

Annual Report 1999

2000

Commissioner for Consumer Affairs





31 October 2000

To the Honorable  
The Minister for Consumer Affairs

I have pleasure in submitting to you my annual report for the period ending 30 June 2000 under the following Acts:

Building Work Contractors' Act 1995; The Carriers' Act 1891; Consumer Credit (South Australia) Act 1995; Consumer Transactions Act 1972; Conveyancers Act 1994; Credit Administration Act 1995; Fair Trading Act 1987; Hairdressers Act 1988; Land Agents Act 1994; Land and Business (Sale and Conveyancing) Act 1994; Land Valuers Act 1994; Manufacturers' Warranties Act 1974; Misrepresentation Act 1972; Plumbers, Gas Fitters and Electricians Act 1995; Prices Act 1948; Residential Tenancies Act 1995; Retail Shop Leases Act 1995; Second-hand Vehicle Dealers Act 1995; Security and Investigation Agents' Act 1995; Trade Measurement Act 1993; Trade Measurement (Administration) Act 1993; Trade Standards Act 1979; Travel Agents Act 1986.

I also report under Section 8a of the Companies (Administration) Act 1982 and Section 49 (7) of the Evidence Act 1929, the administration of the Associations Incorporation Act 1985; Business Names Act 1996; Co-operatives Act 1997 and the Starr Bowkett Societies Act 1975 and certain functions in relation to the Partnership Act 1891; Da Costa Samaritan Fund (Incorporation of Trustees) Act 1953; Maralinga Tjarutja Land Rights Act 1984; Pitjantjatjara Land Rights Act 1981 and the Trustee Companies Act 1988



Mark Bodycoat  
Commissioner for Consumer Affairs  
Commissioner for Prices  
Commissioner for Corporate Affairs



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# Introduction

In 1998, the Office of Consumer and Business Affairs (OCBA) set itself several goals:

- fostering a fair, competitive and informed marketplace in cooperation with consumers and the business community;
- regulating a range of defined business activities; and
- maintaining business and civil records for South Australia.

Its objective in doing so was to see the development of a South Australian community which could do its business safely, fairly and competitively, in a well-informed marketplace. It published the OCBA Development Plan 1998 - 2000 which outlined how these things would be done, and effectively set itself three years in which to achieve its goals.

The life of the Development Plan will shortly come to an end, so it is timely to reflect on the progress made over the last three years.

One feature of the Development Plan was a focus on streamlining processes within OCBA and reducing the regulatory burden on businesses. This was a feature strongly influenced by initiatives such as competition policy reform, which led to a number of legislation reviews being undertaken in pursuit of the State's commitment to the principles set out in the National Competition Policy Package. These reviews, and the reviews forming part of the portfolio legislation review in 1995, have brought about significant change in the legislative structure within which OCBA operates. This is most apparent in the occupational licensing and business-related fields in which OCBA has a presence, and is reflected in the consolidation of licensing functions, and in the simplification and standardisation of significant parts of the licensing legislation.

These changes have also been supported with important operational and administrative reform, introducing such advances as revised and improved licence cards, better access to photographic facilities for licensees' renewals, and the development of systems to support e-commerce, such as online renewal of business names. This year OCBA also laid the groundwork for future improvements, which will include further revision of the licence application and renewal processes, with a view to making them simpler, more efficient and more effective, and additional e-commerce applications. Together, the improvements made during the year have had a significant effect in reducing the regulatory burden on the businesses with which OCBA deals. The effect will be ongoing, and OCBA will continue to pursue improvements to service in this area.

During the year, OCBA responded to perceptions of a lack of enforcement support for compliance-oriented activities by establishing a new branch, with a regulatory and compliance focus, including a specialist compliance unit. The Corporate Affairs and Compliance Branch was formed with a view to increasing compliance activity and giving it a sharper focus in the context of OCBA's ongoing operations.

Compliance has both active and reactive elements, requiring a balance between prevention of inappropriate or illegal conduct, and the application of sanctions where such conduct has occurred. OCBA's approach to compliance contains both these elements. Benefits of the creation of the branch have already been obvious, and include improved follow-up of compliance issues related to licensed occupations, increased prosecution and disciplinary activities in appropriate areas, and (in coordination with other branches) boosted education and information initiatives in significant fields.

During the year OCBA dealt with numerous requests for information and advice across the entire range of its service areas. It opened several thousand complaint files, reflecting a high and ongoing demand for assistance in resolving disputes, and answered hundreds of thousands of calls seeking advice and information. Detailed figures are set out in the body of this report .

The on-going demand for conciliation, negotiation and advice services highlights several issues for OCBA to address. Clearly its ability to provide information and advice remains a valuable community resource. However, increasing globalisation, with its inevitable effect of reducing the significance of territorial boundaries has the potential to reduce OCBA's ability to provide relevant assistance in resolving some disputes. The approaches of agencies operating in the consumer affairs field have been shaped by territorial boundaries, and geographical limitations on their powers. But increasingly mobile populations, changing communications and current business techniques have required agencies like OCBA to look to new approaches, not only in regulatory activities, but also in dealing with conciliation and other dispute resolution issues. Amongst these, education and the availability of information have a particular prominence. OCBA expects to devote a considerable amount of time and energy in the forthcoming year to education and information oriented activities.

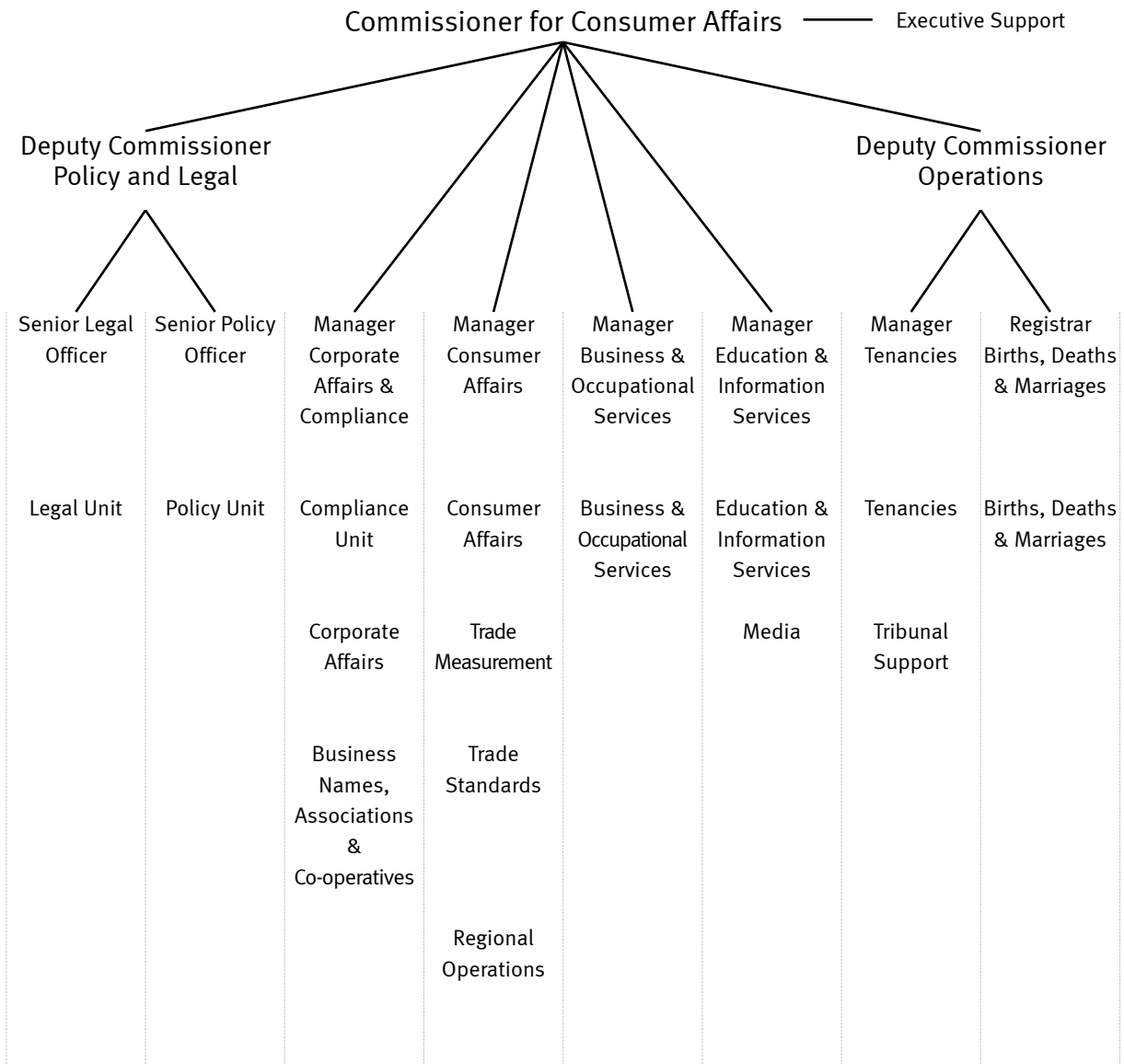
This has been a challenging year, in which the developments outlined have been paralleled by behind-the-scenes improvements in management and business systems and significant personnel changes in OCBA's senior management. Other projects and activities described in earlier annual reports have also continued. These have placed substantial demands on OCBA staff. They have responded admirably. I would like to place on record my thanks for their efforts.

I look forward to a busy and productive year in 2000 - 2001.



Mark Bodycoat  
Commissioner for Consumer Affairs  
Commissioner for Prices  
Commissioner for Corporate Affairs

# Organisation Chart



# Terminology

**Consumer** . . . a person who

- (a) acquires, or proposes to acquire, goods or services; or
- (b) purchases or leases, or proposes to purchase or lease premises, not being a person acting in the course of a business or in the course of setting up a business.

**Tenant** means a person granted the right to occupy premises under a residential tenancy (when referring to the Residential Tenancies Act, 1995). Residential tenants are also 'consumers'.

**Trader** is a general term used in this report to cover any trade, business or professional person, including credit providers, insurers, agents and brokers.

**Landlord** means the grantor of a right to occupy premises under a residential tenancy agreement. A landlord need not be a trader: for example, when engaged in a single letting of his or her own premises.

**Licensee** is a general term used in this report to cover people who must be licensed or registered to trade or to be employed legally in a particular business.

**Lessee** means the person who has the right to occupy a retail shop under a retail shop lease and includes -

- (a) a sub lessee; and
- (b) a prospective lessee or a former lessee;

**Lessor** means the person who grants or proposes to grant the right to occupy a retail shop under a retail shop lease, and includes -

- (a) a sublessor; and
- (b) a prospective lessor or a former lessor;

**Retail shop** means

- (a) business premises -
  - (i) at which goods are sold to the public by retail; or
  - (ii) at which services are provided to the public, or to which the public is invited to negotiate for the supply of services; or
- (b) business premises classified by regulation as premises to which this Act applies.

**Related Act** is a term used in the Fair Trading Act 1987 to refer to any legislation which is administered or which the Fair Trading Regulations require OCBA to enforce.

# Legislative Framework

**The Commissioner for Consumer Affairs administers the following Acts:**

## **Building Work Contractors Act 1995**

under which builders and trades people such as bricklayers and carpenters are licensed and their trading contact with consumers regulated to promote fair dealing.

## **The Carriers Act 1891**

which regulates the liability of certain types of carriers of goods.

## **Consumer Credit (South Australia) Act 1995 & Credit Administration Act 1995**

credit practices are now uniform throughout Australia and these two South Australian Acts regulate credit activities in South Australia.

## **Consumer Transactions Act 1972**

which ensures that goods and services meet certain quality standards and which regulates consumer leases.

## **Conveyancers Act 1994**

under which conveyancers are registered and required to have professional indemnity insurance.

## **Fair Trading Act 1987**

which establishes the powers and functions of the Commissioner, prohibits misleading or deceptive and harsh or unconscionable trading conduct and regulates door-to-door selling, advertising, debt collection, credit reporting and other trading activities.

## **Hairdressers Act 1988**

which limits the people who can provide hairdressing services to those properly qualified so to do.

## **Land Agents Act 1994**

under which land agents are registered and aspects of their businesses are regulated to protect consumers.

## **Land and Business (Sale and Conveyancing Act) 1994**

under which the sale of land and businesses and the preparation of conveyancing instruments is regulated.

## **Land Valuers Act 1994**

under which valuers are registered and required to meet minimal educational standards.

## **Plumbers, Gas Fitters and Electricians Act 1995**

which regulates the licensing and registration of plumbers, gas fitters and electricians.

## **Residential Tenancies Act 1995**

which establishes a comprehensive code for the residential landlord and tenant relationship including: the advertising of premises, the inspection of premises prior to entry; the collection of rent; the handling of security bonds and the eviction of tenants.

