of Consumer Affairs. The Ministry sent an inspector to the trader's premises and found no sign of occupation.

Subsequent investigations revealed that all mail addressed to both the trader's street address and Post Office box were automatically re-directed to an address in a Sydney suburb. The trader had never occupied the premises in Melbourne. The New South Wales Department

was notified accordingly.

OTHER ACTIVITIES

Referral of complaints to other Programs:

The Conciliation Branch referred fifty complaints to other Programs of the Ministry where redress was not required or obtainable through the Conciliation Branch.

These complaints raised issues on product standards and safety, urgent investigations and inspections, press releases, and allegations of breaches of the various legislation administered by the Ministry.

Credit Reporting Act 1978:

The Conciliation Branch exercises the powers bestowed on the Director of Consumer Affairs by the Credit Reporting Act 1978. This Act enables the Director to check and if warranted, seek the amendment of information concerning consumers held on the files of credit reporting agents.

During the year under review the Director received twenty-four written complaints and enquiries from consumers who were concerned about information held on their credit records.

In addition to formal complaints, the Branch answers a number of enquiries per week from consumers about credit ratings and information held by Credit Bureaux.

Special Projects/Defaulting traders:

The Branch had an extensive input to the resolution of consumer dissatisfaction following the collapse of three traders which left some two thousand consumers faced with the servicing of credit contracts for services which they would never receive or had received but only in part.

The traders concerned were:

- Tesco - (sold freezer food plans door to door);
- Allied Sales and Service - (similar operation to Tesco);
- Electronic Sales and Rentals - (E.S. & R.)
- Geelong, Ballarat & Albury Franchises - (sold video packages of video recorder, televisions, movie library memberships and gave "free gifts" of petrol, microwave ovens, blank tapes etc.)

The projects undertaken by the Conciliation Branch have centred on negotiations with the Finance Companies to whom consumers contracted for the payment of the goods and services from the traders named above. The magnitude of the projects cannot be described in a report of this nature, however, in short, they require the re-negotiation of the finance agreements entered into by consumers. The E S & R project which involves approximately 1,000 cases, commenced in May, 1985 and is not expected to be concluded until approximately December, 1985.

MINISTRY OF CONSUMER AFFAIRS : COMPLAINTS STATISTICS

During the year the various States Government Consumer Affairs bodies, the Office of Consumer Affairs within the Commonwealth Attorney-General's Department and the Trade Practices Commission agreed to restructure and expand the system for compiling statistics, to take account of current activity in the market place and to provide a uniform basis for monitoring trends.

The National Consumer Complaints Statistics System (NCCSS) will now provide a comprehensive listing of all complaints received by the Ministry. As the new system was introduced during the 1984/85 year, statistics for the entire year are not available and comparisons with previous years have therefore been excluded. To ensure uniformity and accuracy, statistics for the period 2 January 1985 to 30 June 1985, only are included in this Report (Tables 1 & 2) for the following categories;

- . Analysis of Consumer Complaints
- . Practice Classification 1984/85 and Product/Service Classification 1984/85.

Annual comparisons under the new NCCSS will be able to be presented in the 1987 Annual Report. The 1986 Report will provide the first complete year statistics using the new classifications.

3. ASSESSMENT

The prime focus of this sub-program continued to be the management of the consumer complaint workload. Existing work management systems were constantly monitored and reviewed where appropriate. A central complaint file control system for unstarted complaints has been established. This system allows for a more systematic flow of complaint files to conciliators and any consumers and traders with enquiries on unstarted complaints, a central telephone contact point.

In the latter part of the year under review the Conciliation Branch undertook a review of its structure, resources, procedures and relationships. Participants in the review were the Branch Manager and Assistant Managers, Senior Conciliation Officers, Personnel Manager and Assistant Director, Education and Community Programs. The participants also met with the Corporate Management Group of the Ministry. The review resulted in action plans being adopted for staffing, structure and communication and development of a formal work priority statement and procedural guidelines.

The Branch continued with an active staff development program. The most significant program was a two-and-a-half-day Conciliation Skills Training Program. In conducting the Program the Branch was fortunate to obtain the services of the following as speakers:-

- Dr. M. Heppell, Project Manager, Public Service Board;
- Mr. D. Bryson, Research Officer, Dispute Resolution Project Committee, Legal Aid Commission;
- Ms. F. Marles, Commissioner for Equal Opportunity, Equal Opportunity Board;
- Mr. G. Fanning, Industrial Relations Task Force;
- Mr. L. Maloney, Director, Family Court Counselling;
- Mr. R. Fitch and Mr. F. Shelton, Institute of Arbitrators, Australia.

The Program greatly assisted staff in reaching a greater understanding of the conciliation concept and the techniques available.

In other areas of staff development, individual officers attended a range of courses including supervision, problem-solving and customer contact skills.

With a "phase-down" in the Conciliation Program by the reduction of two staff members, a continuing effort was made to avoid any decline in effectiveness or increase in response times.

4. FORWARD LOOK

The improvement in service delivery, especially in the area of response times, is a challenge for the Conciliation Branch in 1985/86.

The development of a formal priority statement together with procedural guidelines should better equip the Branch to manage the complaint workload which varies so much by way of content, complexity and urgency.

Negotiations are under way to recruit into the Branch a number of "trainee conciliators" at a classification level below that of the existing Conciliation Officers. By using Conciliation Officer positions as they fall vacant the net result should be a small increase in staff and a career development opportunity for the staff recruited.

The Ministry has a comprehensive legislative program for 1985/86 which will have some effect on the conciliation sub-program. New areas of staff development will be needed once a careful examination of resource implications is made.

D. Adjudication

1. ACTIVITIES

Motor Car Traders Committee

The Motor Car Traders Committee made determinations with regard to four claims against traders and admitted 35 claims against the Motor Car Traders Guarantee Fund. These were in addition to any claims heard by the Small Claims Tribunals from claimants who elected to

have their disputes settled in that form.

Small Claims Tribunals

During the year Small Claims Tribunal hearings have been conducted not only at the offices of the Ministry at 500 Bourke Street, Melbourne but at a number of other centres throughout regional Victoria and more recently the suburbs of Melbourne.

The Ministry of Consumer Affairs by arrangement with the Law Department commenced Tribunal hearings in suburban Court Houses in late March 1985. Hearings are now regularly held in Court houses at Sunshine, Camberwell and Brunswick as well as continuing the long standing use of the Springvale Court facility.

Set out below are the centres outside the main office, at which the Tribunals conducted hearings throughout the year and the number of sitting days.

Centre	Number of Days on Which Hearings Were Conducted
Bairnsdale	7
Ballarat	17
Benalla	8
Bendigo	14
Cobram	1
Geelong	33
Horsham	4
Mildura	2
Morwell	24
Seymour	6
Springvale	46
Swan Hill	1
Tatura	7
Warrnambool	9
Wodonga	4
Sunshine	8
Camberwell	16
Brunswick	20
	—
	227

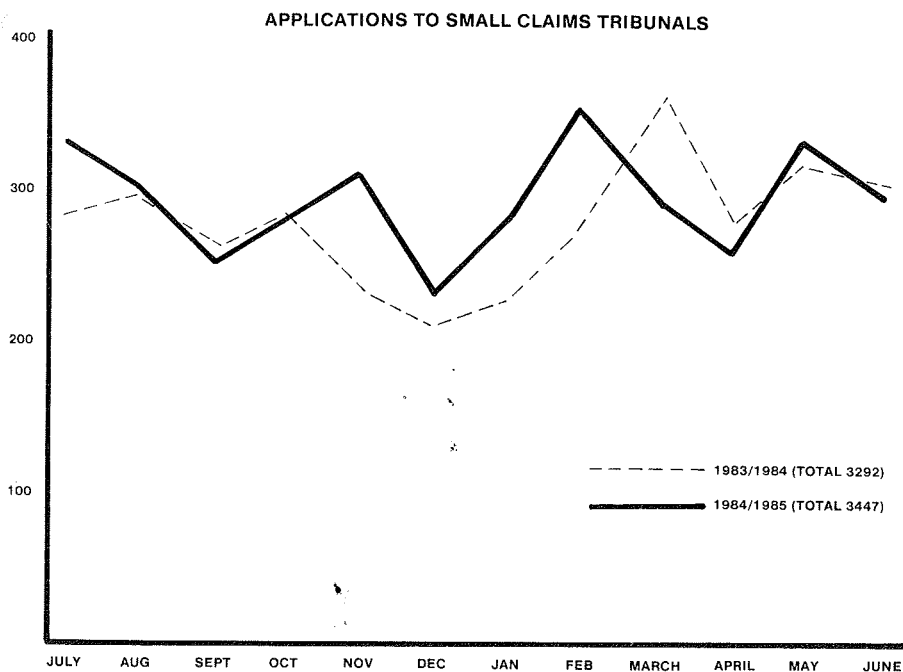
Both Small Claims Tribunals and Residential Tenancies Tribunals hearings are conducted at the same locations.

All referees of the Small Claims Tribunals are also Members of the Residential Tenancies Tribunal. There are currently three full time Referees and thirteen part time Referees. The Senior Referee of the Small Claims Tribunals is also Chairman of the Residential Tenancies Tribunal.

The number of applications for adjudication before the Small Claims Tribunals grew from 3292 in 1983/84 to 3447 in 1984/85 an increase of 4.71%. Similarly, the number of hearings grew from 3,765 in 1983/84 to 3949 in 1984/85 an increase of 4.88%.

It is interesting to note from the graph of 'Applications to Small Claims Tribunals' that the general trends throughout 1983/84 have been repeated in this reporting year.

Applications to Small Claims Tribunals

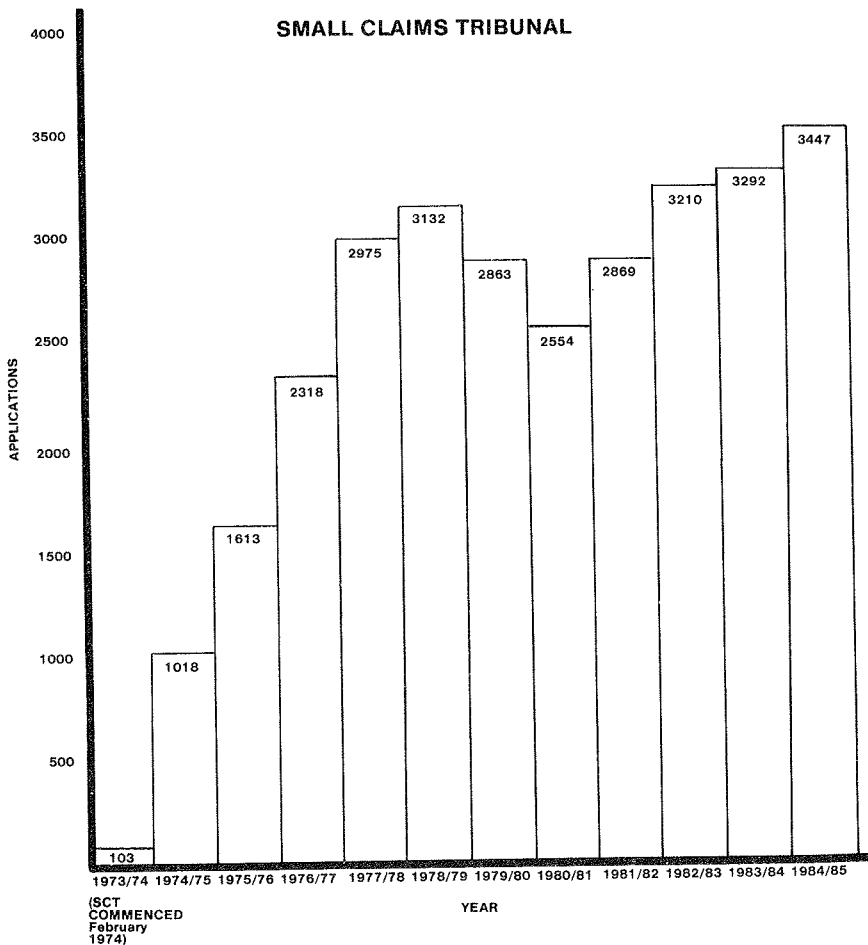


The following statistics are the Program Indicators as determined by the Ministry for the Small Claims Tribunals to measure movement in workload and performance.

	<u>1984/85</u>
Number of Claims Lodged:	3447
Number of Claims Listed for Hearing:	3949
Average Waiting Time from Lodgement to Commencement of Hearing of Claims:	9 weeks

The chart set out below represents the numbers of applications to the Small Claims Tribunals since its inception in February 1974. The chart clearly illustrates the growth in demand for the Tribunals adjudicative services.

The 1984/85 figure shows an increase in demand which began in 1980 and has continued to the present.



2. Residential Tenancies Tribunal

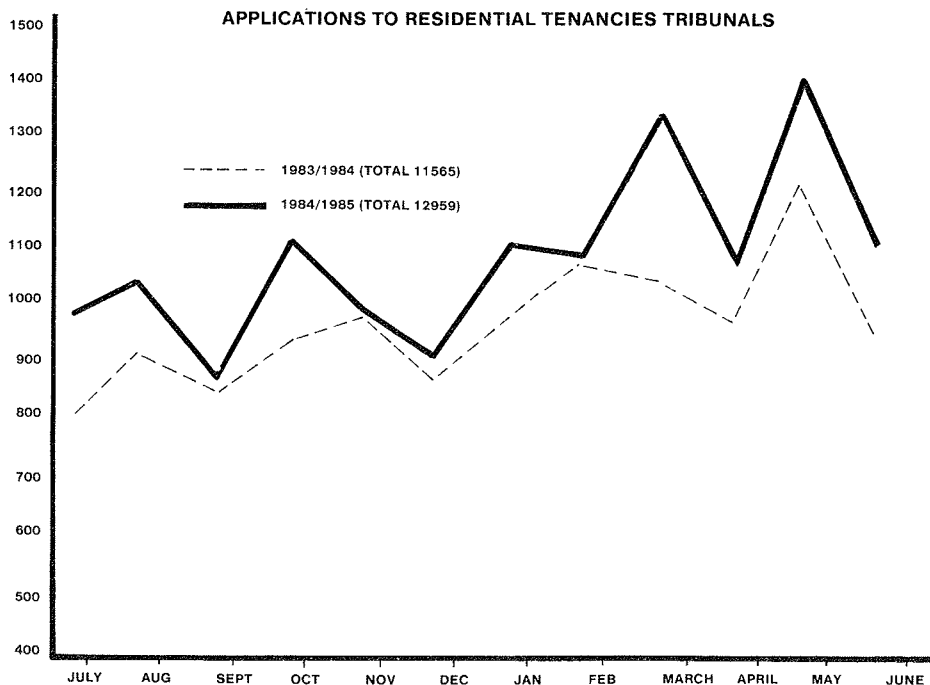
The number of applications to the Residential Tenancies Tribunal again rose in the year 1984/85 with 12,959 applications compared with 11,565 applications in the 1983/84 year. This represents an increase of 1394 applications or 11%.