## **Retail and Commercial Leases Act 1995**

which provides a framework for the leasing of particular retail shops to provide more certainty in relation to lease agreements for both lessees (tenants) and lessors (landlords) and to ensure appropriate information is available to tenants.

## **Second-hand Vehicle Dealers Act 1995**

under which second-hand car dealers are licensed and their dealings with consumers controlled.

## **Security and Investigation Agents Act 1995**

under which debt collectors, security guards, inquiry

agents and others are licensed and some aspects of their businesses are regulated to protect consumers.

### **Trade Measurement Act 1993**

which is part of a scheme for uniform trade measurement standards.

### **Trade Measurement (Administration) Act 1993**

which adopted Federal trade measurement legislation.

### **Trade Standards Act 1979**

under which hazardous products can be banned and detailed safety and information standards can be established.

### **Travel Agents Act 1986**

under which travel agents are licensed and some aspects of their businesses are regulated to protect consumers.

The following legislation also provides important consumer rights:

### **Manufacturers Warranties Act 1974**

which ensures that manufacturers stand behind the products they put on the market.

### **Misrepresentation Act 1972**

which expands the remedies for buyers who are misled in their purchasing decisions.

### **The Commissioner for Prices administers the:**

#### **Prices Act 1948**

which creates the position of the Commissioner for Prices who has discretion to regulate prices on certain goods

### **The Corporate Affairs Commission administers the following Acts:**

#### **Associations Incorporation Act 1985**

which provides for the incorporation, management and winding up of 'not-for-profit' associations.

#### **Business Names Act 1996**

which provides for the registration and the use of business or trading names so as to identify the proprietors of a business.

#### **Co-operatives Act 1997**

provides for the formation, registration and management of co-operatives including membership qualifications, power over funds and property, voting rights and the winding up of co-operatives

#### **Starr-Bowkett Societies Act 1975**

provides for the administration and control of Starr-Bowkett societies which applied funds in making loans under the rules of the society.

### **The Registrar Births, Deaths and Marriages**

is responsible for administration of the

#### **Births, Deaths and Marriages Registration Act 1996**

and also has statutory responsibilities under the:

#### **Adoption Act 1988**

#### **Cremation Act 1891**

#### **Sexual Reassignment Act 1988**

#### **Witness Protection Act 1996**

and the administration in South Australia of the Commonwealth's

#### **Marriage Act 1961**

## Statutory Functions

The Commissioner for Consumer Affairs and Office of Consumer and Business Affairs staff:

- give advice to consumers and traders on their rights and obligations under the Fair Trading Act 1987 and other consumer laws
- conduct research into matters concerning the interests of consumers
- conduct consumer education programs, publish reports and inform consumers about matters of interest to them
- attempt to resolve by conciliation disputes between consumer and traders
- monitor business activities to which the Fair Trading Act 1987 and other consumer laws apply and investigate practices that may adversely affect the interests of consumers
- encourage trade, industry and professional associations to develop, promote and enforce fair trading codes of practice to safeguard the interests of consumers
- produce fair trading guidelines for traders
- enforce consumer laws by the prosecution of offences and through other appropriate actions
- licence and register nominated traders and
- report to the Minister for Consumer Affairs on the functions of the Commissioner.

## Human Resources and Occupational Health and Safety

The Office of Consumer and Business Affairs (OCBA) is a Division of the Attorney-General's Department. OCBA human resources and occupational health and safety matters are reported in the annual report of the Justice Portfolio incorporating the Department of Justice and the Attorney-General's Department.

# Tenancies Branch

The Tenancies advisory service continued to be one of the busiest OCBA branches with staff responsible for the administration of residential tenancy bonds, the management of the Residential Tenancies Fund and the Retail Shop Leases Fund and providing administrative support to the Residential Tenancies Tribunal. (refer appendix five)

The Tenancies Branch administers the Residential Tenancies Act 1995 and the Retail Shop Leases Act 1995.

## Tenancies advice

Branch staff assisted tenants and landlords by providing advice on their legislated rights and obligations and promoted fair resolution of disputes through conciliation and mediation.

The section dealt with 2386 cases during the reporting period with 1590 cases conciliated or withdrawn through the dispute resolution process.

Residential tenancy information seminars were held for property managers in the metropolitan area,

community housing groups, Plympton Police, new migrants in conjunction with TAFE, newly arrived overseas students in conjunction with the University of South Australia and landlord and tenant groups in regional areas. A branch staff member presented a course for new landlords run by WEA and assisted the South Australian Community Housing Authority in preparing a training course for community housing groups.

Branch staff continued with their on-going liaison with the Landlords' Association, Shelter SA and the Real Estate Institute of SA.

## TELEPHONE ENQUIRIES - TENANCIES ADVICE

	1997/98	1998/99	1999/00
Incoming Calls	78,143	78,406	83603
Average speed of answer (sec)	24	22	21
Average duration of calls (sec)	200	204	213

## Performance Measurement of Service Delivery

**Retail, commercial and residential tenancies:** the target to finalise, within 30 days, 80 per cent of formal complaints referred to the Commissioner was met. Also met was the target to organise a mediation for a retail or commercial dispute within 14 days of receipt of an application.

**Tribunal Support Section:** the target for all urgent matters to be heard by the Residential Tenancies Tribunal within 14 days was met as cases were heard between 6 to 7 days. In non-urgent cases to be heard by the Tribunal, the target of 14 to 15 working days was met.

**Rental bond refunds:** provided parties to a bond agreed, refunds were issued by postal cheque within four working days of receiving the claim form. Provided parties to a bond agreed, over the counter refunds were issued within 15 minutes.

## Customer Service

### Case study 1

A young woman, who had just left an Adelaide hospital after having given birth, arrived at her rented flat to discover she had been evicted by her landlord. He had changed the locks on the flat and, during her time in hospital, had moved her belongings to a storage facility.

The tenant had moved into the flat only six weeks before her baby was due and had signed a 12-month lease. She and the landlord had agreed that during the first two months of the tenancy, she would pay no rent in return for painting the flat.

The tenant had bought paint and had started painting but hadn't been able to finish all the work before the birth.

Following a complaint by the tenant to the branch, the landlord was contacted by a tenancy officer. The landlord said that as the tenant had paid no rent and hadn't completed the painting as agreed, he was within his rights to evict her.

The tenant lodged an application with the Residential Tenancies Tribunal and a next day hearing was arranged. The Tribunal ordered that the landlord had to allow the tenancy to continue, had to arrange for the tenant's goods to be collected from storage and delivered to the flat and had to compensate the tenant for her expenses.

### Case study 2

Tenants who are desperate for accommodation may be forced to accept premises that are less than clean and in need of some repairs. Nevertheless, landlords have a duty to ensure that homes they let are safe and do not present a health hazard.

A case handled by the branch involved a landlord whose previous tenants had just moved out of a house and the landlord had not had an opportunity to clean and repair the property before showing it to prospective tenants.

A couple agreed to rent the home following a promise by the landlord she would carry out necessary repairs and remove rubbish in both the front and back yards before the tenancy commenced.

After two weeks with no repairs having been done and a large caravan still blocking the drive of the house, the tenants contacted the branch for assistance.

When the landlord was contacted, she said her circumstances had changed since the tenants had moved in and she now was keen to recover the house for her own use.

Negotiations with the tenancy officer and the two parties resulted in unsafe items being repaired immediately with a substantial rent reduction accepted by the tenants as compensation for having to put up with the remaining matters until they moved out.

Fortunately for the landlord, the couple had signed a periodic tenancy agreement in which sixty days notice of termination could be given. However, the problem of the cleanliness of the house and its disrepair still existed.

### RESIDENTIAL TENANCIES BONDS HELD AS AT 30 JUNE 2000

	Tenant provided	SAHT provided	SAHT guarantees	TOTAL
<b>Number of bonds</b>				
1998	58,364	5,653	16,344	80,361
1999	59,816	3,747	18,472	82,035
2000	60,314	2,631	20,040	82,985
<b>Value of bonds</b>				
1998	\$29,802,545	\$2,502,226	\$7,389,712	\$39,694,483
1999	\$31,558,047	\$1,647,086	\$8,536,382	\$41,741,515
2000	\$33,089,447	\$1,160,846	\$9,509,496	\$43,759,789

### RESIDENTIAL TENANCIES BONDS - LODGED AND REFUNDED

	Bonds lodged	Bonds refunded
1997/98	47,311	46,726
1998/99	47,151	45,339
1999/00	47,323	46,338

### RETAIL TENANCIES BONDS - LODGED AND REFUNDED

	Bonds lodged	Bonds refunded
1997/98	300	182
1998/99	293	219
1999/00	326	212

### Bonds Administration - Computerisation

For agents with large rent rolls, trials were conducted during the reporting period for the refund of bonds by electronic funds transfer. Methods for the cost effective electronic storage of documents also were examined.

### BONDS ADMINISTRATION - TELEPHONE ENQUIRIES

	1997/98	1998/99	1999/00
Incoming Calls	38,215	40,390	41,559
Average speed of answer (sec)	28	20	26
Average duration of calls (sec)	125	122	146

### RETAIL shop leases mediation scheme

This scheme, introduced in 1996 in consultation with the Retail Shop Leases Advisory Committee, allows parties in a dispute to apply for mediation but only if both parties agree to contribute equally to the mediator's costs. Mediation was suggested to 62 parties during the reporting period but apart from one case, parties either resolved their disputes without a mediator or decided to take matters to Court for settlement.

### CUSTOMER CONTACT

	1997/98	1998/99	1999/00
Number of telephone calls seeking assistance	2327	2373	2526
Number of interviews conducted	84	89	68

### Residential Tenancies Tribunal support section

The Tribunal is independent of the Tenancies Branch and hears matters relating to disputes between landlords and tenants. The Tribunal and its staff receive administrative support from the branch.

### Tribunal listings

Matters were consistently listed at close to the optimum time,

- Immediate termination applications, less than two working days
- Vacant possession applications, approx six-seven working days
- Bond & compensation applications, approx 15 working days

**TRIBUNAL HEARINGS**

	1997/98		1998/99		1999/00	
	Number	%	Number	%	Number	%
Bond & compensation	1,483	26.5	1230	17.5	1083	14.7
Vacant possession	3,716	66.3	4852	69.1	5085	69.0
Immediate termination	41	0.7	52	0.7	33	0.4
Miscellaneous	68	1.2	531	7.6	799	10.8
Vary or set aside	125	2.2	161	2.3	166	2.3
Exemptions	4	0.1	11	0.1	6	0.1
Section 90 by landlords (tenants conduct)	55	1.0	72	1.0	74	1.0
Section 90 by interested parties) tenants conduct	113	2.0	120	1.7	120	1.6
<b>Total</b>	<b>5,605</b>	<b>100</b>	<b>7,029</b>	<b>100</b>	<b>7366</b>	<b>100</b>

The number of matters listed for hearing in the Tribunal increased by 10.3 per cent when compared with the previous 12 months.

# Births Deaths and Marriages

The Births, Deaths and Marriages (BDM) Registration Office maintains registers of all births, deaths, marriages, changes of name, adoptions of children and reassignments of sex occurring in South Australia, issues certificates certifying particulars contained in the entries in the Register upon application and payment of the prescribed fee, provides statistical data to appropriate agencies, and provides authorised celebrants and facilities for the conduct of civil marriage ceremonies at the BDM Registration Office.

## Legislation

The Registrar of Births, Deaths and Marriages, who manages the Office, is responsible for administration of the Births, Deaths and Marriages Registration Act 1996, and also has statutory responsibilities under the Adoption Act 1988; Cremation Act 1891; Sexual Reassignment Act 1988; and the Witness Protection Act 1996. The Registrar also has statutory responsibilities under the Commonwealth's Marriage Act 1961 and is responsible for its day-to-day administration in South Australia.

## Marriages

Marriage numbers reversed their generally downward trend of the last several years with a significant increase in 1999/2000, with 8,432 marriages being registered in the reporting period (7,719 in the

previous year). This 9.2 per cent increase is matched by the increase in the number of marriages solemnised at the Registry Office, from 545 to 608 (11.6 per cent). Registry marriages accounted for 7.2 per cent of SA marriages.

The provision of a facility for civil marriages is an important part of the service offered to the community. This year, for the first time, special arrangements were offered for Valentine's Day. Thirteen couples, married on February 14, received roses, sparkling wine and other gifts, courtesy of local retailers. The Valentine's Day marriages attracted considerable media coverage and increased the public's awareness of the service available and provided an opportunity to publicise the legal requirement to give adequate advance notice of intention to marry.

During the year, BDM staff addressed meetings of civil celebrants and theological students (future religious celebrants) and dealt with a wide range of enquiries regarding the interpretation of the Marriage Act 1961. An advisory bulletin answering frequently asked questions was widely circulated and has reduced uncertainty regarding marriage documentation.

At the close of the reporting period a religious celebrant was under investigation for multiple breaches of the Marriage Act 1961 and the Births, Deaths and Marriages Registration Act 1996, for failure to lodge required documents, resulting in marriages conducted being unregistered.