In 1984/85 the Tribunal listed 15,480 hearings compared with 12,669 in 1983/84, an increase of 2,811 or 22%.

The Residential Tenancies Tribunals also hear disputes involving 'prescribed premises' as defined in the Landlord and Tenant Act 1958. During the year 1984/85 the Tribunals determined 40 matters in this category.

Set out below is a graph showing the number of applications to the Residential Tenancies Tribunals by months for the years 1983/84 and 1984/85. A comparison between the two graphs shows that the Tribunal again grew rapidly during the reporting year.

Applications to Residential Tenancies Tribunals



During the year under review approximately 88.5% or 11,469 of the applications to the Residential Tenancies Tribunals were received from landlords while 11.5% or 1490 were received from Tenants. This compares with 87% from Landlords and 13% from Tenants in the previous year.

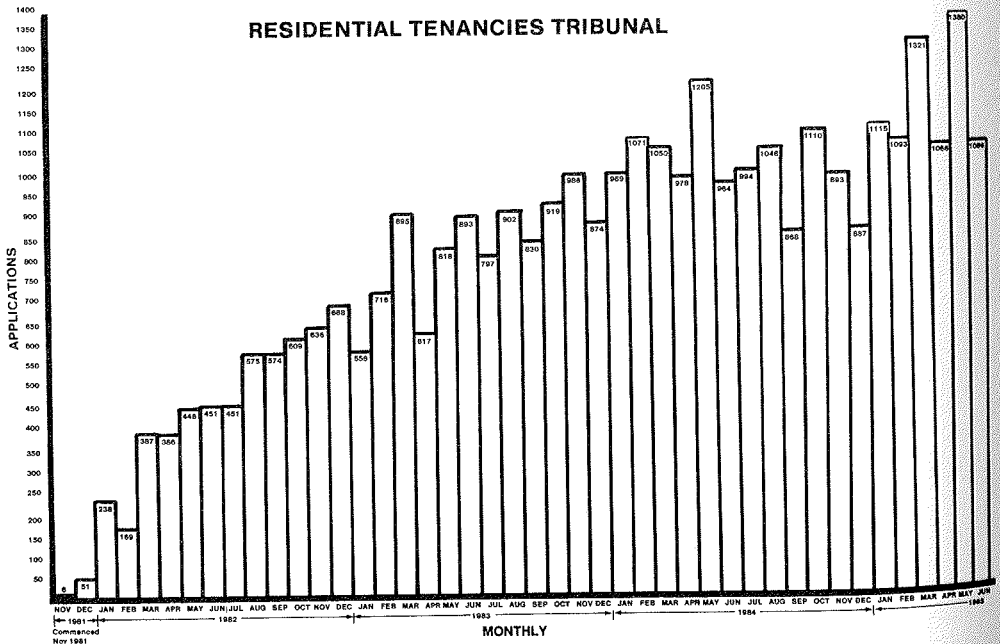
The high proportion of applications lodged by landlords must be related to the requirement placed on landlords to apply to the Tribunal whenever they seek possession of premises outside the terms of the tenancy agreement or seek to reimburse costs from the security deposit. On the other hand many tenants complaints may be resolved by conciliation, thus obviating in many cases the need to lodge formal claims with the Tribunal.

The following statistics represent the Program Indicators as determined by the Ministry for the Residential Tenancies Tribunals to measure movement in workload and performance.

	<u>1984/85</u>
Number of Claims Lodged:	12,959
Number of Claims Listed for Hearing:	15,480
Average Waiting Time for Lodgement to commencement of Hearing of Claims:	8 Weeks

The majority of claims were heard in the Ministry's main office at 500 Bourke Street, Melbourne. However, during the year 227 sitting days were scheduled outside the Melbourne office compared with 171 conducted last year. This is an increase of 56 sitting days.

Set out below is a graph showing the number of applications to the Residential Tenancies Tribunals by months since its inception in November 1981.



The continuing significant growth in the Tribunal is clearly illustrated here. It is also interesting to note that in each month of 1985 the Tribunal has received substantially more than 1,000 applications.

Throughout the year a number of Tribunals staff have undertaken speaking engagements in Schools, Business Organizations, Consumer Groups, Landlords, Real Estate Agents and Tenants Organizations..

Some of these engagements particularly those involving Residential Tenancies matters have become a regular commitment and the positive feedback from the community has shown the value of continuing these sessions.

During the year Tribunals staff participated in a number of courses run both inside and outside the Ministry. Participation in these courses formed part of a continuing staff development program aimed at enhancing the skills, development and knowledge of the Tribunals staff.

2. Assessment and Forward Look

During the second part of the year under review a comprehensive assessment of the Tribunal Services took place on the basis that the effectiveness of the Tribunal services depended on four interacting factors:

1. Volume of Claims

Reference to program indicators in the previous section of the report clearly indicates that there was a constant increase in the rate of claims in both Tribunals.

This was especially the case with the Residential Tenancies Tribunals. Planning had also to be done for the estimated influx of claims under the Credit Act 1984 which came into operation on 28th February, 1985.

To be effective, Tribunal procedures have to be planned at least two months in advance in order to allow for sufficient time to arrange for hearing venues and Referees/Tribunal Members and notification of the parties to a Tribunal hearing.

Under the legislation administrative procedures leading up to the hearing are locked into a relatively set pattern and projected trends are therefore a good indication of expected work-loads on the

staff. An estimate of monthly claims expected to be received in the coming 12 months was developed. This allowed for a comparative monitoring of the work-load.

Weekly statistical returns on work in progress relating to the processing of claims and orders were discussed at weekly Registrars Meetings and strategies planned and priorities set.

Such intensive management effort to deal with an increasing number of claims with static resources except for sporadic help from temporary untrained staff coupled with the concern of the permanent staff to provide a good service to the public allowed a considerable reduction in the waiting period of the public to have their claims listed and heard.

Continuation of this monitoring program in the coming year with the implementation of a revised staffing structure will enable the Tribunals to provide a timely and effective service to the public despite the expected increase in workload.

2. Staffing Structure

In order to cope with the ever increasing number of claims heavy reliance was placed on a prioritised re-deployment of staff, temporary appointments and overtime work.

Although such action succeeded in the short-run, sound management practice required that a permanent staffing structure commensurate with the level of responsibilities and work volume be established.

In April 1985 a Public Service Board Review was commissioned with the following terms of reference:

"To review the current operations of the Tribunals Branch in relation to the Small Claims and Residential Tenancies Tribunals and develop action-oriented recommendations directed at assisting the Tribunals to meet their objectives. Operational aspects to be reviewed include:

Organisation and Processes

- . organisational arrangements for provisions of support to the Tribunals;
- . procedures followed in processing requests for hearings from the point of reception of the enforcement of decisions of the Tribunals;

- . systems and technology supporting the operations of the Tribunals;
- . systems facilitating effective management and co-ordination of the Tribunals' operations.

Program and Performance

- . consistency of Tribunal objectives with Government policy and legislation reflected within program activities;
- . performance indicators appropriate to determine program effectiveness and efficiency in use of resources;
- . program links to other Ministry programs, especially the conciliation program.

The report and recommendations of the Review Team should be available early in the coming year.

3. Hearing Facilities

A statistical analysis of the September 1984 quarter showed that the hearing facilities consisting of five hearing rooms at 500 Bourke Street, the Springvale Court and the existing Country locations would not have sufficient capacity to deal with the ever increasing rate of incoming claims.

An offer of the Law Department to use three additional court facilities in Camberwell, Brunswick and Sunshine was therefore gratefully accepted half-way through the year. This arrangement also allowed for more decentralised hearings closer to the tenants' or consumers' place of residence and the traders' business.

However, the arrangement was understood to be of a temporary nature as at that time it was not known whether the locations would coincide with the Ministry's own Tribunals regionalisation Program.

An officer on secondment to the Ministry completed towards the end of the year a comprehensive statistical analysis of the most desirable locations for Tribunal hearings. His findings are currently being incorporated in a further project undertaken by the Policy Division of the Ministry designed to ensure a better integration of the Tribunal hearings into the Ministry's policy relating to the provision of services of a regional basis.

4. Availability of Referees/Tribunal Members to Hear claims

During the year under review a number of changes took place in the availability of Referees/Tribunal Members to hear claims.

Three part-time Referees/Tribunal members did not seek reappointment in November 1984. Seven new part-time Referees/Tribunal Members were appointed in February 1985 and one full-time Referee/Tribunal Member resigned in early March 1985. Currently there is a complement of three full-time and thirteen part-time Referees/Tribunal Members.

Reference to the statistical analysis of the base quarter of September 1984 allowed to predict with a high degree of certainty that the current complement of Referees/Tribunal Members would be able to handle all claims in the foreseeable future.

Projects designed to ensure a better utilisation of existing resources of the Tribunal services could be commenced.

A start was made on a more cost effective usage rate of the five hearing rooms at 500 Bourke Street by examining more flexible means of claims listing procedures. A broadening of the time span of hearing lists set for individual Referees/Tribunal Members is also under examination.

Such projects have to be undertaken in close liaison with all the Referees/Tribunal members in order to ensure that the administrative innovations will continue to support the judicial integrity of the Tribunals.

A number of other projects have been either continued from the previous year, commenced during the year or scheduled for the coming year.

They relate to:

- . The introduction of computers;
- . A review of the Word Processing procedures;
- . Review of the telephone answering procedures and equipment currently in use;
- . Development of a more effective method of obtaining company searches;
- . Examination of short and long term accommodation requirements;
- . Examination of information channels between Tribunals

- and other Divisions of the Ministry;
- . Staff development programs;
- . Establishment of an administrative planning group.

Most of these management initiatives outlined in this section of the Report should become operational in the coming year and allow for a more effective delivery of the Tribunal services.

PART V

MINISTRY OF CONSUMER AFFAIRS

A. SUMMARY OF RECEIPTS AND PAYMENTS FOR YEAR ENDED

30 JUNE 1985

RECEIPTS	CONSOLIDATED FUND 1984-85		1983-84		T R U S T 1984 - 85		F U N D 1983-84		1984-85		1983-84	
	\$	\$	\$	\$	State Accounts \$	Common- Wealth Accounts \$	Total \$	Total \$	\$	\$	Total \$	Total \$
Corporate Services Program	22,232	572	3,403,196	-	3,403,196	-	2,826,901	3,425,428	2,827,473			
Market Regulation and Enforcement Program	695,146	80	645,264	-	645,264	-	642,736	1,340,410	642,816			
Community Awareness and Consultation Program	-	-	-	-	-	-	-	-	-			
Redress and Adjudication Program	-	-	112,156	-	112,156	-	117,741	112,156	117,741			
NET PROGRAM RECEIPTS	717,378	652	4,160,616	-	4,160,616	-	3,587,378	4,877,994	3,588,030			
Add Administration Costs recouped from Motor Car Traders Guarantee Fund	110,950	120,204										
TOTAL CONSOLIDATED FUND RECEIPTS	828,328	120,856										
TOTAL ALL RECEIPTS								4,877,994	3,588,030			

SUMMARY OF RECEIPTS AND PAYMENTS FOR THE YEAR ENDED

30 JUNE 1985

PAYMENTS	NOTES	APPROPRIATIONS - CONSOLIDATED FUND				TRUST FUND				TOTAL	
		1984-85	1983-84	1984-85	1983-84	1984-85	1983-84	1984-85	1983-84		
		Special	Annual	Total	Total	State Accounts	Common-wealth Accounts	Total	Total		
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Corporate Services Program		-	1,494,776	1,494,776	1,273,428	549,830	-	549,830	179,823	2,044,606	1,453,251
Market Regulation & Enforcement Program		-	684,832	684,832	410,001	435,712	-	435,712	384,286	1,120,544	794,287
Community Awareness and Consultation Program		-	618,089	618,089	272,225	473,262	-	473,262	183,232	1,091,351	455,457
Redress & Adjudication Program		-	912,047	912,047	889,966	1,049,106	-	1,049,106	954,448	1,961,153	1,844,414
NET PROGRAM PAYMENTS		-	3,709,744	3,709,744	2,845,620	2,507,910	-	2,507,910	1,701,789	6,217,654	4,547,409
Add Administration Costs recouped from Motor Car Traders Guarantee Fund		-	110,950	110,950	102,665						
Total Consolidated Fund Payments			3,820,694	3,820,694	2,948,285						
TOTAL ALL PAYMENTS										6,217,654	4,547,409

MINISTRY OF CONSUMER AFFAIRS
B. PUBLIC ACCOUNT PROGRAM RECEIPTS FOR YEAR
ENDED 30 JUNE 1985

Ref.	Notes	1984-85	1983-84
		\$	\$
<u>CORPORATE SERVICES PROGRAM</u>			
<u>CONSOLIDATED FUND</u>			
Fees and Charges -			
Freedom of Information		125	-
Recoup Administration Costs -			
Community Employment Program		5,515	132
Miscellaneous -			
Appropriations of former Years		4,431	-
Commission on Group Assurance Premiums		277	140
Commission on Hospital and Medical			
Deductions		192	-
Costs awarded in court proceedings		4,115	300
Sale of Government property		4,322	-
Small amounts paid in by Departments		3,055	-
Surplus cash		200	-
NET	(i)	<u>22,232</u>	<u>572</u>
TOTAL CONSOLIDATED FUND		<u>22,232</u>	<u>572</u>
<u>TRUST FUND</u>			
<u>State Trust Accounts</u>			
Residential Tenancies Fund		3,403,196	2,826,901
TOTAL TRUST FUND		<u>3,403,196</u>	<u>2,826,901</u>
TOTAL GROSS PROGRAM RECEIPTS		<u>3,425,428</u>	<u>2,827,473</u>

MINISTRY OF CONSUMER AFFAIRS
PUBLIC ACCOUNT PROGRAM RECEIPTS FOR YEAR
ENDED 30 JUNE 1985

Ref	Notes	1984-85	1983-84
		\$	\$
<u>MARKET REGULATION AND ENFORCEMENT PROGRAM</u>			
<u>CONSOLIDATED FUND</u>			
Taxation -			
Credit Providers Licences	(j)	693,146	-
Fees and Charges -			
Weights and Measures	(i)	2,000	80
NET		<u>695,146</u>	<u>80</u>
Add Administration costs recouped from the Motor Car Traders Guarantee Fund		56,436	38,446
TOTAL CONSOLIDATED FUND		<u>751,582</u>	<u>38,526</u>
<u>TRUST FUND</u>			
<u>State Trust Accounts</u>			
Motor Car Traders Guarantee Fund	(k)	645,264	642,736
TOTAL TRUST FUND		<u>645,264</u>	<u>642,736</u>
TOTAL GROSS PROGRAM RECEIPTS		<u>1,396,846</u>	<u>681,262</u>

MINISTRY OF CONSUMER AFFAIRS
PUBLIC ACCOUNT PROGRAM RECEIPTS FOR YEAR
ENDED 30 JUNE 1985

Ref	Notes	Actual 1984-85	Actual 1983-84
<u>REDRESS AND ADJUDICATION PROGRAM</u>			
<u>CONSOLIDATED FUND</u>			
NET		-	-
ADD Administration Costs recouped from Motor Car Traders Guarantee Fund		54,514	81,758
TOTAL CONSOLIDATED FUND		<u>54,514</u>	<u>81,758</u>
<u>TRUST FUND</u>			
<u>State Trust Accounts</u>			
Residential Tenancies Fund		112,156	117,741
TOTAL TRUST FUND		<u>112,156</u>	<u>117,741</u>
TOTAL GROSS PROGRAM RECEIPTS		<u>166,670</u>	<u>199,499</u>

MINISTRY OF CONSUMER AFFAIRS

C. PUBLIC ACCOUNT PROGRAM PAYMENTS FOR YEAR

ENDEL 30 JUNE 1985

Ref	Notes	Budget 1984-85	Actual 1984-85	Actual 1983-84
		\$	\$	\$
<u>CORPORATE SERVICES PROGRAM</u>				
<u>CONSOLIDATED FUND</u>				
<u>ANNUAL APPROPRIATIONS</u>				
<u>Recurrent Expenditure:</u>				
1.	Salaries and Associated Costs	(1) 1,421,000	1,308,265	1,062,289
	Operating Expenses			
	Administrative Expenses	(m) 136,750	132,653	116,509
2.	Other Operating Expenses	(n) 24,000	28,063	74,380
	Other Recurrent Services			
3.	Victorian Consumer Affairs Committee	29,000	6,623	4,366
	Total Recurrent Expenditure	1,610,750	1,475,604	1,257,544
<u>Works and Services Expenditure:</u>				
<u>Administrative Unit Payments</u>				
4.	Appropriations line-item : EDP Facilities and Service Project	24,000	-	-
5.	Public Works Department Payments	15,000	19,172	15,884
		39,000	19,172	15,884
	TOTAL GROSS CONSOLIDATED FUND	1,649,750	1,494,776	1,273,428
<u>TRUST FUND</u>				
<u>State Trust Accounts</u>				
	Motor Car Traders Guarantee Fund		369	2,488
	Residential Tenancies Fund		378,841	159,067
	Community Employment Program Treasury Trust (o)		170,620	18,268
	TOTAL TRUST FUND		549,830	179,823
	TOTAL GROSS PROGRAM PAYMENTS		2,044,606	1,453,251

MINISTRY OF CONSUMER AFFAIRS
PUBLIC ACCOUNT PROGRAM PAYMENTS FOR YEAR
ENDED 30 JUNE 1985

Ref	Notes	Budget 1984-85	Actual 1984-85	Actual 1983-84
		\$	\$	\$
MARKET REGULATION AND ENFORCEMENT PROGRAM				
<u>CONSOLIDATED FUND</u>				
ANNUAL APPROPRIATIONS				
<u>Recurrent Expenditure:</u>				
1.	Salaries and Associated Costs (p)	435,700	594,311	316,240
Operating Expenses				
6.	Administrative Expenses (q)	59,550	90,521	37,935
7.	Other Operating Expenses (r)	30,000	-	55,826
Total Recurrent Expenditure		525,250	684,832	410,001
ADD Administration Costs recouped from Motor Car Traders Guarantee Fund		52,700	56,436	22,702
TOTAL GROSS CONSOLIDATED FUND		577,950	741,268	432,703
<u>TRUST FUND</u>				
<u>State Trust Accounts</u>				
Motor Car Traders Guarantee Fund			243,041	211,203
Residential Tenancies Fund			192,671	173,083
TOTAL TRUST FUND			435,712	384,286
TOTAL GROSS PROGRAM PAYMENTS			1,176,980	816,989

MINISTRY OF CONSUMER AFFAIRS
PUBLIC ACCOUNT PROGRAM PAYMENTS FOR YEAR
ENDED 30 JUNE 1985

Ref	Notes	Budget 1984-85	Actual 1984-85	Actual 1983-84
		\$	\$	\$
COMMUNITY AWARENESS AND CONSULTATION PROGRAM				
<u>CONSOLIDATED FUND</u>				
ANNUAL APPROPRIATIONS				
<u>Recurrent Expenditure:</u>				
8.	Salaries and Associated Costs (s)	301,900	389,045	181,274
Operating Expenses				
9.	Administrative Expenses (t)	47,350	84,044	35,782
	Grants	145,000	145,000	45,000
	Other Operating Expenses (u)	-	-	10,169
Total Recurrent Expenditure		494,250	618,089	272,225
TOTAL GROSS CONSOLIDATED FUND		494,250	618,089	272,225
<u>TRUST FUND</u>				
<u>State Trust Accounts</u>				
Motor Car Traders Guarantee Fund			6,469	-
Residential Tenancies Fund			382,968	174,683
Community Employment Program Treasury Trust (o)			83,825	8,549
TOTAL TRUST FUND			473,262	183,232
TOTAL GROSS PROGRAM PAYMENTS			1,091,351	455,457

MINISTRY OF CONSUMER AFFAIRS
PUBLIC ACCOUNT PROGRAM PAYMENTS FOR YEAR
ENDED 30 JUNE 1985

Ref	Notes	Budget 1984-85	Actual 1984-85	Actual 1983-84
		\$	\$	\$
REDRESS AND ADJUDICATION PROGRAM				
<u>CONSOLIDATED FUND</u>				
ANNUAL APPROPRIATIONS				
<u>Recurrent Expenditure</u>				
8.	Salaries and Associated Costs	(v) 1,042,100	869,536	803,492
	Operating Expenses			
10.	Administrative Expenses	(w) 36,200	42,511	39,307
10.	Other Operating Expenses	(x) 2,000	-	47,167
	Total Recurrent Expenditure	1,080,300	912,047	889,966
11.	ADD Administrative Costs recouped from Motor Car Traders Guarantee Fund	48,000	54,514	79,963
	TOTAL GROSS CONSOLIDATED FUND	1,128,300	966,561	969,929
<u>TRUST FUND</u>				
<u>State Trust Accounts</u>				
	Motor Car Traders Guarantee Fund		90,794	135,515
	Residential Tenancies Fund		958,312	818,933
	TOTAL TRUST FUND		1,049,106	954,448
	TOTAL GROSS PROGRAM PAYMENTS		2,015,667 =====	1,924,377 =====

MINISTRY OF CONSUMER AFFAIRSD. APPENDIX A - ADDITIONAL TRUST FUND INFORMATIONSTATEMENT OF TRUST FUND BALANCESAS AT 30 JUNE 1985(a) GENERAL TRUST ACCOUNTS

	Cash	Investments	Total	Notes
	\$	\$	\$	
Motor Car Traders Guarantee Fund	917,371	-	917,371	
Residential Tenancies Fund	1,483,907	3,000,000	4,483,907	(y)

(b) SUSPENSE AND ACCOUNTING
TYPE TRUST ACCOUNTS

Ministry of Consumer Affairs

Suspense Account	6,513	30,056	36,569	(y)
Small Claims Tribunal Trust Account	11,865	140,000	151,865	(y)

MINISTRY OF CONSUMER AFFAIRS

APPENDIX A - ADDITIONAL TRUST FUND INFORMATION

(c)

STATEMENT OF TRUST ACCOUNTS WITH

PAYMENTS OF EXCESS OF \$200,000 FOR THE

YEAR ENDED 30 JUNE 1985

<u>MOTOR CAR TRADERS GUARANTEE FUND</u>	Notes	1984-85	1983-84
		\$	\$
Receipts			
Licence Fees		636,560	630,029
Fines	(k)	8,704	12,707
Total Receipts		645,264	642,736
Payments			
Salaries and Allowances		201,121	193,868
General Expenses		29,666	42,304
Committee Fees		90,857	79,963
Claims against Guarantee Fund (net)	(z)	19,029	20,634
Non-recurring - Word Processing Equipment		-	12,437
Total Payments		340,673	349,206
Cash Surplus for the Year		304,591	293,530
Balance brought forward		612,780	319,250
Balance carried forward		917,371	612,780

MINISTRY OF CONSUMER AFFAIRS

	Notes	1984-85	1983-84
		\$	\$
<u>RESIDENTIAL TENANCIES FUND</u>			
Receipts			
Interest on Bond Monies		3,403,196	2,826,901
Fees		91,953	107,676
Rent - Special Account		20,203	10,065
Total Receipts		<u>3,515,352</u>	<u>2,944,642</u>
Payments			
Salaries and Allowances		1,218,618	897,231
General Expenses		286,696	202,337
Computerisation		153,691	31,600
Tenants Advice Service - Grant		173,250	106,534
Other Grants		64,600	2,964
Payments to Tenants and Landlords		15,937	14,283
Non-recurring - Word Processing		-	70,817
Equipment			
Total Payments		<u>1,912,792</u>	<u>1,325,766</u>
Cash Surplus for the year		1,602,560	1,618,876
Balance brought forward		2,881,347	1,262,471
Balance carried forward		<u>4,483,907</u>	<u>2,881,347</u>

MINISTRY OF CONSUMER AFFAIRSAPPENDIX B - SUPPLEMENTARY INFORMATION AND STATEMENT OF BALANCESAS AT 30 JUNE 1985

Notes

SUPPLEMENTARY INFORMATIONPayments from Appropriations of other Departments

As at 30 June 1985, the Ministry had made nil payments from appropriations of other Departments.

Resources Received and Provided free of charge

As at 30 June 1985, the Ministry had provided no significant staff resources to other organisations.

As at 30 June 1985, the Ministry had received no significant staff resources from other organisations.

Cash and Investment Balances

As at 30 June 1985, the Ministry had the following cash and investment balances held in accounts outside the Public Account which are administered, held or transacted by the Ministry.

	Cash	Investments	Total	Interest Earned for the year
	\$	\$	\$	\$
Trust Accounts	11,865	-	11,865	-
Suspense Accounts	6,513	-	6,513	-
Advance Account	(166)	-	(166)	-
Collections Account	1,339	-	1,339	-

MINISTRY OF CONSUMER AFFAIRSAPPENDIX B - SUPPLEMENTARY INFORMATION AND STATEMENT OF BALANCESAS AT 30 JUNE 1985 (contd).

Notes

Debtors

As at 30 June 1985, the following amounts were outstanding:

- Debtors of the Ministry

	\$	\$
Accounts Receivable	251	
Salary Overpayment	218	469
	<hr/>	

Under the provisions of Section 14 of the Motor Car Traders Act 1973, a person who is a motor car trader shall hold a licence. Licence renewals are issued each year, however, it is not possible to certify an amount outstanding at any particular time. There is a frequent turnover of traders and renewals outstanding for ceased traders are not applicable.

- Amounts collected but not paid to the Public Account

Residential Tenancies Fund	290	
Motor Car Traders Guarantee Fund	875	
Recoup for Vouchers	174	1,339
	<hr/>	<hr/>
		1,808

General Stores on Hand

As at 30 June 1985, the Ministry had nil stores on hand.

Creditors

As at 30 June 1985, the Ministry had the following amounts outstanding:

	\$
General Expenses	20,918
Personal Expenses Claims	1,391
	<hr/>
	22,309

These figures were derived from all invoices and claims due to be paid and which are unpaid by the Ministry at 30 June 1985 for services received on or before 30 June 1985.

Capital Commitments

As at 30 June 1985, the Ministry had nil Capital Commitments.

Leasing Commitments

As at 30 June 1985, the Ministry had nil Leasing Commitments.

Balance Outstanding on Loans

As at 30 June 1985, the outstanding loan balances on loans made by the Ministry including accrued interest were as follows:

Loans under Residential Tenancies Act	\$ 200
---------------------------------------	-----------

MINISTRY OF CONSUMER AFFAIRSE. NOTES TO ADMINISTRATIVE UNIT FINANCIAL STATEMENTS

- (a) The financial statements of the Administrative Unit have been prepared on the basis that the transactions of the Public Account are reported on a cash basis with the exception of payments for salaries, wages and pensions which are reported on an accrual basis.
- (b) The financial details provided in Appendix B to the financial statements relate to transactions outside the Public Account.
- (c) The financial statements specify only identifiable direct costs and do not reflect the total cost of the Administrative Units operations. The statements do not include amounts paid on behalf of the administrative unit by other Administrative Units such as the payments by the Department of Management and Budget for superannuation and workers' compensation and by the Public Works Department for rent, cleaning and telephone services.
- (d) Appropriations to the Administrative Unit which have been expended on its behalf by the Public Works Department have been included in the financial statements to provide a comprehensive statement of the resources allocated to the Administrative Unit.
- (e) A reference in the financial statements to a 'Budget' figure means:
- (i) in the case of a special appropriation, the amount included in the Estimates in respect of that appropriation;
 - (ii) in the case of an annual appropriation, the amount provided in the Estimates to be appropriated by the relevant annual appropriation Act;
- (f) A reference in the financial statements to an 'Actual' figure means the payments actually made by the Administrative Unit in respect of the item to which it refers.
- (g) The receipts and payments set out in the financial statements include receipts and payments which come within the overall responsibility of the Administrative Unit whether or not they have been collected or paid by the Administrative Unit.
- (h) The financial statements of the Ministry do not include the functions of Weights and Measures, Housebuilders' Liability and Finance Brokers/Money Lenders, as an exemption was obtained from the Treasurer in respect to these functions. The exemption relates only to 1984/85 financial statements and was granted because the Ministry took over financial responsibility for these functions only from 1 July 1985. For 1984/85, Local Government Department has reported on Weights and Measures and Housebuilders' Liability functions, whereas Law Department has reported on Finance Brokers/Moneylenders.
- (i) Prior to 1 May 1984 all Consolidated Revenue relating to the Ministry was collected by the then Department of Labour and Industry. Therefore, 1983/84 receipts relate to only two months of the financial year.