## MARRIAGES SOLEMNISED AT THE REGISTRY OFFICE

	1999/2000	1998/99	1997/98	1996/97
Marriages solemnised at the Registry Office	608	545	537	518
Registry marriages as percentage of all SA marriage registrations	7.2%	7.1%	6.7%	6.5%

## Deaths

The number of deaths registered dropped by 1.1 per cent compared with the previous year and the percentage of deaths where disposal of the remains was by cremation increased from 50.6% to 52.0%.

## Births

The number of births registered decreased by 1.6 per cent over the previous year, remaining below the average of the previous three years.

Under the Births, Deaths and Marriages Registration Act 1996, the Registrar has the authority to assign a name to a child where the parents are unable to agree on the name to be given to their child at registration. Although it is rare for this provision to be exercised, and cases of such dispute arise in less than one in a thousand births, they create a disproportionate level of activity for branch staff who deal with the parents. Some eight cases occurred in 1999/2000, with most proving intractable and eventually requiring the assignment of a name by the Registrar.

In the case of Baby X, the parents were married but bitterly estranged when the child was born. There was no disagreement on the child's surname, but the mother proposed various given names, all of which were unacceptable to the father. Communication between the parents had been reduced to e-mail exchanges and messages carried by the couple's

older children. The father listed a range of names which he considered acceptable. He agreed that he was the father but refused to sign the birth registration statement; and objected to the presumption of paternity made under the Family Relationships Act 1975. He was taking Family Court action regarding guardianship and access. When the Registrar advised both parents of the (compromise) name to be assigned, the mother accepted the outcome but the father advised he would have the assigned name overturned by a court. Three months later there had been no such action.

In another case, the father wrote to BDM when the child was a few days old, acknowledging paternity and advising that he and the mother were no longer in a relationship and were in dispute over the naming of the child. He stated that he would be actively involved with the child's upbringing and wanted to be recognised as the father in every way, including the use of his surname. The mother submitted the birth registration statement with names which were unacceptable to him. His preference was equally unacceptable to her. After the Registrar eventually assigned a name, which included the father's choice but not as the sole surname, the father advised that he no longer wanted any contact and wanted his name removed from the birth registration and the child's name. He said he was now denying paternity and would refuse to pay any child support. He was advised that outstanding matters would need to be resolved in a court.

## CERTIFICATES AND PERMITS ISSUED

	1999/2000	1998/99	1997/98	1996/97
<b>Certificates *</b>	71,629	72,006	72,660	73,171
<b>Commemorative Birth Certificate packages</b>	10,882	10,893	9,752	n/a
<b>Cremation permits</b>	6,049	5,950	6,082	5,946
<b>Cremation permits as percentage of all SA death registrations</b>	52.0%	50.6%	52.2%	49.8%

\*Note: does not include standard certificates issued as part of Commemorative Birth Certificate packages.

### Certificate sales

Combined issues of birth, death, marriage and change of name certificates dropped by 0.5 per cent against 1998/99 figures.

### Commemorative Birth Certificate packages

This product, introduced in 1997, has been well accepted with many parents buying a commemorative certificate for an older child at the time of the birth of a new baby, and/or ordering additional copies of the decorative certificate for grandparents or godparents.

In the third full year of availability 10,882 packages were sold (down 0.1 per cent). A new design to commemorate Year 2000 births was introduced and an additional range of designs, a pastel Nursery series, will be launched in July 2000.

### Back-capture project

This project will capture electronically all birth registrations from 1944 to 1978 and index those from 1923 to 1943 to provide a while-you-wait service for certificates in the area of greatest demand. It is funded from Commemorative Birth Certificate earnings.

Over three years, BDM will back-capture about 600 000 full birth records - from 1944 to 1978 - and approximately 400 000 birth index records from 1923 to 1943.

Twelve years of birth records have been transferred onto the BDM system and the priority service improved to same-day (mail applications) and thirty minutes for counter applications.

### Compliance - review and monitoring

On behalf of the Registrar, the Commissioner for Consumer Affairs laid charges for breaches of the Births, Deaths and Marriages Registration Act 1996 against the proprietors of a firm of funeral directors, DSG Panos. The proprietors were further charged with fair trading and business names offences and also prosecuted by the Coroner and by the Police. Convictions were recorded against two of the proprietors, with substantial fines and suspended sentences imposed. Restitution of funds fraudulently misappropriated from pre-paid funeral funds was also required. The firm ceased to operate as funeral directors.

Following the prosecution of DSG Panos, there was a review of Sections 36 and 38 of the Births, Deaths and Marriages Registration Act 1996 and procedural changes were introduced along with an increased level of monitoring of funeral directors. Weekly reports are generated identifying funeral directors who are late in lodging documentation and they are then contacted to remind them of the provisions of the Act and their responsibilities regarding timely lodgements.

With the cooperation of the Australian Medical Association, the Medical Board of South Australia and the Royal Australian College of General Practitioners, BDM circulated advisory material to all SA medical practitioners regarding their statutory responsibilities and the required procedures for notification and certification of death.

## Achievements

The Branch's activities have continued to be characterised by a commitment to quality service, with the focus being on continuous improvement of processes and systems. Among achievements were:

- continuous improvement of the BDM Registration System with incremental changes being made to enhance new or modified procedures;
- introduction of printing of endorsements of changes of names on birth certificates and addition of an identification number to each certificate to enable validation of certificates for fraud minimisation purposes;
- increase in the range of statistics and targeted reports for OCBA management, for research requests and to meet requests for data checking by Centrelink and the Penalty Management Unit;
- move to a new Windows NT server which complies with whole-of-government requirements and provides capacity for the system to accommodate the back capture of > 1 million records;
- programming to enable a 'Super Search' of the system when entering a name enabling checks of all registration categories and a list of matches in category order;
- liaison with the National Council for the Centenary of Federation to develop a nationally consistent Centenary of Federation Commemorative Birth Certificate and a method of acknowledging persons who become centenarians in 2001 and
- liaison with the SA Link-Up Program to facilitate access to relevant records for Aboriginal persons of the Stolen Generation and the introduction of a protocol to facilitate the late registration of birth for adults particularly those of Aboriginal background.

## Relationships with industry and professional groups

The Registrar, Deputy Registrar and other staff maintained a high level of contact with industry and professional groups and spoke to groups by invitation, including:

- theological students (future celebrants);
- Association of Civil Marriage Celebrants;
- Australian Funeral Directors Association (AFDA);
- non-AFDA funeral directors;
- Cemeteries Association and
- crematorium authorities.

The Registrar was also a member of the Indigenous Identification Working Group convened by the Australian Bureau of Statistics, and the National Agenda Working Group (BDMOZ) established by the Conference of Australasian Registrars of Births, Deaths and Marriages. A major focus of BDMOZ is to establish greater consistency and improved linkages between jurisdictions and to develop systems to minimise fraud based on Proof of Identity (POI) documents.

## Service delivery

The Births, Deaths and Marriages Registration Office achieved service targets, as listed in the Customer Service Charter, at close to 100 per cent of the time for registration of births, deaths and marriages and certificate production. A range of performance measurements is generated monthly from the BDM computer system, enabling prompt attention to be given to any problems with service delivery.

Consultancies: Nil

Freedom of information: Nil

## Births Deaths and Marriages

### REGISTRATIONS

	<b>1999/2000</b>	<b>1998/99</b>	<b>1997/98</b>	<b>1996/97</b>
<b>Births *</b>	18,216	18,504	18,259	19,105
<b>Deaths</b>	11,639	11,770	11,648	11,945
<b>Marriages</b>	8,432	7,719	8,067	7,990
<b>Changes of Name</b>	1,416	1,366	1,366	1,287
<b>Adoptions</b>	60	56	46	81
<b>Legitimations</b>	451	369	424	343
<b>Reassignments of sex</b>	2	1	2	2

\*Note: includes still-births.

# Consumer Affairs Branch

**The Consumer Affairs Branch (CAB) is responsible for meeting the Government's objectives in relation to consumer services, standards maintenance, trade measurement and price control, each of which contribute to the achievement of fair trading in the marketplace.**

## Services

Trained staff:

- provide a high quality telephone advice and information service to consumers in relation to fair trading, trade measurement and safety standards
- assist consumers and traders in dispute resolution through a process of mediation and conciliation;
- issue licences associated with trade measurement in an accurate and timely manner; and
- conduct an effective and efficient monitoring and inspection program.

## Achievements

The provision of advice to consumers and traders on their rights and obligations under the Fair Trading Act 1987 and other consumer laws is a key function of the Commissioner for Consumer Affairs. A significant part of this work is undertaken by Consumer Affairs Branch staff based in Adelaide, regional offices in Mount Gambier, Berri, Port Augusta and Whyalla, and the Trade Measurement and Product Standards Laboratory located at Thebarton.

During the reporting period CAB responded to 126,853 telephone and 12,120 counter enquiries from people seeking advice on fair trading matters. In the metropolitan region the number of telephone calls answered within 60 seconds was reported at 85 per cent and the average answering speed for calls was 30 seconds.

The branch provided representation for the Commissioner for Consumer Affairs on the following national bodies: the Fair Trading Officers Advisory Committee, the Consumer Products Advisory Committee and the Trade Measurement Advisory Committee all of which report to SCOCA and comprise representatives from consumer affairs agencies in all Australian States and Territories, the Commonwealth and New Zealand. The committees monitor and regulate fair trading issues, product safety and standards.

Some minor branch restructuring occurred during the year with the appointment of two temporary Senior Consumer Affairs Officers. The aim of these appointments was to improve productivity in the branch and provide assistance and support to management. These senior officers handle more complex and sensitive complaint files which has resulted in a reduction in files on hand and improvement in response times to telephone enquiries, quality of advice and service to customers.

## Advisory Service

As part of the discharge of the Commissioner for Consumer Affairs functions, CAB provides an advisory service to consumers and business in relation to fair trading, trade measurement and product safety. This is carried out mainly by telephone but customers are welcome to discuss their enquiry directly with a staff member if they prefer to visit the office. Telephone and counter traffic is monitored daily in accordance with service standards and practices to improve performance are continually sought. Proposed changes such as the re-design of the year 2000 White Pages telephone listing and the provision of a 1300 telephone number will simplify customer access to the advisory service.

## Consumer Complaints

Whenever possible, CAB works in partnership with both industry and consumers. It takes a customer-focused approach to the resolution of complaints and encourages consumers, whenever possible, to take initial responsibility for resolution of their own complaints. This practice, together with the provision of quality advice by branch staff, resulted in a large proportion of positive outcomes to complainants.

There were on-going agreements with industry groups such as the Better Heating and Cooling Bureau, the Master Builders Association and the Computer Industry Association (SA), independent conciliation agencies and offices of Ombudsmen regarding the negotiation and conciliation of disputes that are referred to those agencies and handled without OCBA intervention.

## Performance Measurement of Service Delivery

A benchmark for quality of service provided by OCBA staff is set by comparison with other South Australian Government agencies utilising a similar telephone system and with interstate fair trading and consumer affairs agencies. A number of key performance indicators are used by the branch to measure the quality and timeliness of the advisory and dispute resolution services.

In December 1999 the second independent OCBA customer satisfaction survey was undertaken by Harrison Market Research Pty Ltd. In the areas of efficiency, politeness, professionalism, knowledge and understanding of customers needs, CAB staff achieved ratings in the 'very good' to 'excellent' categories. The overall rating of standard of service was rated as '54 per cent excellent', '31 per cent very good' '8 per cent good', '1 per cent don't know', '5 per cent fair' and '1 per cent poor'.

## Training

Staff continued to participate in the employee development and review process that is designed to monitor staff performance and identify training and development needs. A branch policy for the assistance of disadvantaged consumers was developed and implemented during the reporting period.

## Law Week 2000

The theme for Law Week 2000 was "Law and Peace" and the Mount Gambier Regional office was involved in coordinating Law Week activities in the South East region.

## Mount Gambier accommodation

Reinforcement of the Government's commitment to providing services to regional South Australia was demonstrated with the relocation of the Mt Gambier office in June 2000. The new office is equipped with up to date equipment and networked to OCBA head office in Adelaide. These improvements will ensure consumers in the South East are provided with up to date, consistent advice and information.

## Year 2000 (Y2K) Bug

The branch devoted a great deal of time and considerable resources to ensure that all operational systems were compliant and would not be affected by computers experiencing operating difficulties on 1/1/2000. Detailed contingency plans were developed to cover all systems and operations that could be affected by the Y2K Bug. On 20 December 1999, the SA Government Business Centre Y2K Infoline was transferred to CAB. Telephone traffic was closely monitored and special staffing arrangements were made to ensure that customer service standards were maintained while dealing with this additional workload. The branch was a major reference site for

consumers wishing to obtain Y2K information published by a number of Government agencies.

A total of 103 enquiries were answered on the Y2K Infoline with these calls tapering off soon after 1 January 2000

### **Goods and Services Tax (GST)**

In preparation for the introduction of the Commonwealth's GST on 1 July 2000, policies and procedures were put in place to ensure accurate, consistent information was provided to consumers. The telephone advisory service was modified to accurately record statistics in relation to GST enquiries handled by the branch. Through on-going liaison between the two agencies, arrangements were made to ensure that, whenever appropriate, calls were transferred to the Australian Competition and Consumer Commission, the Commonwealth agency responsible for handling GST enquiries and complaints.

### **Education**

In keeping with the Commissioner for Consumer Affairs' statutory responsibility to provide an education service to consumers and business, presentations and seminars were conducted in metropolitan and country regions. Seminars dealt with a wide range of fair trading issues and invitations were extended to consumers and local business people. Events were well attended and presentations to industry sectors, schools, TAFE students and community groups served to further inform consumers and traders about their rights and obligations.

#### **Case Study 1**

##### **Secondhand Vehicle deals - "Jacking-up"**

"Jacking-up" a secondhand car deal is a practice of some car sales staff that is designed to mislead finance companies into believing that a consumer applying for finance has greater equity in the deal than is the case. In a complaint handled by the branch, a consumer was unable to pay a deposit but the salesman wrote on the contract that a deposit

of \$2000 had been paid. The salesman then increased the purchase price of the car by \$2000. The consumer subsequently experienced financial difficulties and was forced to surrender the vehicle to the finance company. The branch was able to negotiate a substantial refund for the consumer and the dealer signed a legally binding assurance under the Fair Trading Act that his company would not engage in such conduct in the future.

#### **Case Study 2**

##### **Unlicensed dealer**

A consumer purchased a vehicle from an auto electrician who was an unlicensed dealer, who claimed he was selling a 'one owner low kilometre' vehicle on behalf of an elderly relative who was no longer able to drive. After a test drive the consumer decided to buy the vehicle.

During the purchase price negotiations, the consumer had noticed the wrecked front half of a car, of the same make and model as the one he was buying, at the rear of the auto-electrician's yard but had thought little of it. After having driven the vehicle for a short time, it became evident to the consumer that his newly acquired vehicle had major problems and, on examination, displayed evidence that it had been substantially damaged in the front. Investigations by the branch revealed that the vehicle had been involved in a serious accident, the dashboard assembly had been replaced completely and the odometer had been replaced with a unit displaying significantly less kilometres than the original odometer. The branch obtained full redress for the consumer and the auto-electrician was reported to OCBA's Compliance unit for a number of offences connected with misleading conduct.

### Case Study 3

#### Misrepresentation over a concert grand piano

The branch handled a case involving a grand piano that was purchased following representation by the seller that the piano had come from a well known concert venue. After it was delivered, the consumer was of the opinion that the piano's performance and tone was not satisfactory. An independent investigation and instrument assessment by a professional piano tuner determined that the piano had not been used at the concert venue as claimed and was an imported Japanese brand. The CAB staff member handling the complaint obtained expert advice that pianos perform best when kept in a stable environment where variations in temperature and humidity levels are minimal. Pianos not intended for the Australian market may not perform to acceptable standards and therefore may not be regarded as being of merchantable quality. The branch negotiated a successful resolution with the consumer receiving a full refund of \$17,000.

### Case Study 4

#### Building renovations

A consumer purchased an Adelaide home and decided to carry out some renovations including a \$20,000 bathroom upgrade. When the work was being carried out, the consumer was impressed with the quality of the materials and the professionalism of the builder and his staff. However, after two years, cracks appeared in the wall tiles and despite many attempts to contact the builder and engaging a consultant to report on the defects, the consumer was unable to resolve the dispute and contacted the branch for assistance. The builder, told by a branch staff member of his responsibilities under the statutory warranty provisions of the Building Work Contractors Act, 1995, accepted responsibility to his clients and agreed to complete the remedial work. The consumer later reported the work had been carried out satisfactorily.

### Scams

A list of scams is maintained on the OCBA web site at [www.ocba.sa.gov.au](http://www.ocba.sa.gov.au).

The branch monitored more than 100 separate scams and illegal schemes operating throughout the State during the reporting period and received more than 5000 telephone calls from consumers, some of whom had already been duped. Many of the schemes originated in Canada and the USA and were notable for the high quality of the printed material and the sophistication of the presentations. Promises of cash, expensive jewellery or innovative systems for picking winning lotto numbers were made in return for small investments. Once parting with their money, consumers either received nothing or were sent cheaper versions of the goods promised. The Commissioner for Consumer Affairs alerted consumers to these scams via the OCBA website, press releases and radio broadcasts.

Many of those who responded to offers reported they were increasingly targeted by other North American operators of similar schemes.

The branch provided representation for the Commissioner for Consumer Affairs on a national fair trading working party that examined the impact of overseas direct marketing scams on Australian and New Zealand consumers. The scams appeared through overseas mailings and the Internet and were disguised as sweepstakes, prize offers, windfalls and other get-rich-quick type schemes. The strategy framework developed by the working party included an Australasian approach with shared databases and investigations, public naming of offenders, public education programmes and networks with industry bodies and overseas fair trading and postal authorities.

The increasing number of overseas direct marketing scams is an Australia-wide problem. South Australia is represented on a national Fair Trading Officers Advisory Committee together with representatives from the Australian Competition and Consumer

Commission (ACCC) and fair trading agencies in New South Wales and New Zealand to develop a consumer education strategy to address this problem.

A Texas based religious group with an Adelaide representative was the subject of a public warning when consumers were warned about committing funds following a promise to 'multiply money by divine intervention'. The John Avanzini Ministries sent unsolicited material to people in a number of States urging them to send money. In return, through his praying, Mr Avanzini said the sender would be rewarded with a 'financial harvest'. The public were advised through the media to be wary of giving money to such organisations.

### Shopping Centre Visits

During the reporting period, CAB staff and trade measurement inspectors conducted a range of shopping centre visits that revealed that one in four South Australian metropolitan retailers could be misleading customers through displaying incorrect 'no refund' signs. A total of 600 premises were visited including: clothing, jewellery, sporting, electrical and gift stores and OCBA staff found that 23 percent of stores had 'no refund' notices on display that could have been in breach of Federal and State consumer laws. OCBA used the exercise to trigger an awareness program resulting in consumers and traders being made aware of their refund rights and responsibilities and OCBA distributed numerous free laminated 'Refund' signs for traders to display in their premises.

### Product Safety

On the recommendations of the South Australian Trade Standards Advisory Council the branch completed a review of all 39 mandatory safety and information standards set out in Regulations under the Trade Standards Act, 1979. The recommended changes were approved by Cabinet and new regulations came into operation in May 2000. The review of the regulations followed the introduction of the Trans Tasman Mutual Recognition Agreement and many SA regulations now mirror national legislation.

### Unsafe Products Removed from Sale

#### Red Devil Portable Barbeque

Cooking dome can be lifted during cooking and flame is extinguished. However gas can continue to escape that could cause an explosion.

#### Fisher Price 3-in-1 Cradle Swing Model # 79321 & 79322 › 1998

If the lock on the carrier handle unexpectedly releases, the seat could flip forward resulting in injury to the child.

#### Play and Learn Pull Along toy Abacus.

Did not comply with Safety Standard. Coloured beads may detach and present choking hazard.

A total of 131 investigations were undertaken during the year.

### Royal Show

At the 1999 Royal Show, staff offered advice on a wide range of trade measurement and consumer topics and distributed numerous brochures. The number of show bags inspected by product safety officers was 280 (248 the previous year). Inspections revealed a number of problems with various items including a Spring Loaded Umbrella labelled 'Suitable for 3 year olds' which had the potential to damage a child's eye when the spring load was released, and Face Masks without air holes. These items were removed from the show bags.

### Trade Measurement

The Commissioner for Consumer Affairs is responsible for the administration of the Trade Measurement Act, 1993 that relates to standards maintenance and trade measurement activities. Trade measurement officers are responsible for monitoring and enforcement of this legislation and related Acts and conduct audits of trade measuring instruments, licensed instrument repairers and licensed public weighbridge operators.

The Trade Measurement section is committed to:

- the formulation and monitoring of standards of measurement and measuring practices to ensure that consumers and businesses give or obtain correct measure in the purchase of goods;
- the provision of an efficient and effective monitoring and licensing service that provides public confidence in the accuracy of weighing and measuring instruments in use for trade in South Australia;
- the timely, accurate and relevant provision of advice and information to consumers, trade and industry on trade measurement matters; and
- the custody and maintenance of State primary standards of weights and measures.

Uniform trade measurement legislation throughout Australia governs all transactions that are conducted by reference to weight or measure.

### Licensing

The Trade Measurement Act, 1993 provides for the licensing of persons who certify that a measuring instrument is suitable for use for trade and operators of public weighbridges.

For the 12 months ending 30 June 2000 the following licensing details were recorded:

#### Instrument Servicing Licences

Total number of licences	54
New Licences issued	5
Licences surrendered/cancelled/lapsed	6

Applicants are assessed to ensure they are qualified and possess appropriate servicing equipment.

#### Public Weighbridge Licences

Total number of licences	45
New Licences issued	1
Licences surrendered/cancelled/lapsed	2

#### Trade Measurement Monitoring

An 88 per cent compliance rate was achieved for goods tested for quantity.

#### Instrument Testing

Trade measurement staff conduct instrument audits throughout the State to assess the accuracy of measuring instruments including LPG and petrol pumps, shop scales and weighbridges.

The compliance rate for the reporting period was 91 per cent which represented a one per cent increase in general instrument compliance when compared with the previous year.

Traders whose instruments were found to be non-compliant were issued with a notice requiring them to have the faults rectified by a licensed instrument servicing organisation. Instruments must be certified prior to re-use and inspectors conducted follow-up visits to ensure repairs had been carried out.

The majority of breaches of the Trade Measurement Act 1993 were detected during routine inspections. Staff followed up on 134 consumer complaints and dealt with 4,565 telephone enquiries.

### **Standards Laboratory**

The Standards Laboratory, the custodian of the South Australian Primary Standards of measurement, is part of the Trade Measurement section and is located at Thebarton with length testing facilities at Netley. It is the paramount metrology laboratory in the State and is a verifying authority pursuant to the National Measurement Act for reference standards of mass, volume, length, area, density and master meters for LPG and petroleum products.

### **Monitoring/Compliance Program**

The branch implemented a 12 month state-wide monitoring/compliance program for shopping centres in the metropolitan area and major regional centres. The program was undertaken by consumer affairs and trade measurement officers, representatives from the OCBA Compliance Unit and South Australian staff from the Australian Competition and Consumer Commission (ACCC).

During the visits traders were advised of their rights and responsibilities regarding lay by sales, refunds and warranties, two price advertising, E commerce, the GST, the Consumer Credit Code and other issues covered by fair trading legislation. Traders who are required to be licensed or registered under OCBA legislation were inspected and business name details checked for compliance. Education material was supplied to traders.

Trade measurement officers carried out general inspections including: product safety, measuring instruments and scanning audits at supermarkets.

# Policy and Legal

## **The Policy and Legal Unit assists the Commissioner for Consumer Affairs to perform his statutory obligations.**

The unit includes four legal officers, out-posted from the Crown Solicitor's office. They provide a range of legal services to all OCBA's branches and offices and advise the Commissioner and staff on the legislation and common law relating to fair trading. They also represent the Commissioner and the Registrar of Births, Deaths and Marriages in matters before the courts.

Policy staff attended to changes in legislation, drafted OCBA reports to management for submission to Government and continued to review legislation under OCBA's obligations to meet the Competition Principles Agreement signed by the Council of Australian Governments in 1995.

During the reporting period, staff responded to more than 600 items of correspondence and requests requiring legal advice for the Minister for Consumer Affairs, the Commissioner and other agency staff.

## **Advisory role**

Provision of legal advice to OCBA staff continued as an important part of legal officers' responsibilities and covered among other things the eligibility of applicants for occupational licences and registrations under the Acts administered by the Commissioner; the eligibility of applications for registration of business names and incorporated associations; the legality of sales schemes as assessed against various provisions of the Fair Trading Act; general contractual requirements and the ability of businesses to pass on GST to their customers by means of existing contractual arrangements.

During the reporting period there was an increase in the number of applications for approval of third-party trading schemes centred in other States but operating in South Australia. Legal officers assessed the applications against eligibility requirements under the Fair Trading Act.

## **Litigation**

Legal officers undertook prosecutions and disciplinary actions against persons in breach of legislation administered by the agency.

Nine disciplinary actions were instituted against construction trades businesses on the basis they had been declared insolvent. Four disciplines related to insolvencies in the real estate industry and one related to an insolvency in the security industry. Most actions resulted in the District Court cancelling or suspending the licences. Some were surrendered prior to hearing. (refer appendix three).