- (j) With the proclamation of new credit legislation on 28 February 1985, all credit providers are now required to pay a 'once-only' application fee and an annual licence renewal fee. This legislation regulates the use of credit in Victoria and provides more protection and information for consumers who enter credit contracts.
- (k) The Ministry has overall policy responsibility for the Motor Car Traders Guarantee Fund. Receipts include fines paid into the Fund by the Law Department, totalling \$ 8,704 in 1984/85 and \$ 12,707 in 1983/84.

(l) Actual Expenditure 1984/85 comprised :	\$
Salaries and allowances	1,206,479
Overtime and penalty rates	2,114
Payments in lieu of long service leave	11,181
Payroll tax	81,407
State Employees Retirement Benefits Fund	
- Contribution	3,639
Workers' Compensation - CEP Projects	3,445
	<u>1,308,265</u>

(m) Actual Expenditure 1984/85 comprised :	\$
Travelling and subsistence	18,489
Office requisites and equipment, printing and stationery	55,840
Books and publications	9,834
Postal and telephone expenses	28,813
Motor vehicles - purchase and running costs	5,402
Incidental expenses	14,275
	<u>132,653</u>

(n) Expenditure 1984/85 comprised :	\$
EDP expenses	24,415
Consultants and special projects	3,648
	<u>28,063</u>

1983/84 Expenditure included \$ 62,779 for Payroll Tax and \$ 957 for State Employees' Retirement Fund - Contribution, both of which are included in Salaries and Associated Costs for 1984/85.

- (o) Overall policy responsibility for the Community Employment Program belongs to the Department of Employment and Industrial Affairs. For details of receipts into this trust account, refer to the financial statements of that Department.
- (p) Actual Expenditure 1984/85 comprised :

	\$
Salaries and allowances	561,928
Overtime and penalty rates	553
Payroll tax	31,830
	<u>594,311</u>

(q) Actual Expenditure 1984/85 comprised	\$
Travelling and subsistence	19,059
Office requisites and equipment, Printing and Stationery	32,861
Books and publications	2,175
Postal and Telephone Expenses	456
Motor Vehicles - Purchase and running costs	16,013
Incidental Expenses	19,957
	<u>90,521</u>
(r) Actual Expenditure 1983/84 comprised \$21,448 for Payroll Tax which is included in Salaries and Associated Costs for 1984/85. The remaining 1983/84 Expenditure of \$34,378 comprised \$34,298 Prices Commission Consultants and \$80 Market Court - fees and expenses.	\$
(s) Actual Expenditure 1984/85 comprised	
Salaries and Allowances	359,175
Overtime and Penalty Rates	1,972
Payroll Tax	26,041
Workers Compensation - C.E.P. Projects	1,857
	<u>389,045</u>
(t) Actual Expenditure 1984/85 comprised:	
	\$
Travelling and subsistence	8,962
Office requisites and equipment, printing and stationery	31,694
Books and publications	637
Postal and telephone expenses	6,137
Motor Vehicle - Purchase and Running Costs	4,717
Fuel, light, power and water	493
Incidental Expenses	31,404
	<u>84,044</u>
(u) Actual Expenditure 1983/84 of \$10,169 related to Payroll Tax which is included in Salaries and Associated Costs for 1984/85.	
(v) Actual Expenditure 1984/85 comprised:	
	\$
Salaries and allowances	816,735
Overtime and penalty rates	2,602
Payroll Tax	50,199
	<u>869,536</u>
(w) Actual Expenditure 1984/85 comprised	\$
Travelling and subsistence	6,728
Office requisites and equipment, printing & stationery	16,637
Books and publications	1,096
Motor Vehicles - Purchase and running costs	299
Incidental Expenses	17,751
	<u>42,511</u>

- (x) Actual expenditure 1983/84 of \$47,167 related to Payroll Tax which is included in Salaries and Associated Costs for 1984/85.
- (y) On 21 January 1985, the Department of Management and Budget invested an amount of \$3 million from the Residential Tenancies Fund for a period of six months, on behalf of the Ministry. As the investment did not mature until 1985/86 financial year, no interest was received during 1984/85.

The investments in Suspense and Accounting Type Trust Accounts relate to amounts held in trust by the Department of Management and Budget.

- (z) In 1984/85, a total amount of \$42,112 was paid out as Claims against the Guarantee Fund. Offset against this figure was an amount of \$23,083 recovered under Section 50 of the Motor Car Traders Act.

F. EXPLANATORY STATEMENT

1. In 1984/85, the Ministry was provided with funds to implement the Government's credit legislation. Although the funds were initially provided under Corporate Services Program, substantial salary costs were incurred under Market Regulation and Enforcement Program in relation to the licensing of credit providers.

Accordingly \$100,000 was transferred from Corporate Services to Market Regulation and Enforcement with the approval of the Treasurer.

An additional \$85,000 was also provided under Market Regulation and Enforcement Program in November 1984 for salaries associated with the implementation of credit legislation.

2. Expenditure on E.D.P. expenses was greater than estimated. The additional expenditure was financed by achieving savings on administrative expenses.
3. Expenditure was less than anticipated due to the Committee becoming functional only in the latter half of the financial year.
4. As computing equipment was not installed prior to 30 June 1985, no lease payments were made in 1984/85.
5. Additional funds of \$15,000 were provided by the Department of Management and Budget to Public Works Department to cover additional minor works required by the Ministry.
6. Additional funds of \$32,000 were approved by the Treasurer under this item to administer credit legislation.
7. The allocations of \$20,000 for consultants and \$10,000 for Market Court-Fees and expenses were not required during 1984/85.
8. In April 1985 the Treasurer approved the transfer of \$100,000 from Redress and Adjudication Program to Community Awareness and Consultation Program. During the year, additional staffing resources were used in Community Awareness and Consultation Program at the expense of the former program.
9. Additional funds of \$39,000 were approved by the Treasurer under this item to conduct a Community Education Campaign in respect to the new credit legislation.
10. An amount of \$5,000 was transferred to this item from Market Regulation and Enforcement - Other Recurrent Expenditure, to meet the cost of credit legislation implementation within this program. In addition, savings of \$2,000 from not engaging consultants were re-directed to meet greater than anticipated administrative expenditure.
11. In order to meet the requirements of the Motor Car Traders Act 1973, the Motor Car Traders Committee meets regularly, which entitles committee members to prescribed fees. Shortage of supporting staff left the Committee with no alternative than to meet more frequently than anticipated. This additional expenditure was met by the re-direction of savings from other items of this program.

G. CERTIFICATION

Statement by the Principal Accounting Officer

I certify that the financial statements of the Ministry of Consumer Affairs have been prepared in accordance with Section 11 of the Annual Reporting Act 1983 and the Annual Reporting (Administrative Units) Regulations 1985.

In my opinion the information set out in the financial statements presents fairly the receipts of and payments made by, on behalf of or falling within the policy responsibility of the Ministry for the year ended 30 June 1985 and of the supplementary information and Statement of Balances at the end of the year.



G J Bickley
Finance Manager
Ministry of Consumer Affairs

30/9/85

Statement by the Chief Administrator

I certify that the financial statements of the Ministry of Consumer Affairs have been prepared in accordance with Section 11 of the Annual Reporting Act 1983 and the Annual Reporting (Administrative Units) Regulations 1985.

In my opinion the information set out in the financial statements presents fairly the receipts of and payments made by, on behalf of or falling within the policy responsibility of the Ministry for the year ended 30 June 1985 and of the supplementary information and Statement of Balances at the end of the year.



David Hall
Director
Ministry of Consumer Affairs

1/10/85

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 AUDITOR-GENERAL
 EXTENSION: 1286
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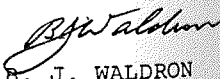
AUDITOR-GENERAL'S REPORT

The accompanying financial statements of the Ministry of Consumer Affairs comprising a summary of receipts and payments, a statement of Public Account program receipts and payments relating to that Ministry and appendices and notes to the financial statements have been audited as required by Section 12 of the Annual Reporting Act 1983 and in accordance with Australian Auditing Standards.

The Report of Operations of the Ministry of Consumer Affairs and any references thereto in the financial statements are not subject to my audit.

In my opinion, the financial statements have been properly drawn up in accordance with the Annual Reporting (Administrative Units) Regulations 1985, as prescribed under the Annual Reporting Act 1983, and present fairly the financial transactions of the Ministry of Consumer Affairs for the year ended 30 June 1985.

MELBOURNE
 9/10/1 1985


 B. J. WALDRON
Auditor-General

PART VI
APPENDICES

TABLE 1

ANALYSIS OF CONSUMER COMPLAINTS - PRODUCT/SERVICE CLASSIFICATION FOR
THE PERIOD 2 JANUARY 1985 TO 30 JUNE 1985

Category	Complaints					
	No.	Per Cent	No.	Per Cent	No.	Per Cent
1. Food, Beverages, Tobacco					17	0.4
(a) Food Products			12	.3		
Bread	0	.0				
Dairy Products	1	.0				
Meat	3	.1				
Poultry	1	.0				
Fish	1	.0				
Vegetables	0	.0				
Canned Goods	2	.1				
Other.	4	.1				
(b) Beverages			4	.1		
Beer	0	.0				
Wine	1	.0				
Spirits	1	.0				
Soft Drinks	2	.0				
Juices	0	.0				
Other Beverages	0	.0				
(c) Tobacco			1	.0		
(d) Other Food, Beverages, Tobacco			0	.0		
2. Clothing, Footwear, Drapery					257	6.1
(a) Clothes			151	3.7		
(b) Footwear			45	1.1		
(c) Accessories			29	.7		
(d) Haberdashery, Clothing Materials			10	.2		
(e) Bed Linen, Blankets, Car Rugs			14	.3		
(f) Trousseau			2	.0		
(g) Other Clothing, Footwear, Drapery, Manchester			6	.1		
3. Consumer Durables					851	20.2
Washing Machines			25	.6		
Dishwashers			5	.1		
Clothes Dryers			3	.1		
Electric Stoves			4	.1		
Microwave Ovens			5	.1		
Gas Stoves			14	.3		
Other Fuel Stoves			3	.1		
Air Conditioners			18	.4		
Oil Heaters			1	.0		

TABLE 1 - continued

Category	Complaints					
	No.	Per Cent	No.	Per Cent	No.	Per Cent
Gas Heaters			12	.3		
Electric Heaters			1	.0		
Other Fuel Heaters (including Fire Places)			14	.3		
Hot Water Systems			7	.2		
Refrigerators, Freezers			63	1.5		
Small Appliances (eg. Toasters, Hair Dryers, etc.)			10	.2		
Vacuum Cleaners			17	.4		
Sewing Machines			13	.3		
Televisions, Television Aerials			51	1.2		
Radio, Radio/Cassettes, Cassette Players			33	.8		
Record Players			2	.0		
Hi-Fi (including Amplifier, Turntable, Tape-Deck)			30	.7		
Video Recorder, Video Camera			55	1.3		
CB Radio			4	.1		
Home Computers			18	.4		
Used Household Appliances			21	.5		
Other Household Appliances			36	.9		
Beds			30	.7		
Other Furniture			109	2.7		
Bathroom Furniture and Accessories			10	.2		
Carpets, Soft Floor Coverings			76	1.9		
Curtains, Blinds			40	.9		
Lamps, Light Fittings			5	.1		
Lino, Cork Tiles, Hard Floor Coverings (not Ceramic)			13	.3		
Flyscreens, Security Doors, Security Screens, Awnings			33	.8		
Other Furnishings			3	.1		
Kitchenware, Tableware, Dinnerware			54	1.3		
Solar Appliances			0	.0		
Other Consumer Durables			13	.3		
4. Motor Vehicles and Other Transport Equipment					829	19.7
Purchase of New Motor Vehicle			169	4.1		
Purchase of Used Motor Vehicle			272	6.6		
Consignment Sales			5	.1		
Mechanical			138	3.3		
Electrical			3	.1		
Panel Beating, Bodywork, Painting			22	.5		
Exchange Engines (Long or Short Reconditioned Engines)			32	.8		
Towing and Storage			2	.0		
Parking			3	.1		
Rustproofing			6	.1		
Other Automotive Repair						
Servicing Sales			6	.1		
Tyres, Tubes, Wheel Rims			14	.3		

TABLE 1 - continued

Category	Complaints					
	No.	Per Cent	No.	Per Cent	No.	Per Cent
Batteries			2	.0		
Accessories			21	.5		
Helmets			0	.0		
Replacement Parts (New)			14	.3		
Replacement Parts (Reconditioned)			11	.3		
Other Spare Parts and Accessories			9	.2		
Motorbikes, Trail Bikes (New)			15	.4		
Motorbikes, Trail Bikes (Used)			4	.1		
Cycles			10	.2		
Caravans, Campervans			28	.7		
Trailers			1	.0		
Tractors, Farm Machinery			5	.1		
Boats, Outboard Engines			11	.3		
Trucks, Other Commercial Vehicles			2	.0		
Other Transport Equipment			6	.1		
Other Motor Vehicles and Other Transport Equipment			18	.4		
5. Building and Construction					755	17.9
New Home Construction			155	3.9		
Concrete Work, Foundations, Paving, Brickwork, Blockwork			80	2.0		
Fence, Walls, Gates			38	.9		
Carpentry, Joinery (including Frames, Trusses)			43	1.0		
Painting, Decorating, Plastering			25	.6		
Plumbing			21	.5		
Electrical Work			10	.2		
Roofing (including Insulation, Guttering)			55	1.3		
Cladding and Coating			34	.8		
Glazing			18	.4		
Tiling			13	.3		
Other Home Extension, Renovation, Decoration			13	.3		
Tools and Equipment			8	.2		
Hardware			10	.2		
Tiles (Ceramic and Slate)			16	.4		
Decorating Products (Paint, Wallpaper, etc.)			3	.1		
Power Tools			1	.0		
Garage Doors			11	.3		
Other Building and Decorating Products			31	.7		
Swimming Pools (Concrete In-Ground)			28	.7		
Swimming Pools (Fibreglass In-Ground)			0	.0		
Swimming Pools (Above Ground)			6	.1		
Swimming Pool Equipment			8	.2		
Spa Baths, Pools, etc.			5	.1		
Other Swimming Pools			1	.0		