Two disciplinary actions were instituted alleging that the licensees would not be granted a licence because since the issue of their licences, they had been found guilty of committing offences that would disentitle them to a licence if they had to apply for them afresh. One related to an electrician and the other to a security agent where eligibility requirements are strict. Their licences were suspended and cancelled respectively.

A major disciplinary action was instituted against a backyard car dealer, who was found to have engaged in unlicensed dealing, providing false Licensed Vehicle Dealer numbers and advertising vehicles with odometers that had been wound back. He was fined over \$12,500 and permanently disqualified from being licensed.

The Commissioner was joined as a party to the State's

first civil penalty application under the Consumer Credit Code. A small credit union was found to have breached its duty to include key information in its loan contracts since November 1996 when the Code came into operation. The credit union spent over \$90,000 to comply with the new requirements but nevertheless, the District Court ordered a civil penalty of \$5 for each of the 447 contracts in breach.

Legal staff spent considerable time preparing for the Commissioner's prosecution of a firm engaged in the funeral service industry and further details of the action are given in the Births, Deaths and Marriages Registration Office section of the report.

The Commissioner also prosecuted a trader for two short sales of firewood. A fine of \$3,000 was imposed by the Court.

The unit provided assistance to the Commissioner in the assessment of claims on the Agents Indemnity Fund resulting from the actions of a registered land agent and a conveyancing firm.

### **Legislative amendments**

The Building Work Contractors Act was amended on December 2, 1999 to permit builders to pass on GST liabilities to house owners. Until the Act was amended, builders could only recover variations in costs under a rise-and-fall clause (which relates to fluctuations in the cost of labour and materials only), and could not recover GST liabilities on the total contract price to be remitted to the Australian Taxation Office.

A portfolio amendment to extend time limits for investigation and prosecution of offences under the Fair Trading Act and three other Acts was passed. The amendments also clarified the responsibility to provide section 7 statements to property vendors under the Land and Business (Sale and Conveyancing) Act, and provided for greater flexibility in the nomination process for appointments to the Trade Standards Advisory Council.

Regulations and a code of conduct dealing with the contractual framework for rooming house living arrangements came into operation under the Residential Tenancies Act on 30th January 2000. The provisions deal with permissible payments, rent increases, receipts, abandoned goods and other general responsibilities of proprietors and residents.

The provisions disentitling security and investigation agents to a licence were also recast.

### **Competition Principles Agreement**

Reviews of the Prices Act, The Carriers Act, Conveyancers Act, Land Agents Act, Land and Business (Sale and Conveyancing) Act and Land Valuers Act were completed. Based on the findings and recommendations of the reviews, The Carriers Act was repealed, the Prices Act amended and Bills to amend the Conveyancers Act, the Hairdressers Act and the Land Agents Act are before Parliament.

A draft report into the Building Work Contractors Act was released and draft reports on all other agency Acts not yet reviewed will be released before December 2000. Contributions were made to national reviews of the Travel Agents Act, Trade Measurement Act and the Consumer Credit Code.

### **Structural reform**

The unit assisted the Commissioner regarding comments on the conditions contained in the various utilities licences issued by the Office of the Independent Industry Regulator.

## Policy and Legal

### **Consumer credit**

The Commissioner administers the national Consumer Credit Code in South Australia, passed originally by the Queensland Parliament and adopted in this State under the Consumer Credit (South Australia) Act. The manager of the Policy and Legal unit is South Australia's representative on the national management body which is presently responsible for monitoring and reviewing the market-place operation of the Code, exemptions from it, the publication of interpretive guidelines and management of the website [www.creditcode.gov.au](http://www.creditcode.gov.au)

### **Training and education**

Legal officers are responsible for training OCBA staff in changes in legislation administered by the agency. Legal officers also speak on fair-trading and general consumer issues to schools, industry and on radio.

### **Briefing papers**

The Policy and Legal Unit is responsible for compiling briefing papers for the Commissioner and the Minister for Consumer Affairs who attend meetings of the Standing Committee of Officials of Consumer Affairs (SCOCA) and the Ministerial Council on Consumer Affairs (MCCA). The unit also monitors expiry of regulations under the Subordinate Legislation Act.

### **Freedom of Information**

The manager of the unit is the Freedom of Information (FOI) officer for OCBA and, during the reporting period, there was a decrease in the number of FOI applications. (refer appendix six)

# Business and Occupational Services Branch

## The Business and Occupational Services Branch (BOS) administers licensing and registration systems for:

- building work contractors and supervisors,
- plumbing contractors and workers,
- gas fitting contractors and workers,
- electrical contractors and workers,
- land agents,
- conveyancers,
- second-hand vehicle dealers,
- security and investigation agents and
- travel agents.

In providing these services, BOS sought to minimise unnecessary imposts on business by:

- processing applications and periodic returns (renewals) within the time frames set in the OCBA Service Charter;
- dealing with queries and resolving problems efficiently and effectively, within standards published in the Charter;
- providing clear and accurate information on licensing/registration processes;
- minimising the number of fees and forms and streamlining regulatory requirements;
- working with industry and training providers to set and review competency and educational standards which prescribe the minimum level of qualifications necessary to ensure that a person beginning in an industry can operate safely and without significant risk of consumer detriment; and
- continually monitoring customer feedback to improve systems and services.

BOS also provided services to assist in maintaining and improving standards of practice within industry. These included:

- working co-operatively with other agencies responsible for the technical and safety regulation of regulated businesses and occupations;
- informing consumers of the benefits of dealing with appropriately licensed or registered traders;
- providing easy-to-access public information on licences and registrations; and
- providing opportunities for statutory advisory panels, committees and informal working groups, to express their views on industry issues.

## Business Enhancement

A review was conducted by KPMG Consulting in October 1998, of the occupational licensing business processes. The aims of the review were to identify processes to enable the licensing and registration processes to function in an electronic commerce environment and to improve timeliness, improve the content and appearance of licences and reduce the paperwork involved. Key improvements introduced were:

### New licence cards

The Minister for Consumer Affairs launched a new, high quality, photo licence card system in March. The high security cards incorporate digital photographs with identity checks being carried out before licences are issued to ensure that correct images appear on the cards.

The photographs are taken free-of-charge at any of Transport SA's Customer Service offices or at BOS. The new method of photograph capture offers advantages in convenience and cost. It saves applicants and

## Business and Occupational Services Branch

licensees the annual cost of having to supply passport photos. The digital images will be re-used for up to 10 years.

### Industry Liaison

BOS managed an on-going program of meetings of industry advisory panels and working groups to advise the Commissioner on licensing and registration matters, competency standards for builders, plumbers, gas fitters and electricians. On behalf of the Commissioner for Consumer Affairs, the branch took up membership in national committees of licensing authorities for the building, electrical, plumbing and security industries. BOS also was on the committee of the Police/Private Security Liaison Group.

### Forms On-line

BOS provided downloadable licensing and registration information and forms on the OCBA web site - [www.ocba.sa.gov.au](http://www.ocba.sa.gov.au) and the BizGate website at <http://bizgate.sa.gov.au>. These were increasingly accessed by licence holders and applicants during the year.

### Customer Service

Surveys are regularly conducted to determine customer satisfaction levels with BOS service. The latest survey showed that 93 per cent of customers rated the service as good or better. Individual comments and suggestions received from the survey are reviewed to assist with the BOS on-going service improvement program.

When making an application for business licence or registration, applicants are given information about the processes that will be followed before the licence or registration is granted.

Provided applicants forwarded all information required and have met all necessary criteria, new licences or registrations usually were granted within 30 working days. Most licence or registration renewals were processed within 10 working days. This meets

the timeframes specified in the customer service charter. The average time for answering phones is approximately 15 seconds.

### Case Study 1

A director of an interstate building company contacted BOS and advised that the company was in urgent need of a Building Work Contractors licence for work it had to carry out in SA.

The applicant said he was waiting on a share certificate to be issued and a police clearance certificate for one of the directors of the company. BOS agreed to accept the application without these documents in order that all other eligibility criteria could be assessed.

In addition to the contractors licence, the company's nominated supervisor had to obtain a supervisor's registration for which an interview was required. Both applications were lodged and an interview for the supervisor of the company was arranged by phone for three days later. After the interview, the director advised that he was impressed with the flexible approach of the Branch to his difficult circumstances.

The applications for the company and the supervisor were completed within seven working days.

### Case Study 2

A client and his partner approached BOS to apply, as a partnership, to contract for work in the security industry. One partner held a licence subject to an employee condition, the other partner had completed the approved technical training courses.

Rather than complete the approved business training module, the clients were able to apply by providing evidence of business experience such as trade accounts, balance sheets and profit and loss statements from a previous business they had owned. After seeking advice about application procedures and information to be supplied, the clients lodged the forms in person.

The application was urgent, as the clients had security contracts on tender and needed the licence as soon as possible. The application was processed and granted within two working days.

**Consultants**

DMR Consulting Group (Australia) Pty Ltd was engaged to map the improved business processes which were developed during and since the KPMG review. This was required to facilitate changes to the occupational licensing computer system. Cost was \$17,000.

**Licences and Registrations Issued 1999/2000**

Builders, second hand vehicle dealers, security and investigation agents, travel agents, land agents and conveyancers, plumbers, gas fitters and electricians are licensed and registered to protect consumers from unsafe work practices and inappropriate business practices. The licensing and registration process also assists business and industry by minimising numbers of unqualified and unsuitable persons working in those areas.

Licensees are assessed as to their suitability when they apply for a licence or registration and an ongoing overview is kept of their eligibility to retain their license or registration through the required lodgement of periodic returns.

- BOS held more than 62,000 licences and registrations under seven separate pieces of legislation.
- Staff handled 1,140 telephone inquiries weekly from small businesses.
- The average answer time for calls was 15 seconds.

- Six thousand new licence applications were handled, many being processed within one month.
- Thirty six thousand licence renewals were processed, most being processed within 10 calendar days.

**Builders**

There were 21,696 contractors licences and sole supervisors registrations issued under the Building Work Contractors Act 1995 as at 30 June 2000. Of these, 2,444 licences were held by bodies corporate (usually companies), 17,629 licences were held by natural persons (individuals or members of partnerships) and 1,623 people held building work supervisors registrations only. Compared with the previous year, there was a 0.67% decrease in licence/registration numbers held. Licences and registrations within each category were:

**Licences**

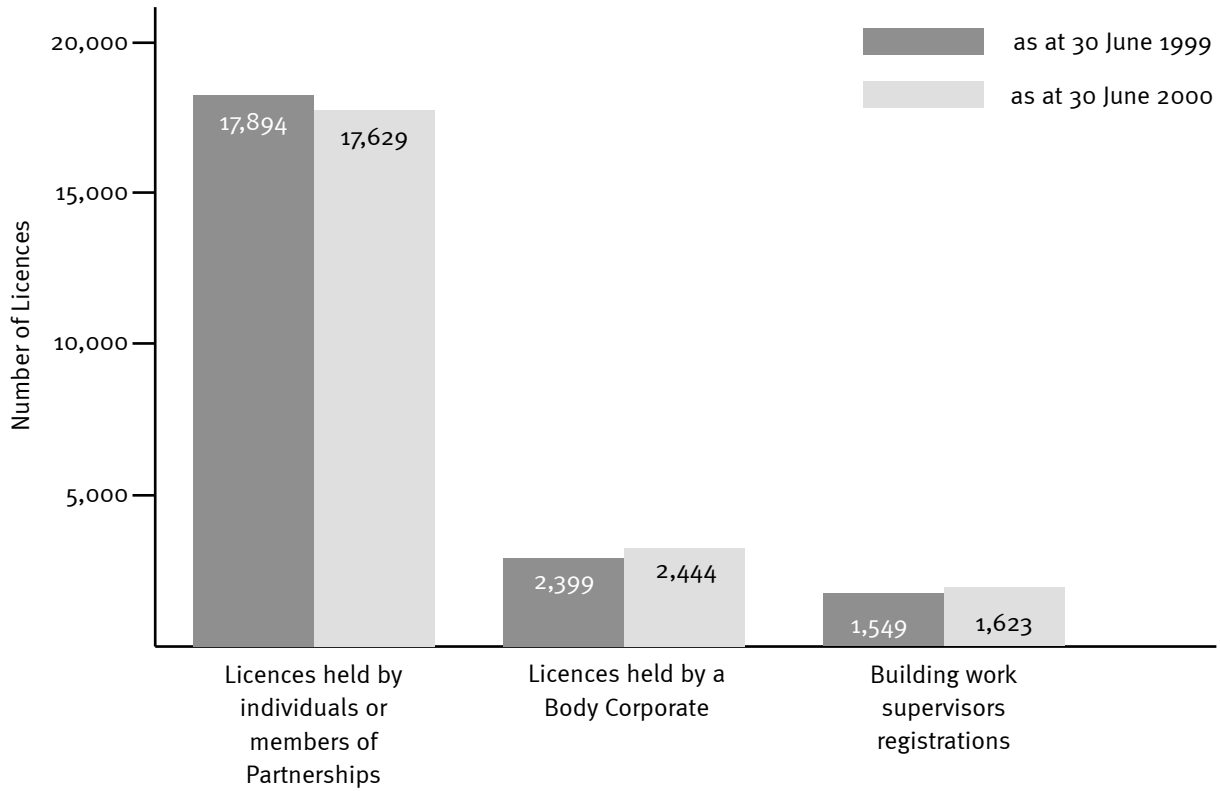
Any building work	1,952
Light commercial/industrial and/or residential building work	4,512
Specified building work	13,609

**Registrations**

Any building work	1,918
Light commercial/industrial and residential building work	3,456
Specified building work	11,398

New applications for contractors licences and supervisors registrations were 1,311 compared to 1,292 for the previous year. There were 285 applications from persons applying to change conditions on their licences and registrations, a decrease of 9.8% from the previous year.

### BUILDERS LICENSING

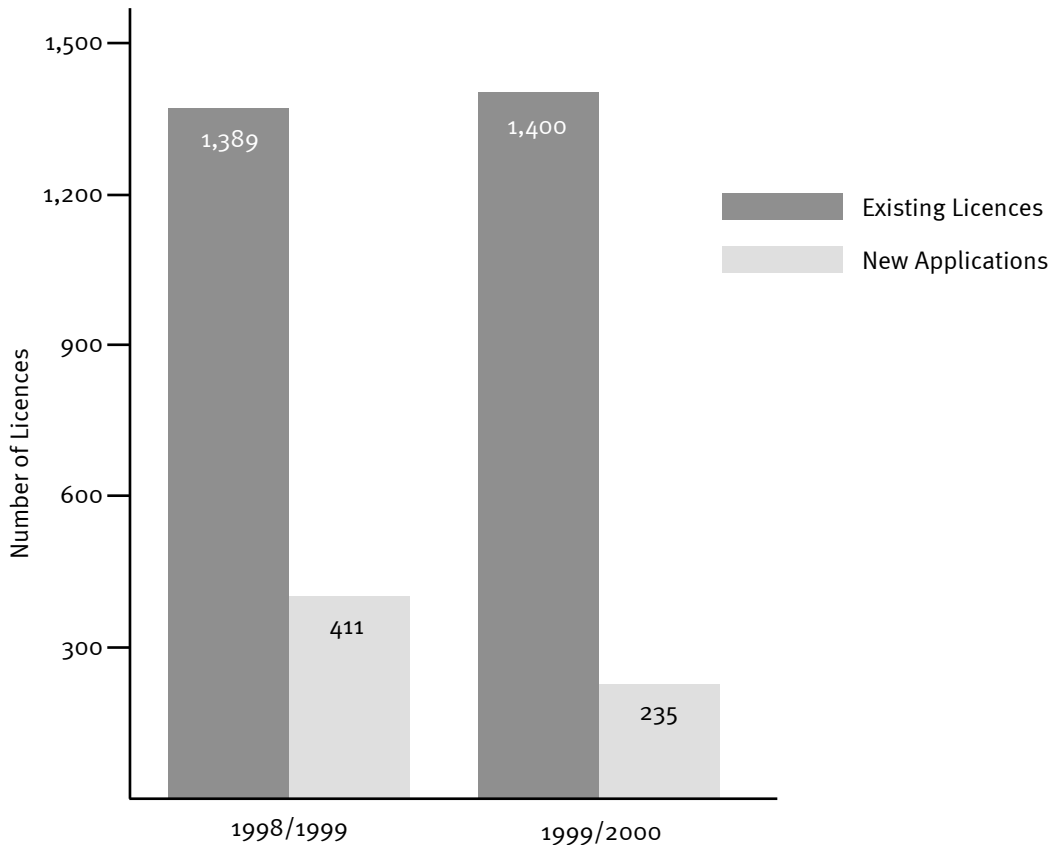


### Second-hand Vehicle Dealers

Licences issued under the Second-hand Vehicle Dealers Act 1995 were 1,400 at 30 June 2000 compared to 1,389 for the previous year, an increase of 0.8%. Of these, 424 second-hand vehicle dealers licences and 28 second-hand motorcycle dealers licences were held by bodies corporate. A further 895 second-hand vehicle dealers licences and 53 second-hand motorcycle dealers licences were held by natural persons. There were 235 applications received for new second-hand vehicle dealers licences compared

with 411 for the previous year, a decrease of 42.8%. There were eight applications for second-hand motorcycle dealers licences, a decrease of 46.7%. There were 29 applications for registration of trading premises, a decrease of 77.2 %.

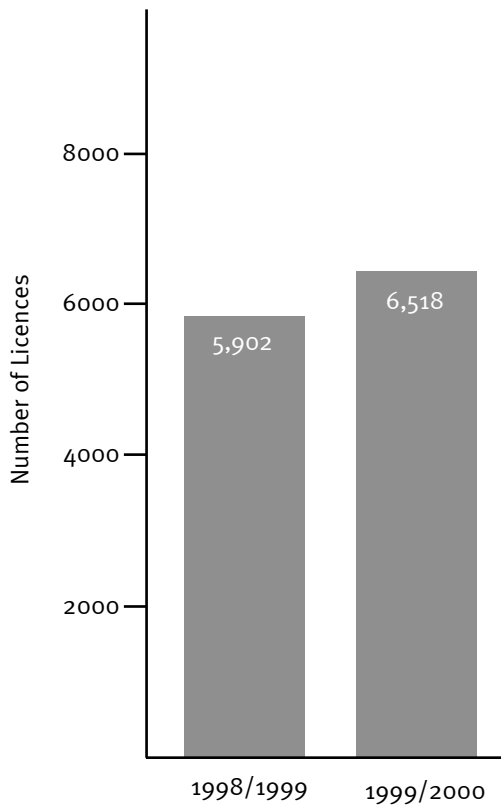
**SECOND-HAND VEHICLE DEALERS LICENCES**



### Security and Investigation Agents

As at 30 June 2000, there were 6,518 licences issued under the Security and Investigation Agents Act 1995. Bodies corporate held 255 licences and natural persons held 6,263. Total licences for the previous year were 5,902. This represents an increase of 10.4%. 1395 new licence applications were received, an increase of 46.2% from the previous year's 954 applications. There were 52 applications received from people seeking to change the conditions on their licences, the previous year, 76 applications.

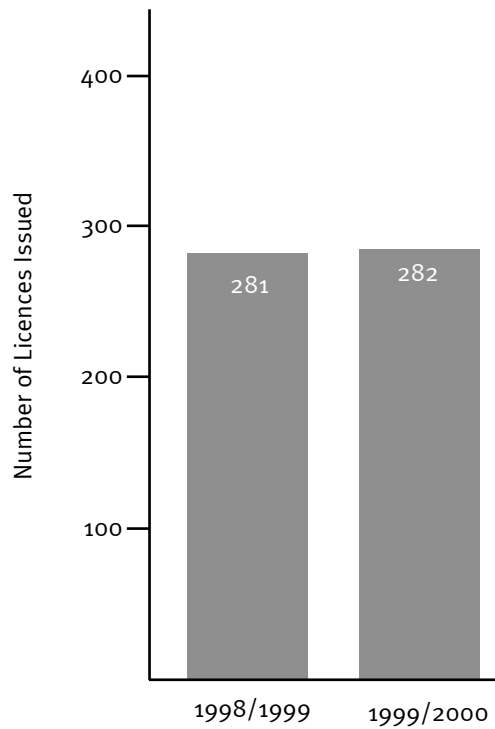
**SECURITY AND INVESTIGATION AGENTS**



### Travel Agents

Travel agents are licensed under the Travel Agents Act 1986. As at 30 June 2000, there were 166 bodies corporate and 116 natural persons licensed, a slight increase from the previous year's total of 281 licences. 21 new licence applications were received, a 36.36% decrease from the previous year's 33 applications.

**TRAVEL AGENTS**

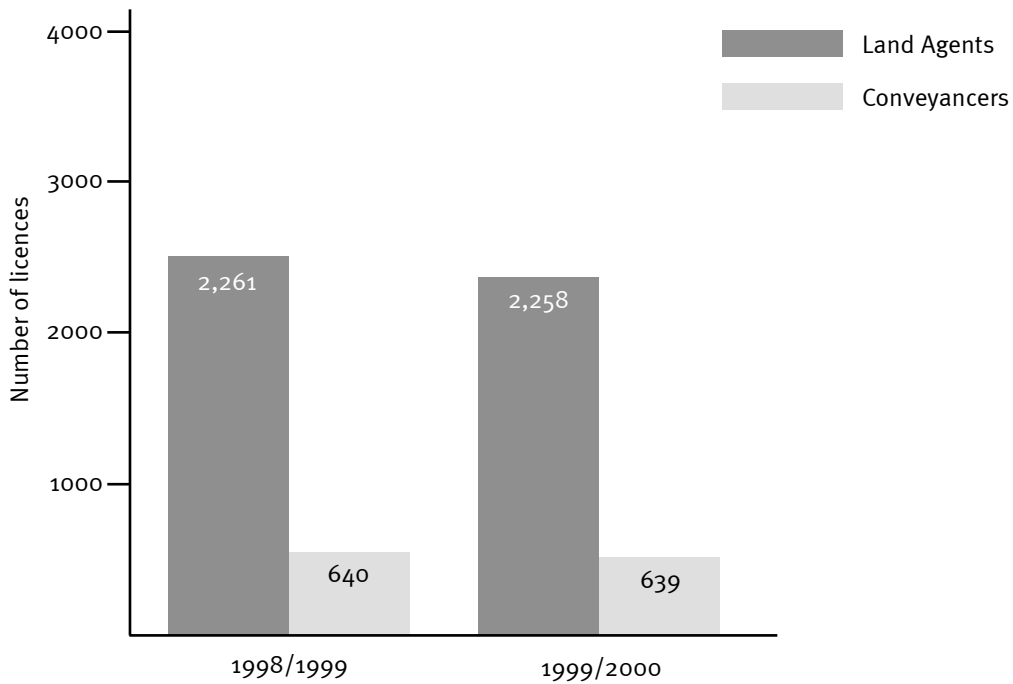


### Real Estate

Land agents and conveyancers are registered under the Land Agents Act 1994 and the Conveyancers Act 1994 respectively. As at 30 June 2000, there were 2,258 land agents and 639 conveyancers registered. Bodies corporate held 609 land agents and 26 conveyancers registrations while natural persons held 1,649 land agents and 613 conveyancers registrations. This compares with 2,261 land agents and 640 conveyancers for the previous year.

During the year, 146 applications for land agents registration and 35 applications for conveyancers registration were received, compared to the previous year when 122 applications for land agents registration and seven applications for conveyancers registration were received. This represented a 19.7% and a 400% increase respectively.

**REAL ESTATE LICENCES**



### Plumbers, Gas Fitters and Electricians

Contractors licences and workers registrations for plumbers, gas fitters and electricians are issued under the Plumbers, Gas Fitters and Electricians Act 1995. There were a total of 29,955 licences and registrations as at 30 June 2000, compared with 31,010 for the previous year. As at 30 June 2000:

	1998/1999	1999/2000
<b>Plumbing</b>		
Contractors		
bodies corporate	72	77
natural persons	1148	1149
Workers	3444	3477
<b>Gas Fitting</b>		
Contractors		
bodies corporate	66	71
natural persons	620	616
Workers	2226	2240
<b>Electrical</b>		
Contractors		
bodies corporate	472	475
natural persons	7528	6796
Workers	15434	15054

**During the year, the following applications for licences/registrations were received:**

Plumbing contractors licence	108
Plumbing workers registration	267
Gas fitting contractors licence	93
Gas fitting workers registration	234
Electrical contractors licence	227
Electrical workers registration	709

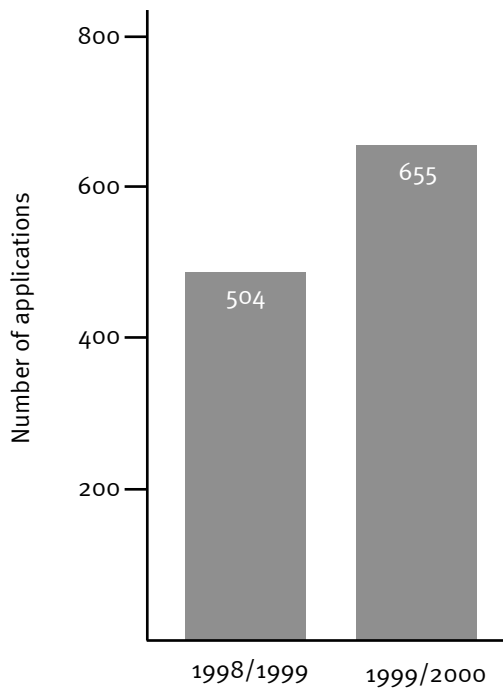
The total of 1,638 applications for new licences and registrations was 4% lower than the 1,707 received during the previous year.