TABLE 1 - continued

Category	Complaints					
	No.	Per Cent	No.	Per Cent	No.	Per Cent
Landscape Gardening			5	.1		
Plants			5	.1		
Gardening Materials and Supplies			5	.1		
Lawn Mowers, Gardening Machines, etc.			12	.3		
Chainsaws			6	.1		
Bores, Reticulation, Pumps			0	.0		
Other Gardening			1	.0		
Kitchens			63	1.5		
Garages and Sheds			18	.4		
Kit Homes			2	.0		
Water Tanks			3	.1		
Other Building Packages			2	.0		
6. Miscellaneous Products					401	9.5
TAB Racing Systems			0	.0		
Lotto Lotteries			2	.0		
Other Gambling Activities			0	.0		
Newspapers, Magazines			36	.9		
Encyclopaedias			3	.1		
Records and Tapes			35	.9		
Directory Entries, Advertising Services			12	.3		
Learning Tapes			1	.0		
Other Communication			9	.2		
Office Stationery			5	.1		
Office Furniture			4	.1		
Office Computers			4	.1		
Sporting Goods			27	.7		
Camping Equipment			2	.0		
Jewellery, Precious Stones			40	.9		
Clocks, Watches			42	1.0		
Coins, Precious Metals			1	.0		
Toys			16	.4		
Musical Instruments			5	.1		
Video Games			3	.1		
Photographic Equipment			12	.3		
Films (Unprocessed)			1	.0		
Video Tapes (Blank)			3	.1		
Pharmaceuticals			7	.2		
Soaps, Detergents, Polishes			2	.0		
Pesticides			1	.0		
Toiletries, Cosmetics			4	.1		
Hearing Aids, Spectacles, Sun Glasses, Contact Lenses			16	.4		
Slimming, Health and Medical Equipment			24	.6		
Dentures			0	.0		
Other Chemical Products and Health Equipment			9	.2		
Animals, Pets, Livestock			9	.2		
Other Miscellaneous Products			44	1.0		
Books			22	.5		

TABLE 1 - continued

Category	Complaints					
	No.	Per Cent	No.	Per Cent	No.	Per Cent
7. Transport and Energy Services					127	3.0
Bus			6	.1		
Air Services			2	.0		
Train			0	.0		
Ship			0	.0		
Taxi			1	.0		
Hire Car (Driver Supplied)			0	.0		
Rent-A-Car,						
Taxi-Truck (Self Drive)			3	.1		
Hire Trailer			0	.0		
Other Transport			3	.1		
Postal and Telephone						
Services			9	.2		
Freight Services			11	.3		
Heating Oil			0	.0		
Lubricating Oil, Other						
Oil Products			1	.0		
Petrol			6	.1		
Natural Gas			1	.0		
Coal and Coke			0	.0		
Electricity			7	.2		
Water and Sewerage			1	.0		
Firewood			0	.0		
L.P.G.			0	.0		
Other Public Utilities						
and Fuel Supply			0	.0		
Tours (Domestic)			1	.0		
Tours (Overseas)			15	.4		
Travel Agents, Tour						
Operators			55	1.4		
Travel Goods (eg. Suitcases)			1	.0		
Other Transport and Energy						
Services			4	.1		
8. Insurance and Finance					289	6.8
Insurance (Life)			16	.4		
Insurance (Travel)			7	.2		
Insurance (Health)			30	.7		
Insurance (Sickness,						
Accident)			7	.2		
Insurance (Motor Vehicle Including						
Extended Warranty Insurance)			72	1.6		
Insurance (Fire)			3	.1		
Insurance (Household)			29	.7		
Insurance (Marine)			1	.0		
Insurance (Consumer Credit)			7	.2		
Insurance (Superannuation)			5	.1		
Other Assurance and Insurance			4	.1		
Bankcard			6	.1		
Credit Cards			11	.3		
Store Credit			3	.1		
Chattel Mortgage			1	.0		

TABLE 1 - continued

Category	Complaints					
	No.	Per Cent	No.	Per Cent	No.	Per Cent
Lay-By			0	.0		
Hire Purchase			22	.5		
Lease			9	.2		
Personal Loans			25	.6		
Real Estate Mortgages			8	.2		
Debt Financial Counselling			0	.0		
Other Finance			7	.2		
Rural Investments (eg. Pine Plantations)			3	.1		
Franchises			4	.1		
Finance Company Investment			2	.0		
Insurance Company Investment			2	.0		
Bank Investment			0	.0		
Other Investment			5	.1		
Other Insurance, Finance and Investment			0	.0		
9. Real Estate and Accommodation					106	2.5
(a) Property Management			4	.1		
(b) (Real Estate) Purchase Sale Purchase			68	1.5		
(c) (Real Estate) Lease			0	.0		
(d) (Real Estate) Rental Rental Agencies			8	.2		
(e) Hotel			3	.1		
(f) Motel			12	.3		
(g) Caravan Park			7	.2		
(h) Retirement Homes			1	.0		
(i) Other Real Estate and Accommodation			3	.1		
10. Miscellaneous Services					585	13.9
Medical			4	.1		
Dental			12	.3		
Pharmaceutical			0	.0		
Optometrical			4	.1		
Chiropractic			0	.0		
Physiotherapy			0	.0		
Hospital Nursing Homes			3	.1		
Other Medical and Para-Medical			1	.0		
Legal			14	.3		
Funerals and Funeral Funds			11	.3		
Architectural Engineering						
Surveying			3	.1		
Accounting, Management Consulting						
Tax Consulting			1	.0		
Stockbrokers, Investment Consultants			2	.0		
Veterinary Services			0	.0		

TABLE 1 - continued

Category	Complaints					
	No.	Per Cent	No.	Per Cent	No.	Per Cent
Bank Services (Not Finance and Investment)			8	.2		
Insurance Brokers			0	.0		
E.F.T./Automatic Teller Machines, etc.			0	.0		
Other Professional Services			9	.2		
Stop Smoking Clinics			2	.0		
Hairdresser, Manicure			9	.2		
Slimming			11	.3		
Fitness Courses, Gymnasium			54	1.3		
Employment Agencies and Courses			10	.2		
Driving Schools			1	.0		
Dancing Lessons			3	.1		
Photographic Processing			15	.4		
Photography			30	.7		
Marriage Consultants, Introduction Services			15	.4		
Florists			4	.1		
Tattoo, Tattoo Removal			0	.0		
Dressmaking, Tailoring			16	.4		
Hair Pieces, Hair Restoration			11	.3		
Printing			4	.1		
Private Investigations			0	.0		
Other Semi-Professional and Personal Services			23	.5		
Laundry and Dry Cleaning			50	1.3		
Carpet, Window, House Cleaning			18	.4		
Furniture Removal and Storage			37	.9		
Freezer Plans			71	1.8		
Hire Services (Not Vehicles)			23	.5		
Pest Control			8	.2		
Service, Maintenance Contracts			0	.0		
Garbage, Garden Refuse Removal			0	.0		
Security Services			0	.0		
Other Household Services			3	.1		
Computer Courses			1	.0		
Photographic Courses			0	.0		
Cooking			0	.0		
Hairdressing			0	.0		
Bar Training			0	.0		
Beauty, Modelling			2	.0		
Travel Agency			2	.0		
Receptionist			0	.0		
Other Educational			10	.2		
Cinema			2	.0		
Live Theatre			0	.0		
Ticket Retailing			7	.2		
Sports Grounds			0	.0		

TABLE 1 - continued

Category	Complaints					
	No.	Per Cent	No.	Per Cent	No.	Per Cent
Restaurants			10	.2		
Reception Houses			11	.3		
Video Library			10	.2		
Discount Voucher Schemes			6	.1		
Other Entertainment Recreation			16	.4		
Work At Home Schemes			2	.0		
Other Employment			1	.0		
Other Miscellaneous Services			15	.4		
			Total		4217	100

T A B L E 2

ANALYSIS OF CONSUMER COMPLAINTS PRACTICE CLASSIFICATION FOR THE PERIOD
 2 January 1985 to 30 June 1985

C A T E G O R Y	C O M P L A I N T S			
	No.	Per cent	No.	Per cent
1. ADVERTISING			73	1.2
(a) Health or Safety	0	.0		
(b) Employment and Remuneration	0	.0		
(c) Price	7	0.1		
(d) Quantity	0	.0		
(e) Sponsorship or Approval	0	.0		
(f) Specification of Goods or Services	6	0.1		
(g) Nature of Services	0	.0		
(h) Free Gifts, Special Offers	18	0.4		
(i) Availability	2	.0		
(j) Conditions of Sale	2	.0		
(k) Other Advertising	2	.0		
Representations				
(a) Health or Safety	0	.0		
(b) Employment and Remuneration	0	.0		
(c) Price	0	.0		
(d) Quantity	0	.0		
(e) Sponsorship or Approval	0	.0		
(f) Specification of Goods or Services	21	0.4		
(g) Nature of Services	0	.0		
(h) Free Gifts, Special Offers	11	0.2		
(i) Availability	1	.0		
(j) Conditions of Sale	2	.0		
(k) Other Representations	0	.0		
2. PACKAGING OR LABELLING			19	0.3
(a) Safety Label or Instructions	4	0.1		
(b) Care or Operating Label or Instructions	8	0.1		
(c) Description of Contents	2	.0		
(d) Deceptive Packaging	0	.0		
(e) Date Stamping	0	.0		
(f) Weight or Volume of Packaged Goods	1	.0		
(g) Other Packaging or Labelling	4	0.1		
3. SALES METHODS			315	5.3
(a) Unsolicited Product or Service	30	0.5		
(b) Door-to-Door Sales	42	0.7		
(c) Auctions (inc Mock Auctions)	1	.0		
(d) Mail Order	242	4.1		
(e) Double Ticketing	0	.0		
(f) Need to buy a Quantity Greater than Required	0	.0		

C A T E G O R Y	C O M P L A I N T S			
	No.	Per cent	No.	Per cent
(g) Need to Buy a Whole Assembly	0	.0		
(h) Pyramid Selling	0	.0		
(i) Referral Selling	0	.0		
(j) Other Sales Methods	0	.0		
4. PRICES AND CHARGES			252	4.3
(a) Charges Above Quote	49	0.8		
(b) Industry Pricing Policies	10	0.2		
(c) Overcharging	126	2.1		
(d) Failure to Indicate Selling Price	0	.0		
(e) Failure to Provide Estimate	1	.0		
(f) Failure to Indicate Existence of Minimum Charge	0	.0		
(g) Comparisons with other Quoted Prices	1	.0		
(h) Charging for Quote	10	0.2		
(i) Price Control	0	.0		
(j) Frequent Price Rises	1	.0		
(k) Retention of Deposits	26	0.5		
(l) Other Prices and Charges	28	0.5		
5. QUALITY OF PRODUCT OR SERVICE			2564	43.4
(a) Unsatisfactory Repair	245	4.1		
(b) Unsatisfactory Installation	155	2.6		
(c) Unsatisfactory Performance of a Service	452	7.6		
(d) Unavailability of Price, Component or Service	50	0.8		
(e) Unsafe or Hazardous Product or Service	14	0.2		
(f) Unauthorised Repairs	2	.0		
(g) Defective at Purchase (ie, Before Use)	1168	20.0		
(h) Defective After Purchase	188	3.2		
(i) Loss of Consumer's Goods	6	0.1		
(j) Damage to Consumer's Property	134	2.3		
(k) Weight or Measure of Unpacked Goods	2	.0		
(l) Supply of Incorrect Goods	72	1.2		
(m) Non-performance	27	0.5		
(n) Other Quality of Product or Service	49	0.8		
6. CREDIT PRACTICES			120	2.0
(a) Repossession	12	0.2		
(b) Debt Collection	8	0.1		
(c) Deposits or Lay-bys	35	0.6		
(d) Exorbitant or Incorrect Interest or Credit	28	0.4		
(e) Overcommitment	3	.0		
(f) Documentation Complaints	20	0.4		
(g) Rebates (Credit and Insurance)	4	0.1		
(h) Other Credit Practices	10	0.2		

C A T E G O R Y	C O M P L A I N T S			
	No.	Per cent	No.	Per cent
7. CONTRACTS			2122	35.8
(a) Harsh and Unconscionable Contracts	17	0.3		
(b) Non-disclosure and Misrepresentation of Terms	124	2.1		
(c) Retention of Bond	6	0.1		
(d) Other Landlord/Tenant Dispute	2	.0		
(e) Dispute Concerning Cancellation of Contract	277	4.7		
(f) Non-Supply of Goods and Services	1374	23.2		
(g) Non-Performance of Service within a Reasonable Period	87	1.5		
(h) Rejection of Insurance Claim	97	1.6		
(i) Delays in Processing Insurance Claims	0	.0		
(j) Other Contracts	138	2.3		
8. GUARANTEES AND WARRANTIES			159	2.7
(a) Statutory Warranties	154	2.7		
(b) Express (including Oral) Warranties	2	.0		
(c) Other Guarantees and Warranties	3	.0		
9. OFFERS OF REDRESS			291	5.0
(a) Provision of a Credit Note	17	0.3		
(b) Provision of a Replacement	2	.0		
(c) Repair - No Replacement, Refund	9	0.2		
(d) No Refund Policy	178	3.0		
(e) Insistence that Consumer Pay for Repair	66	1.1		
(f) Other Offers of Redress	19	0.4		
			TOTAL 5915	100

TABLE 3

SMALL CLAIMS TRIBUNALSAnalysis of Claims DeterminedPractice Classification - 1984-85

	<u>No.</u>	<u>% of Total</u>
<u>Advertising and Representation</u>	18	0.45
<u>Packaging or Labelling</u>	23	0.56
<u>Sales Methods</u>	5	0.11
<u>Prices or Charge</u>		
Charge Above Quote	30	0.75
Overcharging	176	4.45
Failure to indicate selling price	13	0.33
Other	39	0.97
	<hr/>	
SUB TOTAL	304	7.7
	<hr/>	
<u>Quality of Product or Service</u>		
Installation	130	3.28
Service or Repair	1155	29.25
Unavailability of Product Component or Service	37	0.95
Unauthorised Repairs	13	0.31
Defective at Purchase	612	15.50
Defective After Purchase	727	18.39
Damage to Consumer's Property	175	4.42
Other	9	0.22
Loss of Consumer's Goods	42	1.06
Supply of Incorrect Goods	14	0.39
Non - Performance	111	2.81
	<hr/>	
SUB TOTAL	3025	76.6
	<hr/>	

<u>Credit Practices</u>	<u>No.</u>	<u>% of Total</u>
Debt Collection	4	0.08
Deposits and Lay-Bys	19	0.47
Other	5	0.11
	<hr/>	
SUB TOTAL	28	0.7
	<hr/>	

<u>Contracts</u>		
Non Disclosure and Misrepresentation of Terms	101	2.56
Disputes Concerning Cancellation of Contracts	68	1.70
Non Supply of Goods and Services	237	5.98
Non Performance Within a Reasonable Period	134	3.39
Other	9	0.22
	<hr/>	
SUB TOTAL	549	13.9
	<hr/>	

<u>Guarantees and Warranties</u>		
Statutory	4	0.11
Express Warranties	4	0.11
	<hr/>	
SUB TOTAL	8	0.2
	<hr/>	

<u>Offers of Redress</u>	<u>No.</u>	<u>% of Total</u>
Repair - No Replacement or Refund	8	0.22
No Refund Policy of Seller	19	0.48
Other	8	0.22
	<hr/>	
SUB TOTAL	35	0.9
	<hr/>	
GRAND TOTAL	3949	100
	<hr/>	

Note: Percentage sub-totals may not total 100% exactly due to rounding of decimal places.