**Applications for changes to conditions for licences/registrations**

Plumbing contractors licence	<b>28</b>
Plumbing workers registration	<b>89</b>
Gas fitting contractors licence	<b>16</b>
Gas fitting workers registration	<b>79</b>
Electrical contractors licence	<b>112</b>
Electrical workers registration	<b>331</b>

The total of 655 applications for changes to conditions was 30% higher than the 504 received during the previous year.

**APPLICATIONS FOR CHANGES TO CONDITIONS**



# Corporate Affairs and Compliance Branch

The Corporate Affairs and Compliance Branch (CACB) has three principal functions:

- enforcement of all legislation administered by Office of Consumer and Business Affairs and the investigation of any alleged breaches
- the maintenance of the public registers for Business Names, Cooperatives and Associations;
- through the Corporate Affairs Commission the administration of the legislation relating to
  - Cooperatives;
  - Incorporated Associations;
  - Trustee Companies.

## Mission:

- To foster an efficient fair, competitive and informed market place by ensuring compliance with Acts administered by OCBA incorporating the Corporate Affairs Commission (CAC);
- terminate illegal conduct;
- facilitate compensation for aggrieved parties;
- educate traders and consumers concerning the laws administered by OCBA incorporating CAC;
- facilitate an informed market place by maintaining public registers concerning:
  - Business Names;
  - Cooperatives;
  - Incorporated Associations;
  - Trustee Companies;
- Provide efficient and timely responses to corporate regulation issues relating to the protection of interests of members and creditors of bodies corporate registered under the Acts administered by the CAC.

## Achievements:

The Branch was formed on 1 July 1999 from three unrelated units. Its achievements include the:

- completion of a program of compliance matters; (refer Appendix four)
- registration of an increased number of Business Names;
- establishment of a successful Business Names compliance program;
- implementation of the new South Australian Business Names computer registration system;
- development of an expiation system to work in close cooperation with the SA Police expiation;
- introduced a customer service review mechanism;
- relocation to the ground floor of Chesser House of the Business Names Unit and the Corporate Affairs Commission to improve customer service;
- amendment of the Associations regulations in light of amendments to the Corporations Law and
- review of the forms for Business Names and Associations to improve customer service.

## Compliance

The Compliance Unit's investigations focused on the termination of illegal conduct, the education of traders and the public and the facilitation of compensation where appropriate.

The Unit's aim is to bring investigations to an appropriate conclusion. Unlicensed traders may face several possible outcomes. They may: receive a warning, become licensed, give an assurance that they will not repeat the conduct; and/or face disciplinary or criminal action.

Insolvent licensees or directors of insolvent companies are informed of their rights and given the opportunity to surrender their licences or make submissions concerning their position that will be tendered to the court as part of the OCBA disciplinary process.

### **Trust Account Examination Programme - Land Agents Act 1994 and Conveyancers Act 1994**

The program, run in conjunction with the statutory requirements for auditing, has operated since 1989. Independent examiners conduct comprehensive, random audits of land agents and conveyancers. Pricewaterhouse Coopers, Horwath SA Pty Ltd and Bentleys MRI were the successful tenderers for the examination of land agents and conveyancers trust accounts. The cost of the program is borne by the Agents Indemnity Fund and funded through interest payments earned by licensees and registrants trust accounts.

Important elements of the examination program are consultation and the provision of constructive advice to agents and conveyancers concerning trust account administration practices. The examination program is additional to the statutory audits required from land agents and conveyancers.

#### **Case study 1**

Warren M Jeffries - (Disciplinary Action Building Work Contractors Act 1995)

It was alleged in the complaint to the District Court that as Mr Jeffries, a licence holder, had been declared bankrupt on 29 January 1998, he would be ineligible to be granted a licence if he were to apply for one from ten years from the date of discharge from bankruptcy. As a consequence he no longer met the licensing entitlement provisions in the Builders Licensing Act 1995.

In disciplinary proceedings the Court has wide-ranging powers to make orders such as a reprimand, a fine not exceeding \$20,000, cancellation of a licence, disqualification and various prohibitions. Mr Jeffries' building work contractor's licence was cancelled. However, this did not effect Mr Jeffries registration which permits him to be employed by another company to work as a tradesperson.

#### **Case study 2**

Philip John Vaughan - (Disciplinary Action, Plumbers, Gas Fitters and Electricians Act 1995)

Mr Vaughan, the holder of an electrical contractors licence, had been contracted to carry out wiring work at a house at Gilberton.

Mr Vaughan admitted to eighteen serious breaches of the Australian Standard AS3000 wiring rules but in his defence, he said he had been removed from the job before he had an opportunity to complete the work and that a number of the defects were of a temporary nature, which he would have corrected.

The Court found that the work was in a highly dangerous state and defective and ordered that both Mr Vaughan's electrical contractors licence and electrical workers registration be suspended until he fulfilled a number of conditions in order to update his knowledge.

He was required to undertake and complete a six month course in the AS3000-1991 SAA Wiring Rules, an NE171 testing course module and an occupational health and safety module specific to the electrical trade.

### Case study 3

Geoffrey Allen Roberts (Disciplinary Action Second-Hand Vehicle Dealers Act, 1995)

From October 1997 to July 1998 the Administrative & Disciplinary Division of the District Court found that Mr Roberts, an unlicensed dealer, had offered 17 vehicles for sale of which 14 were sold for a gross profit of \$18 330. A fine of \$5 250 was imposed.

Further, the Court found that Mr Roberts had wound back the odometers on seven of the vehicles and for these offences, imposed a fine of \$7 300.

## Corporate Affairs Commission

The Corporate Affairs Commission is a body corporate established and constituted under the Companies (Administration) Act 1982.

It is responsible for the administration of the Associations Incorporation Act 1985, the Business Names Act 1996, the Co-operatives Act 1997 and the Starr-Bowkett Societies Act 1975. The Commission is required to report its obligations under Section 8a of the Companies (Administration) Act and section 49(7) of the Evidence Act 1929.

The Commission maintains a public register and performs other functions in relation to the Partnership Act 1891 in respect of limited partnerships, the Da Costa Samaritan Fund (Incorporation of Trustees) Act 1953, the Maralinga Tjarutja Land Rights Act 1984, the Pitjantjatjara Land Rights Act 1981 and the Trustee Companies Act 1988.

## Functions

- incorporation, amalgamation and deregistration of associations and co-operatives;
- registration of business names for identification of the proprietors of the names;
- exercise of various discretions under the legislation such as exemptions and approvals;
- conduct of investigations for the purpose of determining whether the legislation has been complied with;
- maintenance of public files in relation to associations, co-operatives, registered business names, trustee companies and limited partnerships; and
- advice to the Attorney-General in relation to trustee companies.

## Associations Incorporation Act, 1985

The provisions of the Corporations Law, that are applied to incorporated associations by the Act, were amended by the Commonwealth on 1 July 1998. On 11 May 2000, amendments to the Associations Incorporation Regulations came into operation.

The principal purpose of the amendments was to modify the applied Corporations Law so that the provisions are suitable in relation to incorporated associations. The other amendments to the regulations were to prescribe the period of retention of accounting records of an association and to substitute a new form of application for deregistration.

	1997/1998	1998/1999	1999/2000
Associations on register - 1 July	15,522	15,867	15,101
New incorporations	493	356	486
De-registrations	99	72	65
Associations on register - 30 June	15,867	16,151	15,522

### Approvals and Exemptions

The Commission has discretionary powers under the Act to approve certain activities of associations, to exempt associations from compliance with particular statutory requirements and to extend limitations of time set out in the Act. The following discretionary powers were exercised during the year:

- S 18 Approval of eligibility for incorporation
- S 35 Approval of auditor.
- S 38 Exemption from accounts and audit requirements.
- S 39 Extension of time in which to hold annual general meeting.
- S 42 Notice for transfer of undertaking of an association to a company.
- S 43A Approval of application for deregistration.
- S 44 Dissolution of defunct association.
- S 49A approval to 18 month financial year.
- S 53 Approval of invitation in relation to deposit taking.
- S 55 Approval of payment to members.

The Commission granted an approval under section 55(2) of the Act to allow an association to make payments to its members from its income or capital. The association had previously requested members to contribute additional subscriptions at a time when the association was in need of funds beyond that raised by normal subscriptions.

### Complaints and Investigations

Many of the inquiries received from members of associations related to internal disputes between members and the association or a breach of the rules of the association. These are not matters in which the Commission has a role and the complainants were advised of the remedies available to members under the Act.

The Commission has investigative powers under the Act that are used in cases where there is a potential breach of the Act or the Regulations.

Forty nine investigations were completed during the year included the consideration of possible offences against section 49AD of the Act in relation to two associations being wound-up. The section creates an offence where an association incurs debt not likely to be paid. Proceedings were not commenced because tangible evidence was not available to support a prosecution for an offence.

## BUSINESS NAMES ACT, 1996

The registration of new business names, renewals and the maintenance of the register of business names is an important function of the Commission.

	1999/2000	1998/1999	1997/1998
<b>Business names on register - 1 July</b>	94,449	94,427	95,019
<b>New registration</b>	17,426	13,690	13,686
<b>Business names not renewed</b>	14,390	10,544	10,817
<b>Business names cancelled</b>	4,792	3,124	3,461
<b>Business names on register - 30 June</b>	92,693	94,449	94,427

There was a total drop in the number on the register as old names were not renewed and an increase in the number of cancellations as a result of the introduction of the GST.

Providing a proposed new business name is available for registration, the application has been appropriately completed and the correct fees have been paid, a new business name can be registered over the counter and a certificate issued, generally within 15 minutes. The majority of applications are made by mail and are generally registered within five working days. Processing times of more than 10 days are generally attributable to incomplete applications.

## NEW BUSINESS NAMES REGISTRATION PROCESSING TIMES

	1999/2000	1998/1999	1997/1998
<b>Less than 1 day</b>	61.05%	65.27%	67.41%
<b>Within 2 - 5 days</b>	5.60%	17.82%	16.00%
<b>Within 6 - 10 days</b>	9.60%	9.06%	8.67%
<b>More than 10 days</b>	23.7%	7.85%	7.92%

As a result of the GST, approximately 3000 additional new business names were registered above the yearly average of around 14 000 and the Business Names Unit received up to 700 extra phone calls each week in the months leading up to the introduction of the new tax.

The Business Names Unit introduced a new computer system and, during the settling in period, processing delays were experienced.

## Co-operatives Act, 1997

The Commission continued its program to inform co-operatives of their statutory obligations and information circulars were distributed to interested groups.

Various applications and notifications under the Act must be made in a form approved by the Commission and application forms were updated during the year and available from the Commission in paper form or on disk.

The transitional provisions of the Act include a period of two years from its commencement (or such further time approved by the Commission) in which a co-operative must amend its rules for conformity with the Act and include requirements for active membership in its rules.

The Commission was active in drawing these requirements to the attention of co-operatives and the majority have now amended their rules to comply. Extensions were granted in cases where the Commission was satisfied that the co-operative had a meaningful plan for compliance.

One new co-operative was registered during the year with the Commission exercising its discretion to require further information to be given to prospective members in a disclosure statement. Seven co-operatives were dissolved during the year and of these, three were deregistered by the Commission as defunct, three were deregistered pursuant to transfers of incorporation to other bodies corporate legislation and one was deregistered pursuant to a members' voluntary winding up. As at 30 June 2000 there were 55 registered co-operatives.

## Exemptions and approvals

The Commission has various discretionary powers under the Act to approve certain activities of co-operatives, to exempt co-operatives from compliance with particular statutory requirements, and to extend limitations of time set out in the Act. The following powers were considered for exercise of discretion during the year:

- S.107 Approval of proposed alteration of rules.
- S.110 Registration of alteration of rules.
- S.193 Registration of special resolution.
- S.195 Approval of disclosure statement in relation to voluntary winding up.
- S.199 Extension of time to hold annual general meeting.
- S.250 Approval of change of name.
- S.312 Exemption from holding special postal ballot for voluntary winding up.
- S.421 Extension of time to alter rules to comply with the Act.
- Reg.19 Registration of disclosure statement in relation to deposits.
- S.329 (CL) Consent to resignation of auditor.

The Commission made an order under section 312 of the Act exempting a co-operative from the requirement that the special resolution, relating to a members' voluntary winding up, be passed by means of a special postal ballot.

It was appropriate to exempt the co-operative because the sale of its business assets had previously been approved by shareholders, and shareholders were also aware that liquidation was the final step in the winding up process which would be commenced by that sale. At the time of making the order, most categories of assets already had been converted into cash. The exemption was subject to the special resolution being passed by a three-quarters majority, the same majority as would have been required if the vote had taken place by means of a special postal ballot. Ordinarily, a special resolution is required to be passed by a two-thirds majority.