TABLE 4

Small Claims TribunalsAnalysis of Claims DeterminedPractice Classification - 1982/83 to 1984/85

	<u>1982/83</u>		<u>1983/84</u>		<u>1984/85</u>	
	No.	%	No.	%	No.	%
<u>Advertising and Representations</u>	50	1.41	2	.06	18	.45
<u>Packaging or Labelling</u>	2	.06	1	.03	23	.56
<u>Sales Methods</u>	2	.06	3	.09	5	.11
<u>Prices or Charges</u>						
Failure to Indicate Selling Price					13	.33
Charge Above Quote	101	2.85	18	.46	30	.75
Overcharging	199	5.61	164	4.15	176	4.45
Other	10	.28	3	.09	39	.97
SUB TOTAL	364	10.26	191	4.88	304	7.7
<u>Quality of Product or Service</u>						
Installation	5	.14	7	.17	130	3.28
Service or Repair	1124	31.56	1435	36.21	1155	29.25
Unavailability of Product Component or Service	87	2.45	38	.96	37	.95
Unsafe or Hazardous Product or Service	12	.34	7	.17	-	-
Unauthorised Repairs	15	.42	5	.12	13	.31
Defective at Purchase	174	4.90	31	.78	612	15.50
Defective After Purchase	597	16.83	1281	32.32	727	18.39
Damage to Consumer's Property	344	9.70	398	10.04	175	4.42
Weight or Measure of Unpacked Goods	5	.14	2	.06	-	-
Other	40	1.13	15	.38	9	.22
Loss of Consumer's Goods					42	1.06
Supply of Incorrect Goods					14	.39
Non-Performance					111	2.81
	2403	67.73	3219	81.21	3025	76.60

	<u>1982/83</u>		<u>1983/84</u>		<u>1984/85</u>	
	No.	%	No.	%	No.	%
<u>Credit Practices</u>						
Re-possession	-	-	2	.06	-	-
Debt Collection	-	-	-	-	4	.08
Deposits and Lay-Bys	20	.56	7	.17	19	.47
Exorbitant or Incorrect Interest or Credit Charges	2	.06	1	.03	-	-
Over Commitment	-	-	-	-	-	-
Documentation Complaints	-	-	-	-	-	-
Rebates (Credit and Insurance)	3	.08	1	.03	-	-
Other	-	-	-	-	5	.11
	<hr/>		<hr/>		<hr/>	
SUB TOTAL	25	.70	11	.29	28	.70

Contracts

Harsh and Unconscionable Contracts	5	.14	-	-	-	-
Non Disclosure and Misrepresentation of Terms	99	2.79	121	3.05	101	2.56
Retention of Bonds	-	-	-	-	-	-
Other Landlord/Tenant Disputes	-	-	-	-	-	-
Disputes Concerning Cancellation of Contracts	39	1.10	100	2.52	68	1.70
Non Supply of Goods and Services	305	8.60	231	5.83	237	5.98
Non Performance Within a Reasonable Period	116	3.27	36	.90	134	3.39
Other	6	.17	-	-	9	.22
	<hr/>		<hr/>		<hr/>	
SUB TOTAL	570	16.07	488	12.30	549	13.90

Guarantees and Warranties

Statutory	-	-	-	-	4	.11
Express Warranties	10	.28	-	-	4	.11
Other	-	-	-	-	-	-
	<hr/>		<hr/>		<hr/>	
SUB TOTAL	10	.28	-	-	8	.20

	<u>1982/83</u>		<u>1983/84</u>		<u>1984/85</u>	
	No.	%	No.	%	No.	%
<u>Offers of Redress</u>						
Provision of Credit Note	-	-	-	-	-	-
Provision of a Replacement	2	.06	-	-	-	-
Repair - no Replacement or Refund	12	.34	5	.12	8	.22
No Refund Policy of Seller	109	3.07	46	1.16	19	.48
Insistence that Consumer Pay for Repair	53	1.49	2	.06	-	-
Other	-	-	-	-	8	.22
	<u>176</u>	<u>4.96</u>	<u>53</u>	<u>1.31</u>	<u>35</u>	<u>.90</u>
SUB TOTAL	176	4.96	53	1.31	35	.90
TOTAL	3548	100%	3962	100%	3949	100%

NOTE: Percentage sub-totals may not total exactly because of rounding of decimal places.

TABLE 5

SMALL CLAIMS TRIBUNALSAnalysis of Claims DeterminedProduct/Service Classification - 1984-85

<u>Food and Beverages</u>	<u>No.</u>	<u>% of Total</u>
Food Products	0	0.00
Beverages	1	0.03
	<hr/>	
SUB TOTAL	1	0.03
	<hr/>	
<u>Clothing, Footwear and Drapery</u>		
Clothing	155	3.92
Footwear	38	0.96
Accessories	16	0.41
Drapery	7	0.20
Other	9	0.23
	<hr/>	
SUB TOTAL	225	5.7
	<hr/>	
<u>Consumer Durables</u>		
Electrical Goods, etc:		
Washing Machines, Dishwashers, Drying Cabinets	7	0.17
Stoves and Ovens	14	0.35
Refrigerators and Freezers	25	0.64
Air Conditioners	9	0.23
Heaters	145	3.68
Small Appliances	1	0.03
Hot Water Systems	4	0.12
T.V. Radio, Hi-Fi, etc.	68	1.71
Used Electrical Goods, etc.	88	2.23

<u>Consumer Durables</u> (continued)	<u>No.</u>	<u>% of Total</u>
Furniture	141	3.57
Furnishings:		
Carpets and Other Floor Coverings	55	1.39
Curtains and Blinds	18	0.46
Other	180	4.56
Hardware and Kitchenware	17	0.44
Other	18	0.46
	<hr/>	
SUB TOTAL	790	20.0
	<hr/>	
<u>Motor Vehicles and Other Transport Equipment</u>		
New Motor Vehicles	82	2.09
Used Motor Vehicles	220	5.57
Parts and Accessories	82	2.09
Motor Bikes	9	0.23
Other Transport Equipment	28	0.73
Caravans and Campervans	9	0.23
Other	60	1.54
	<hr/>	
SUB TOTAL	490	12.4
	<hr/>	

Repair and Servicing of Motor
Vehicles

	No.	% of Total
Mechanical	69	1.74
Electrical	9	0.23
Panel Beating	38	0.96
Other	318	8.07
SUB TOTAL		434 11.0

Building and Construction

New Homes	106	2.70
Extensions and Renovations: Concreting, Blockwork Brickwork, etc.	70	1.78
Fences and Walls	30	0.75
Carpentry	10	0.26
Painting and Decorating	15	0.38
Plumbing	14	0.35
Electrical Work	9	0.23
Roofing and Insulation	19	0.49
Cladding	5	0.12
Other	581	14.71
Supply of Packages, Kitchens, Garages, etc.	9	0.23
Building Products	63	1.60
Swimming Pools	64	1.62
Gardening	42	1.07
Other	6	0.15
SUB TOTAL		1043 26.4

<u>Miscellaneous Products</u>	<u>No.</u>	<u>% of Total</u>
Gambling, Lotteries	2	0.06
Communications - Newspapers, Books, Periodicals, etc.	49	1.25
Office Equipment	1	0.03
Sporting Goods	32	0.81
Jewellery, Watches and Clocks Coins, Precious Metals	82	2.09
Toys and Musical Instruments	18	0.46
Photographic Equipment	10	0.26
Video	2	0.06
Chemical Products	12	0.32
Animals, Pets and Livestock	10	0.26
Personal Appliances	8	0.20
Other	7	0.17
	<hr/>	
SUB TOTAL	233	5.9
	<hr/>	
<u>Transport and Energy Services</u>		
Post and Telephone Services	1	0.03
Transport	52	1.31
Fuel Supplies	8	0.20
Travel	73	1.86
	<hr/>	
SUB TOTAL	134	3.4
	<hr/>	
<u>Insurance</u>	103	2.61
<u>Finance</u>	27	0.67
	<hr/>	
SUB TOTAL	130	3.3
	<hr/>	

<u>Real Estate and Accommodation</u>	<u>No.</u>	<u>% of Total</u>
Investment	1	0.03
Lease and Rental	5	0.12
Short Term Accomodation	17	0.44
Other	13	0.32
	<hr/>	
SUB TOTAL	36	0.9
	<hr/>	
<u>Miscellaneous Services</u>		
Professional Services	58	1.48
Semi-Professional Services	270	6.85
Laundry and Dry Cleaning	73	1.86
Other Household Services	10	0.26
Educational	13	0.32
Other	9	0.23
	<hr/>	
SUB TOTAL	433	11.0
	<hr/>	
GRAND TOTAL	3949	100
	<hr/>	

Note: Percentage sub-totals may not total exactly 100% due to rounding of decimal places.

TABLE 6

Small Claims TribunalsAnalysis of Claims DeterminedProduct/Service Classification - 1982/83 to 1984/85

	<u>1982/83</u>		<u>1983/84</u>		<u>1984/85</u>	
	No.	%	No.	%	No.	%
<u>Food and Beverages</u>						
Food Products	-	-	3	.09	0	.00
Beverages	-	-	2	.06	1	.03
Other	1	.03	-	-	-	-
SUB TOTAL	1	.03	5	.15	1	.03
<u>Clothing, Footwear and Drapery</u>						
Clothing	150	4.23	122	3.25	155	3.92
Footwear	47	1.32	47	1.24	38	.96
Accessories	5	.14	10	.27	16	.41
Drapery	14	.39	13	.33	7	.20
Other	5	.14	11	.30	9	.23
SUB TOTAL	221	6.23	203	5.39	225	5.70
<u>Consumer Durables</u>						
Electrical Goods, etc:						
Washing Machines, Dishwashers, Drying Cabinets	22	.62	11	.30	7	.17
Stoves	10	.23	23	.61	14	.35
Refrigerators and Freezers	28	.59	29	.76	25	.64
Television	19	.34	16	.43	-	-
Air Conditioners	33	.93	23	.61	9	.23
Heaters	31	.87	34	.91	145	3.68
Small Appliances	3	.08	2	.06	1	.03
Hot Water Systems	-	-	-	-	4	.12
Television, Radio, Hi-Fi etc.	35	.99	41	1.09	68	1.71
Used Electrical Goods etc.	9	.25	24	.64	88	2.23
Other	24	.68	31	.82	-	-

	<u>1982/83</u>		<u>1983/84</u>		<u>1984/85</u>	
	No.	%	No.	%	No.	%
<u>Consumer Durables - (cont.)</u>						
Furniture	103	2.90	136	3.61	141	3.57
Furnishings:						
Carpets and Other Floor Coverings	131	3.69	147	3.92	55	1.39
Curtains and Blinds	60	1.69	53	1.40	18	.46
Other	7	.20	18	.49	180	4.56
Hardware and Kitchenware	7	.20	14	.36	17	.44
Other	14	.39	3	.09	18	.46
SUB TOTAL	536	15.11	605	16.10	790	20.00

Repair of Electrical Goods, etc.

Washing Machines, Dishwashers, Drying Cabinets	33	.93	45	1.18	Figures for 1984/85 under Consumer Durables
Stoves	7	.20	2	.06	
Refrigerators and Freezers	31	.87	30	.79	
Television	36	1.01	34	.91	
Air Conditioners	12	.34	3	.09	
Small Appliances	3	.08	5	.12	
Radio, Hi-Fi, etc.	22	.62	13	.33	
Other	21	.59	11	.30	
SUB TOTAL	165	4.65	143	3.78	

Motor Vehicles and Other Transport Equipment

New Motor Vehicles	48	1.35	63	1.67	82	2.09
Used Motor Vehicles	157	4.43	248	6.59	220	5.57
Parts and Accessories	52	1.47	56	1.49	82	2.09
Motor Bikes	24	.68	23	.61	9	.23
Other Transport Equipment:						
Caravans and Campervans	10	.28	13	.33	9	.23
Other	48	1.35	30	.79	28	.73
Other	3	.08	2	.06	60	1.54
SUB TOTAL	342	9.64	435	11.54	490	12.40

	<u>1982/83</u>		<u>1983/84</u>		<u>1984/85</u>	
	No.	%	No.	%	No.	%
<u>Repair and Servicing of Motor Vehicles</u>						
Mechanical	317	8.93	327	8.68	69	1.74
Electrical	6	.14	3	.09	9	.23
Panel Beating	52	1.47	72	1.91	38	.96
Other	<u>39</u>	<u>1.10</u>	<u>53</u>	<u>1.40</u>	<u>318</u>	<u>8.07</u>
SUB TOTAL	413	11.64	455	12.08	434	11.00
<u>Building and Construction</u>						
New Homes	52	1.47	49	1.31	106	2.70
Extension and Renovations:						
Concreting, Blockwork Brickwork, etc.	192	5.41	298	7.92	70	1.78
Fences and Walls	64	1.80	79	2.09	30	.75
Carpentry	22	.62	29	.76	10	.26
Painting and Decorating	52	1.47	72	1.91	15	.38
Plumbing	76	2.14	88	2.34	14	.35
Electrical Work	26	.73	19	.52	9	.23
Roofing and Insulation	45	1.27	87	2.31	19	.49
Cladding	26	.73	27	.73	5	.12
Other	64	1.80	32	.85	581	14.72
Supply of Packages, Kitchens, Garages, etc.	36	1.01	46	1.21	9	.23
Building Products	83	2.34	77	2.03	63	1.60
Swimming Pools	33	.93	37	.97	64	1.62
Gardening	33	.93	37	.97	42	1.07
Other	<u>7</u>	<u>.20</u>	<u>7</u>	<u>.18</u>	<u>6</u>	<u>.15</u>
SUB TOTAL	811	22.86	984	26.10	1043	26.40
<u>Miscellaneous Products</u>						
Gambling, Lotteries	-	-	-	-	2	.06
Communications - Newspapers, Books, Periodicals, etc.	47	1.32	46	1.21	49	1.25
Tools and Equipment	5	.14	6	.15	-	-
Office Equipment	-	-	-	-	1	.03
Sporting Goods	22	.62	37	.97	32	.81

	<u>1982/83</u>		<u>1983/84</u>		<u>1984/85</u>	
	No.	%	No.	%	No.	%
<u>Miscellaneous Products - (cont.)</u>						
Jewellery, Watches and Clocks Coins, Precious Metals	62	1.75	72	1.91	82	2.09
Toys and Musical Instruments	10	.28	18	.49	18	0.46
Photographic Equipment	14	.39	7	.18	10	0.26
Video	-	-	-	-	2	0.06
Chemical Products	9	.25	6	.15	12	0.32
Animals, Pets and Livestock	29	.82	19	.52	10	0.26
Personal Appliances	-	-	-	-	8	0.20
Other	7	.20	1	.03	7	0.17
	SUB TOTAL		205	5.77	212	5.61
<u>Transport and Energy Services</u>						
Post and Telephone Services	-	-	-	-	1	0.03
Transport	-	-	-	-	52	1.31
Fuel Supplies	17	.48	9	.24	8	0.20
Travel	66	1.86	41	1.09	73	1.86
Other	74	2.09	32	.85	-	-
	SUB TOTAL		157	4.43	82	2.18
<u>Insurance</u>	129	3.64	98	2.61	103	2.61
<u>Finance</u>	9	.25	14	.36	27	0.67
	SUB TOTAL		138	3.90	112	3.0
<u>Real Estate and Accomodation</u>						
Investment	-	-	-	-	1	0.03
Purchase	-	-	1	.03	-	-
Lease and Rental	2	.06	2	.06	5	0.12
Short Term Accomodation	17	.48	17	.46	17	0.44
Other	3	.08	8	.21	13	0.32
	SUB TOTAL		22	.62	141	3.73
			36	0.90		

	<u>1982/83</u>		<u>1983/84</u>		<u>1984/85</u>			
	No.	%	No.	%	No.	%		
<u>Miscellaneous Services</u>								
Professional Services	105	2.96	87	2.31	58	1.48		
Semi-Professional Services	195	5.50	120	3.19	270	6.85		
Laundry and Dry Cleaning	109	3.07	190	5.04	73	1.86		
Other Household Services	45	1.27	57	1.52	10	0.26		
Educational	50	1.41	16	.43	13	0.32		
Entertainment, Restaurant, Catering	19	.54	19	.52	-	-		
Other	14	.39	11	.30	9	0.23		
	SUB TOTAL		537	15.14	500	13.31	433	11.0
	TOTAL		3548	100%	3765	100%	3949	100%

NOTE: Percentage sub-totals may not total exactly because of rounding of decimal places.

T A B L E 7
CUSTOMER INFORMATION SERVICES BRANCH
- ENQUIRY HANDLING STATISTICS 1984/85

<u>AVERAGE NUMBER OF ENQUIRIES HANDLED PER DAY</u>		527
<u>TOTAL NUMBER OF ENQUIRIES HANDLED</u>		131,133
	<u>Consumer Affairs</u>	<u>Residential Tenancies</u>
- Written Enquiries	212	34
- Counter Enquiries	4,836	4,472
- Telephone Enquiries	71,732	49,847
 <u>TELEPHONE ENQUIRIES</u>		
Average number of calls offered per day	435	263
Average number of calls abandoned per day (9.00 a.m. to 4.30 p.m.)	147	63
Average number of calls handled per day	288	200
Average wait before calls abandoned	3.2 min.	2.9 min.
Average longest wait before calls abandoned	24 min.	16 min.
Average wait before calls handled	9.3 min.	5.7 min.
Average duration of calls	3.9 min.	3.8 min.

T A B L E 8

CUSTOMER INFORMATION SERVICES BRANCH
ANALYSIS OF ENQUIRIES 1984/85

	GENERAL TRADER GIVEN	ADVICE CONTACT GIVEN	LODGE WRITTEN COMPLAINT	APPT. MADE TO TRIBUNALS	REFERRED PAMPHLETS GIVEN	REFERRED TO OTHER ORG.	TOTAL
	%	%	%	%	%	%	%
CONSUMER AFFAIRS							
BUILDING & ALLIED TRADES	5.65	.14	.55	.27	.44	.01	7.16
VEHICLE REPAIRS, WARRANTY	3.50	.18	.40	.22	.40	.01	6.76
VEHICLE PURCHASE (NEW/USED)	4.11	.15	.15	.14	.07	.04	4.70
APPLIANCES	5.30	.59	.49	.12	.17	.02	6.72
CLOTHING, FOOTWEAR, JEWELLERY	3.78	.06	.37	.09	.16	.01	4.49
FURNITURE, CARPETS, DRAPES	.03	.12	.24	.06	.14	.03	.65
PRODUCT/TRADER REPUTATION	3.42	.03	.05	.02	.02	.06	3.61
PERSONAL SERVICES	3.06	.10	.22	.04	.14	.02	3.62
PROFESSIONAL SERVICES	1.22	.01	.04	.02	.02	.00	1.36
INSURANCE	1.52	.04	.07	.02	.01	.06	1.75
TRAVEL/HOLIDAY ACCOMMODATION	.98	.01	.02	.02	.01	.04	1.09
FINANCE	.80	.01	.06	.09	.02	.01	1.00
MAIL ORDER	.70	.04	.07	.01	.00	.02	.86
DOOR TO DOOR SALES	.54	.00	.02	.00	.00	.00	.58
PRICING	.63	.01	.01	.00	.00	.00	.65
ADVERTISING	.44	.01	.04	.00	.01	.00	.49
LAYBY	.50	.01	.01	.00	.00	.02	.54
PRODUCT SAFETY	.34	.00	.01	.00	.00	.00	.36
CREDIT NOTES	1.28	.01	.01	.00	.01	.14	1.46
OTHER	10.86	.06	.07	.02	.13	.12	11.41
SUB-TOTAL	50.68	1.58	2.91	1.14	1.74	.61	59.28
RESIDENTIAL TENANCIES							
	Landlord	Tenant					
FORMS, LEASES, ETC.	4.82	3.33	.01	.05	.30	1.30	9.81
SECURITY DEPOSITS	1.97	4.80	.00	.21	.03	.23	7.32
RENT	1.70	3.41	.00	.04	.05	.14	5.37
REPAIRS	1.36	4.11	.00	.06	.07	.50	6.11
QUIET ENJOYMENT	.68	1.66	.00	.05	.02	.04	2.48
TERMINATION	3.69	5.71	.01	.02	.11	.37	9.92
SUB-TOTAL	14.21	23.01	.03	.37	.62	2.57	41.01
GRAND TOTAL	14.21	73.69	1.61	3.28	1.33	3.19	62.100.29

* Statistics expressed as a percentage of total number of enquiries received for the period.

NOTE: Percentages do not add up to exactly 100% due to rounding

TABLE 9

REGIONAL SERVICES 1984/85

REGION	No. of Visits to Region	No. of complaints Taken	No. of Enquiries Personal Telephone Total	No. of Investigations/ Inspections	No. of Educational Kits Distributed	No. of Talks	No. of Training Programs	No. of Media Cont-acts	Total		
BARWON	25	74	345	204	549	74	55	1	5	2	760
CENTRAL HIGHLANDS	13	35	218	125	343	93	7	-	2	1	481
CENTRAL GIPPSLAND	13	24	110	53	163	1	11	1	1	3	204
EAST GIPPSLAND	5	9	48	-	48	-	20	1	1	1	80
GLENELG	12	29	214	-	214	26	101	2	1	6	379
GOULBURN	5	-	46	-	46	-	7	-	-	3	56
LODDON CAMPASPE	12	13	137	102	239	16	14	2	4	3	291
MALLEE	7	10	161	2	163	4	3	2	3	3	188
UPPER MURRAY	12	20	125	33	158	39	33	1	-	2	253
WIMMERA	9	10	99	-	99	51	26	-	2	2	190
WESTERN SUBURBS (FOOTSCRAY OFFICE)	N/A	614	1907	3503	5410	31	27	10	-	1	6093
TOTALS	113	838	3410	4022	7432	335	304	20	19	27	8975

TABLE 10WESTERN SUBURBS REGIONAL OFFICE - FOOTSCRAY - 1984/85

Telephone enquiries	3503
Interviews	529
Complaints lodged	614
Pamphlets - Kits distributed	27
Visitors to Office	17
Visits to Community Groups	27
Visits to Traders	47
Inspections	31
Breach Investigations	-
Media	1
Speaking engagements	<u>8</u>
TOTAL OCCASIONS OF SERVICE	<u><u>4804</u></u>

TABLE 11LIST OF MINISTRY PUBLICATIONS

The Ministry of Consumer Affairs has produced a wide range of literature and resource material which is available to individuals, consumer groups, industries and schools at no charge.

The titles of the 16 booklets, 16 brochures and 8 videos and films are as follows:

BOOKLETS

What You Should Know About:

- Buying a Car
- Carpets
- Funerals
- Household Removals
- Household Appliances

Be Sure Before You Sign

Small Claims Tribunals

Your Rights as a Consumer (also available in Arabic, Italian, Greek, Maltese, Serbo-Croatian, Spanish, Vietnamese, Turkish)
Residential Tenancies booklets

Your Guide to the New Credit Laws:

- A Fascinating Pamphlet on the New Credit Laws
- Your Contract
- What To Do If You Can't Pay
- Repossession and Being Sued
- Going Guarantor
- Insurance.

BROCHURES

Case Studies and Teachers' Notes

Bag Searches

Pyramid Selling

Door to Door Sales

The Market Court

Secondhand Vehicle Check List

Goods Sales & Leases Act (brief explanatory notes)

Lay-by Guidelines

Use of Credit Notes

Residential Tenancies Act 1980

- Gaining Possession of Premises Occupied Without Consent
- Abandoned Goods
- Security Deposits (Bonds)
- Tenancy Agreements

Mail Order

Ministry of Consumer Affairs: Services Provided.

POSTERS

Be a Responsible Consumer (available in seven languages)

The New Credit Laws.

FILMS AND VIDEOS AVAILABLE FROM THE MINISTRY

- "Rip-Offs" (16 mm and 35 mm)
- "Buyer Beware" (16 mm and 35 mm)
- "Buyer Beware" (Video 3/4" and 1/2" tape in eight languages)
- "Good Buy" (16 mm) - 2 copies
- "Six Billion \$ Sell" (16 mm) - U.S.
- "Kicking Tyres is Not Enough" or "How to Buy a Used Car" (16 mm) U.S.
- "Consumer Power: Advertising" (16 mm) U.S.
- "Steering Clear of Lemons" (16 mm) U.S.
- "Alice in Label Land" (16 mm) U.K.

TABLE 12

LIST OF PUBLIC OFFICE HOLDERS WHO DECLARED THEIR PECUNIARY INTERESTS
TO THE MINISTER

David Hall	- Director
Judith O'Neill	- Assistant Director - Policy
Narelle Kennedy	- Assistant Director - Education & Community Programs
Andrew Levens	- Assistant Director - Management & Information Services
Carolyn Mather	- Assistant Director - Regulation & Standards
Andrew Lachowicz	- Senior Advisor - Directorate
Joseph Nieuwenhuizen	- Personal Assistant to the Minister
Karen Goldhahn	- Confidential Secretary to the Minister
Susan Mueller	- Private Secretary to the Minister

Other persons who have made declaration of pecuniary interests are:

Mr M Levine	Mr H Lander
Mr G Johnstone	Mr B Barnfield
Mr G Levine	Mr F Wray
Ms K Dimtscheff	Mr J Trevenen
Mr K Bell	Mr J Heward
Mr F Plata	Ms F Harris
Ms R Musolino	Mr D Murden
Mr W Holloway	Mr C Muskens
Mr J Lesser	Mr R Viney
Mr R McMullin	Mr R Armitage
Mr J Myers	Mr C Kent
Ms M Rizkalla	Mr B Revill
Ms J Slattery	Mr J Fulton
Mr A Duggan	Ms M Hansen
Mr M Reed	Mr P Hassall
Ms M Roberts	Mr D Jones
Mr M Sherry	Ms C Laffey
Mr G Williams	Ms D Levison
Ms I Willmott	Ms E McNamara
Mr W Ford	Ms J Maher
Mr B Pittard	Mr G Bickley
Mr H Hanssen	Mr K Lee
Ms M Slade	Ms L Darvall

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TABLE 13
LEGISLATION ASSIGNED TO
THE MINISTRY OF CONSUMER AFFAIRS

- Disposal of Uncollected Goods Act 1961
- Building Contracts (Deposits) Act 1962
- Consumer Affairs Act 1972
- The Ministry of Consumer Affairs Act 1973
- Small Claims Tribunals Act 1973
- Motor Car Traders Act 1973
- Market Court Act 1978
- Credit Reporting Act 1978
- Residential Tenancies Act 1980
S 7, Part 11, Ss 64, 71, 77(4)-(7), 96, 100, 101, 105,
106, 108, 111, 112, 113, 127-135, 136(4)-(6) and Part VI.
- Employment Agents Act 1983
- Weights and Measures Act 1958, excluding section 58B
- Chattel Securities Act 1981 Parts 1 & 2.
- Credit Act 1984
- The Credit (Administration) Act 1984
- Local Government Act 1958 (Part XLIX, Division 1A- House
Builders' Liability)
- Finance Brokers Act 1969.

TABLE 14VICTORIAN CONSUMER AFFAIRS COMMITTEECHAIRPERSON:

Mr. William M. Ford.

Mr. Ford is Director of Administration and Finance for the Brotherhood of St. Laurence. As such he is a member of the Executive Committee and Secretary to the Board of the Brotherhood, as well as being a Director of Hanover Welfare Services. He commenced with the Brotherhood in 1978, prior to which he had an extensive background in business. He is a Fellow of the Australian Society of Accountants.

ORGANISATIONAL REPRESENTATIVES:

There were 63 nominations received from 59 organisations for the 8 organisational positions on the Committee.

Mr. Rod Armitage, Australian Finance Conference (A.F.C.)

Mr. Armitage is Federal Secretary of the A.F.C. and has specific interests in the area of consumer credit.

Mr. John Fulton, Direct Selling Association of Australia (D.S.A.A.)

Mr. Fulton has been Executive Director of the D.S.A.A. and is Vice-Chairman of the World Federation of Direct Selling Associations. In conjunction with the Ministry of Consumer Affairs and the Victorian Commercial Teachers Association, he assisted in the creation of the Schools Consumer Education Quest. His nomination was also supported by the Victorian Chamber of Manufacturers.

Ms. Dorothy Leviston, Victorian Chamber of Commerce and Industry.

Ms. Leviston has managed her own business for 27 years, has previously served on a number of Government Inquiries dealing with the retail industry and is also a Council Member for Frankston TAFE.

Ms. Mary Hansen, Tenants Union of Victoria.

Ms. Hansen has been a tenants' adviser and policy worker with the Tenants Advice Service for over 2 years. She has extensive experience in all aspects of tenancy law and practice.

Dr. Leanna Darvall, Australian Consumers Association.

Dr. Darvall is a Senior Lecturer in Legal Studies at Latrobe University and has 14 years experience in researching and publishing of consumer law. She has worked with many Government Committees and is particularly interested in access for consumers.

Ms. Margaret Roberts, Consumer Credit Legal Service.

Ms. Roberts was also nominated by the Financial Counsellors Association, of which she is an Executive Member, and the Victorian Council of Social Service. She has worked extensively in the Western suburbs as a Financial Counsellor, with particular emphasis on credit problems.

Mr. Michael Sherry, Victorian Commercial Teachers Association (V.C.T.A.)

Mr. Sherry is the Executive Director of the V.C.T.A. He has particular expertise in consumer education.

Mr. Maurice Reed, Victorian Trades Hall Council.

Mr. Reed is Assistant Secretary of the Shop, Distributive & Allied Employees' Association.

AREA REPRESENTATIVES:

There were 108 nominations received for the 8 area positions on the Committee.

Area A (West, North-West, Inner Urban)

Ms. Janine Maher of Footscray.

Ms. Maher has a long record of involvement with community organisations in the Western suburbs, is a Member of the Bankruptcy Support Group and the Consumer Rights Action Group.

Area B (Outer East, North-East, and Inner East)

Mr. Paul Hassall of Northcote.

Mr. Hassall is a Financial Counsellor, consumer advocate and is extensively involved with the community.

Area C (Southern and Westernport)

Mr. Brian Pittard of Murrumbena.

Mr. Pittard is a Quality Engineer for Patons Brakes and has extensive management experience, with a Degree in Engineering.

Area D (Barwon and Glenelg)

Mr. George Williams of Geelong

Mr. Williams is a Bachelor of Social Work, has worked extensively as a Social Worker and Financial Counsellor. He has had extensive community involvement, particularly in the area of debt recovery and consumer credit.

Area E (Central Highlands and Wimmera)

Ms. Catherine Laffey of Ballarat.

Ms. Laffey has extensive community involvement in Ballarat and has established a Financial Counselling Service, a Community Based Toy Library, and has been Community Development Officer for the Ballarat Council of Social Service.

Area F (Loddon, Campaspe and Mallee)

Ms. Elaine McNamara of Bendigo.

Ms. McNamara, as State President of the Victorian Housing Officers' Association, set up the regional information network, was a Social Planner for the region 1974-79, and has served extensively on community based committees.

Area G (Goulburn, and Upper Murray)

Mr. David Jones of Kyabram.

Mr. Jones runs his own Stonemason and Fertilizer business, is involved with the local Family and Community Services Program (F.A.C.S.), Youth Club and Community Youth Support Scheme (C.Y.S.S.) and helped to establish the Plaza Theatre.

Area H (East and Central Gippsland)

Ms. Maureen Willmott of Paynesville (Bairnsdale).

Ms. Willmott has 20 years experience in the hotel industry, and is also a Member for the Working Party of the East Gippsland Information Centre.

As the above indicates, the Committee is representative of a broad cross-section of the community, i.e. female, male, industry and trader representatives, consumer representatives and community organisation representatives.

TABLE 15

CONSUMER AFFAIRS GRANTS SCHEMEAPPROVED PROJECTS, 1984-85

<u>Organisation</u>	<u>Purpose of Grant</u>	Amount \$
<u>Community Buying Advisory Service 117 Johnston Street COLLINGWOOD, VIC 3066</u>	Providing direct buying advice to the public on consumer goods and services, especially to low income consumers.	25,000
<u>Consumer Credit Legal Service 2nd Floor 174 Victoria Parade EAST MELBOURNE 3002</u>	Advising consumers and organisations on credit legislation, providing credit information, education and training material and activities, representing consumers before the Credit Tribunal and assisting the Ministry of Consumer Affairs in the implementation of Credit legislation.	39,000
<u>Consumer Rights Action Group P.O.Box 77 BRAYBROOK, VIC 3019</u>	Operating and organising Consumer Rights Action Group branches and producing consumer education materials.	6,000
<u>Financial Counsellors Association 2nd Floor, 174 Victoria Parade EAST MELBOURNE 3002</u>	Producing a credit practice manual, conducting training programs for financial counsellors and other workers on the operation of the Credit Acts and providing advice and assistance to groups of low income consumers.	15,000
<u>Victorian Commercial Teachers Association 33-37 Hotham Street COLLINGWOOD, VIC 3066</u>	Maintaining a reference library on consumer education resource materials and assisting with the publication and distribution of a consumer education newsletter in post-primary schools	8,000
<u>Budget Advisory Service Consumer Information Bank 80 Gheringhap Street GEELONG VIC 3220</u>	Extending public access to data held on the Consumer Information Bank, providing consumer advice and information, promoting awareness of consumer issues, and building networks of consumer services in the Barwon Region.	17,100

<p>East Gippsland Family Support Centre 54 Francis Street <u>BAIRNSDALE VIC 3875</u></p>	<p>Providing an information, advice and referral service on consumer affairs and assisting in consumer and trader education and consumer complaint handling in the East Gippsland Region.</p>	5,800
<p>Glenelg Regional Information Network P.O. Box 731 <u>WARRNAMBOOL VIC 3280</u></p>	<p>Computerising consumer affairs data to assist in the provision of consumer information and advice to the public in the Glenelg Region.</p>	1,000
<p>Shepparton and Benalla Regional Financial Counselling Service 162 Maude Street <u>SHEPPARTON VIC 3630</u></p>	<p>Preparing and presenting lectures on consumer affairs and consumer credit issues to schools and other organizations in the Goulburn Region.</p>	2,000
<p>Prahran Community News and Prahran Community Information Task Force 67 High Street <u>PRAHRAN VIC 3453</u></p>	<p>Publishing consumer information in English and community languages in the Prahran Community News and in the form of information sheets and newsletters.</p>	1,800
<p>3CCC FM Station Street <u>HARCOURT VIC 3453</u></p>	<p>Researching, producing and presenting a weekly consumer affairs program on 3CCCFM.</p>	4,000
<p>West Heidelberg Community Health & Welfare Centre 20 Morobe Street <u>WEST HEIDELBERG, 3081</u></p>	<p>Organising low income consumers to work on consumer issues and to gain skills and knowledge to act on their own behalf as disadvantaged consumers.</p>	8,000
<p>Community Based and Self Help Groups Steering Committee Brunswick Neighbourhood House, c/o 18 Garden Street, <u>BRUNSWICK VIC 3056</u></p>	<p>Producing a multilingual buyers kit for the City of Brunswick.</p>	4,700
<p>Moorabbin Citizens Advice and Aid Bureau 12 Katoomba Street <u>MOORABBIN VIC 3189</u></p>	<p>Operating a voluntary consumer information, referral and complaint handling service for the Moorabbin area.</p>	1,500

Wimmera Citizens Advice Bureau 23B Roberts Avenue <u>HORSHAM VIC 3400</u>	Providing a consumer information and referral service, educating and informing local volunteers, traders, consumers and the general public about matters and acting as a liaison and referral point for the services of the Ministry of Consumer Affairs for the Wimmera Region.	6,100
	<u>Total</u>	<u>\$145,000</u>

TENANCY GRANTS
APPROVED PROJECTS, 1984/85

Tenants Advice Service 80 Johnston Street <u>FITZROY VIC 3065</u>	Towards the costs of providing tenancy information advice and referral services in Melbourne and in selected regional areas and to undertake community consultations, policy advice and public education activities.	115,000
	To maintain the above tenancy advice services up to December 1985.	57,750
Accommodation for Mildly Intellectually Disadvantaged Adults (AMIDA)	Towards the costs of providing tenancy advice services for intellectually disadvantaged adults and contributing to tenancy policy issues.	30,000
Bayside Tenants Information Service	Towards the costs of providing direct tenancy information, advice and referral service, conducting training sessions on tenancy matters and consulting on and contributing to work on tenancy policies and issues in the Frankston, Mornington, Flinders, Hastings and Chelsea municipalities.	34,000
	<u>Total</u>	<u>\$237,250</u>
	<u>Total Grants 1984/85</u>	<u>\$382,250</u>

PART VIIFREEDOM OF INFORMATION ARRANGEMENTSRequests

During the 1984-85 financial year, the Ministry dealt with 58 requests made under the Freedom of Information Act. These requests had the following results:

Access granted	32
Request transferred to another agency	1
Access granted in part only	20
Access denied	5

Access was denied in full or in part for the following reasons:

The agency does not possess the document (S3.1b).

The information requested pertains to the judicial functions of a court (S6).

Access in the form requested by the applicant would interfere unreasonably with the operations of the agency, or the performance by the Minister of his functions (S23.3a).

Access in the form requested by the applicant would be detrimental to the preservation of the document or having regard to the physical nature of the document, would not be appropriate (S23.3b).

Disclosure of the document would divulge evaluative material prepared during the governmental deliberative process of officers and Ministers and would be contrary to the public interest (S30.1).

The document is subject to legal professional privilege (S32.1).

Disclosure of the document would involve the unreasonable disclosure of the personal affairs of a third party (S33.1).

Disclosure of the document would disclose information acquired by an agency from a business, commercial or financial undertaking, which

would expose the undertaking to disadvantage (S34.1b).

Disclosure would divulge material communicated in confidence by a person or government, which would be reasonably likely to impair the ability of an agency to obtain such information in the future (S35.1b).

Applicants were notified regarding initial decisions as to whether or not access would be granted within the following intervals:

0- 15 days	25
16- 30 days	15
31- 45 days	18

During the period under review, two applicants sought an internal review of a decision in accordance with S51 of the Act. In both cases, the original decision was upheld by the reviewing officer.

In addition, one other request is currently the subject of an application to the Administrative Appeals Tribunal. The application is yet to be heard.

The Ministry levied charges of \$148.20 in respect of 10 of the 58 requests. In addition, charges are yet to be assessed in respect of 5 of the requests.

In the remaining cases, charges were waived on the following grounds:

By agency decision	13
Request by Member of Parliament	21
Request deemed to be in public interest	5
Request deemed to be routine	2
Financial hardship of applicant	2

FOI INTERNAL PROCEDURES

For the purposes of the Freedom of Information Act there are three Prescribed Authorities within the Consumer Affairs portfolio:

<u>Prescribed Authority</u>	<u>Principal Officer</u>	<u>Authorised Officer(s)</u>
Ministry of Consumer Affairs	Director	Information Manager Asst Information Manager

Motor Car Traders
Committee

Chairman

Secretary

Credit Licensing
Authority

Chairman

Licensing Registrar

The handling of all FOI requests is co-ordinated by the Departmental Information Manager.

Procedures have been instituted in the Department's Central Registry to ensure that FOI requests are extracted from the bulk of correspondence, registered, acknowledged and passed to the appropriate authorised officer within one working day of receipt.

All responses to applicants are monitored by the Information Manager to ensure that the requirements of the legislation are fully observed.

FOI STAFF TRAINING AND DEVELOPMENT

Appropriate Ministry staff have attended a total of 10 training courses conducted both by the Law Department and by external agencies.

Internal training sessions are planned in order to make all Ministry staff more aware of the implications of FOI legislation.

FOI PART II STATEMENT

As required by Part II of the FOI Act, a detailed statement has been prepared on the following aspects of each Prescribed Authority:

- Organisation and Functions
- Categories of Documents
- FOI Arrangements
- Publicity Services
- Procedures And Guidelines Used in Decision-Making
- Report Literature

The Part II Statement is currently undergoing a process of review and up-dating in accordance with the requirements of S7.1b of the Act.

Copies of the Part II Statement are available for inspection in the Ministry's Library or, for purchase, from the Information Manager.

TABLE 16

Persons Employed as Reported to the Department
of Management and Budget in the June 1985 Return

	<u>Males</u>	<u>Females</u>	<u>Total</u>
Full-time	92	71	163
Part-time	11	11	22
Total	<u>103</u>	<u>82</u>	<u>185</u>