### Complaints and Investigations

A complaint was received about a co-operative's non-compliance with its rules but as there was no evidence of a breach of the Act or Regulations, the complainant was advised about the remedies available to members under the Act.

One co-operative was inspected to determine if it was complying with prescribed provisions as a precondition to trading interstate. The work undertaken involved:

- desktop research and inspection of records held by the Commission;
- a country site visit by officers of the Commission to inspect the records and registers of the co-operative and to interview relevant officers of the co-operative; and
- an analysis of the co-operative's financial records and accounts.

### Partnerships Act 1891 - Part 3 - Limited Partnerships

Part 3 of the Partnership Act 1891 provides for the registration of limited partnerships. One limited partnership was registered during the year.

### Starr-Bowkett Societies Act, 1975

There is only one remaining Starr-Bowkett society registered under the Act and it has now completed its purposes. It is expected that it will be deregistered next financial year. There is no provision in the Act for the registration of any further Starr-Bowkett Societies.

### Regulation of Non-Bank Financial Institutions

The responsibilities for the regulation and supervision of building societies, credit unions and friendly societies were transferred from the States and Territories to the Commonwealth on 1 July 1999 and the Financial Institutions Scheme ceased to have effect. As a result, the functions of the South Australian Office of Financial Supervision (SAOFS) during the year were to:

- facilitate the transfer of responsibilities to the Commonwealth;
- implement transfer agreements in relation to SAOFS's staff and assets and liabilities;
- comply with SAOFS's obligations under the Financial Sector Reform (South Australia) Act; and
- wind up SAOFS's affairs.

An officer from OCBA was a member of the board of SAOFS and attended three meetings of the board during the year. The SAOFS Act was proclaimed to expire on 1 June 2000.

### Trustee Companies

Companies that have been granted the privilege of trustee company status under the Trustee Companies Act 1988 may be appointed as executor or trustee of an estate in South Australia. They are required to lodge six monthly financial statements with the Commission. All required statements were received and registered and are available for public inspection.

### Evidence Act 1929

No applications for banker's orders were made during the year.

### Companies and Co-operatives Liquidation Accounts

The Commission maintains accounts into which unclaimed monies received from liquidators of companies and co-operatives must be deposited. Persons entitled to any of the funds held may make claims and upon production of satisfactory proof are paid their entitlements.

In relation to company liquidations, all unclaimed monies resulting from any liquidation which commenced on or before 1st January, 1991 are paid to the companies liquidation account and administered pursuant to the Companies (South Australia) Code. Unclaimed monies resulting from any liquidation which commenced after 1st January, 1991 are paid to and administered by the Australian Securities and Investments Commission under the provisions of the Corporations Law.

### COMPANIES LIQUIDATION ACCOUNT

1999/00

<b>Balance at 1 July 1999</b>	<b>\$ 116,722.01</b>
Add Amounts received during the year pursuant to section 427(1) of the Companies Code	Nil
Less Amounts paid to claimants in accordance with section 427(7)	Nil
Payments to Consolidated Account in Accordance with section 427(6)	98,173.61
<b>Balance at 30 June 2000</b>	<b>18,548.40</b>

### CO-OPERATIVES LIQUIDATION ACCOUNT

1999/00

<b>Balance at 1 July 1999</b>	<b>\$ 17,242.93</b>
Add Amounts received during the year pursuant to section 311 of the Co-operatives Act 1997	4,349.16
Less Amounts paid to claimants in accordance with section 311	42.50
Payments to Consolidated Account in accordance with section 311	289.25
<b>Balance at 30 June 2000</b>	<b>\$ 21,260.34</b>

### **Public Registers**

The Commission maintains public registers of information relating to registered business names, incorporated associations, co-operatives, Starr-Bowkett societies and trustee companies. The registers are available for inspection by the public on payment of the prescribed fee (nil for trustee companies) during normal business hours.

### **Information Pamphlets and Circulars**

Information pamphlets on the procedures for registration of business names and the operation of the Associations Incorporation Act 1985 and the Co-operatives Act 1997 are available free of charge.

# Education and Information Services

**The role of the Education and Information Services Branch (EIS) is widely varied but includes the development and delivery of valuable information and education programs to all South Australian consumers, traders and authorities. This involves identifying the needs of the community and their expectations as well as measuring OCBA service delivery with a view to continuous improvement.**

The Branch plays a major role in the development and implementation of marketing strategies and is a leader in the development of electronic communication methods within OCBA.

EIS branch also:

- coordinates OCBA's strategic planning process in association with the Commissioner, Deputy Commissioners and Branch Managers;
- produces an annual training plan that provides a suite of on-going learning and training opportunities for staff. The plan is developed in consultation with the Human Resources Branch, Attorney-General's Department to ensure alignment with the corporate objectives for staff training and development;
- participates in agency-wide organisational initiatives aimed at improving communication, service delivery and performance; and
- works to strengthen relationships with and between all OCBA branches.

An increased effort has been put into rural and remote area education and regional office liaison.

This was arranged by sending a delegation to selected rural areas to identify local problems for consumers or traders and to then put in place the necessary education programs to address these special needs. These visits also included the Commissioner visiting significant traders in the area to establish ongoing liaison opportunities.

Areas specially targeted included Berri, Mount Gambier, Port Augusta, Clare, Port Lincoln, Whyalla and Coober Pedy.

During the 2000/2001 period the Branch has plans to further engage the broader community in the development of education strategies and to target for service delivery those regions and communities which tend not to access education and information services.

All sectors of the community are informed of the work and services offered by OCBA through: the media, publicity and education campaigns, publications and literature, social education, industry liaison and the OCBA website.

## Media

An important part of the duties of the Commissioner is to advise and educate consumers. From time to time, as part of this, warnings have to be issued about certain trading practices and traders. With the cooperation of all sections of the media, this is able to be done effectively and quickly.

A strong media liaison program is in place and the Senior Consultant, Media and Industry enjoyed a close working relationship with all sections of the media. This was illustrated by the constant flow of consumer related enquiries directed to him.

Interviews were given regularly by the Commissioner and his staff on a range of topics that had an important bearing on consumers' purchases of goods or services. Educational messages also were directed to traders who benefited by learning or being reminded of their obligations in the marketplace.

During the reporting period, the Senior Consultant, Media and Industry had regular radio segments, including weekly talkback sessions on the ABC and 5AA, on nine radio stations broadcasting to a wide cross section of the community.

### International Year of Older Persons

To celebrate and recognise 1999 as the International Year of Older Persons (IYOP), an information kit for older South Australians was produced by the Department of Justice. Participating agencies were:

- Office of Consumer and Business Affairs
- Equal Opportunity Commission
- Public Trustee
- SA Police in conjunction with the Crime Prevention Unit

The kit, called 'One Step Ahead' contains valuable information for people of all ages, particularly older consumers who make up more than 14 per cent of the State's population. It aims to prevent people from becoming the victim of consumer scams and offers advice on door-to-door selling, pre-paid funerals, pyramid schemes, shopping on the Internet, buying a car, renovating or moving house, making a will or choosing a Power of Attorney.

To ensure people are not discriminated against on the basis of their age, the kit contains an information sheet about what to do if a person is labelled as being 'too old'

The Minister for Consumer Affairs officially launched the kit in October 1999 and copies were widely distributed throughout rural and metropolitan communities. The kit also is accessible on the OCBA web site.

### Youth as Consumers

During the reporting period, the Standing Committee of Consumer Affairs Officials (SCOCA) nominated the Office of Consumer and Business Affairs as the lead agency for National Consumers Day, to be celebrated on 24 November, 2000. The theme for this year's event is 'Youth as Consumers'.

The objective of the project is to inform young people, aged 16 to 20 years that fair trading agencies are a valuable source of information relating to: seeking credit and managing money; buying a car; renting a flat or unit; coping with new technologies; and mobile phones.

A working party was established to coordinate the project with representatives from fair trading or consumer affairs agencies in Western Australia, New South Wales, Victoria, Queensland and the Northern Territory.

At the end of the reporting period, the working party had:

- conducted a national audit of existing consumer resources and products targeted to young people;
- examined a range of options for a product or resource that could be launched, promoted and distributed on National Consumers Day;
- developed a slogan - 'Before You Splash Your Cash'.
- progressed with a generic poster promoting the theme with referral/contact details from each State/Territory where young people can seek further information, and a pocket guide containing general tips about shopping, cars and credit.

The resources will be widely distributed throughout the State.

### Y2K (Millennium) Bug

OCBA initiated several major consumer and business education and awareness campaigns in readiness for the anticipated Millennium Bug problem and the following initiatives were put in place:

- the production and distribution of a consumer information fact sheet;
- Y2K posters to alert consumers to check with retailers on whether new electronic/electrical products were Y2K compliant;
- comprehensive information on the OCBA web site with linkages to a national consumer web site;
- public workshops and information seminars for community organisations;
- information for businesses, in collaboration with the Business Centre;
- presentations on talk back, community and commercial radio;
- availability of OCBA Y2K information at field days, expos and the SA Wired Up Exhibition; and
- production of a set of consumer fact sheets on buying a computer, getting on the Internet and computer warranties.

The Commissioner for Consumer Affairs wrote to all peak industry groups highlighting the risk to licensees of failing to address Y2K issues. It was emphasised that licensees could contravene their licence conditions if Y2K issues were not adequately addressed. Similar advice was given to financial institutions to highlight Y2K implications for Land Agent and Conveyancer trust accounts.

### Employee Training and Development

EIS branch is responsible for the coordination of internal training and development activities throughout OCBA and during 1999/2000 a formal training calendar was launched that provided staff with a suite of job related development opportunities such as: Effective Presentation Techniques, Negotiating Skills, Basic Evidence and Investigation Techniques and Conducting Effective Meetings. These modules were delivered in-house (except Basic Evidence and Investigations Techniques - conducted by the SA Police) by a number of external training providers:

- Jill Gael & Associates Pty Ltd
- Oz>Train Pty Ltd
- Business SA (formerly the SA Employers' Chamber of Commerce and Industry)
- Australian Institute of Management

### Tertiary Programs

The Public Sector Management Course (PSMC) is a recognised middle-level management tertiary-level program offered by the Office of the Commissioner for Public Employment. Three OCBA staff are undertaking the program to qualify them for either a Graduate Certificate in Management Award from Flinders University or the University of Western Sydney (Nepean).

In late 1999 the Commissioner for Public Employment launched LeadershipSA, comprising a range of leadership development programs. Full and part-time scholarships were offered to staff across the public sector and five OCBA staff were successful in gaining placements on the Introduction to Management program.

Six women from OCBA also participated in the Springboard Program, specifically designed for women in non-managerial roles.

### **Implementation of the Goods and Services Tax (GST)**

As part of the introduction of the Goods and Services Tax (GST) there was a requirement to train key operational staff within each branch in new administrative and financial processes and systems. By 1 July 2000, over thirty staff were trained in the new GST requirements. General information sessions were conducted for middle level and senior managers.

EIS branch coordinated similar training for the whole of the Attorney-General's Department, involving over 90 staff.

### **Society of Consumer Affairs Professionals (SOCAP) - Breakfast Training Sessions**

Through OCBA's involvement on the management committee of SOCAP, over 45 staff attended a series of breakfast training seminars covering topics such as: Making Words Work, Keeping Customer Service Staff Motivated and Putting Customers in Charge.

### **Community education**

OCBA joined forces with two other government agencies (Australian Securities and Investments Commission and the Serious Fraud Investigation Unit, SA Police) at the Police Expo held in March, with the focus on providing information on how to avoid scams.

Homebuyers Seminars are a cooperative initiative involving OCBA, the Archicentre, Planning SA, Homestart Finance, The Law Society, Real Estate Institute and CPA Australia. The 99/00 series comprised eight separate seminars held at various locations around Adelaide. The OCBA presentation provided information about consumers' rights when purchasing a home. Attendances ranged from 100 at the outer metropolitan venues to up to 250 at the Norwood Town Hall.

### **Field Days**

OCBA took the lead role in coordinating the involvement of a number of State and Federal government agencies at field days in the Riverland (September), Paskeville (September) and Lucindale (March). All field days were well patronised and staff spoke to many consumers, regional traders and business people about the range of services provided by the agency.

### **'Use a licensed tradesperson' campaign**

The 'Use a licensed tradesperson' campaign was reinforced in the community through the distribution to over 400,000 households through BORAL, Elgas and Kleenheat gas accounts of a brochure 'Why take risks? - Always use a licensed tradesperson'.

### **Customer satisfaction**

The customer satisfaction measurement program continued to provide statistics on customer perceptions of the services provided by OCBA. The results of the surveys conducted in November 1999 indicated that 89 per cent of customers rated the service they received as good, very good or excellent. The survey results for May 2000 showed an increase in the satisfaction level to 94 per cent. This increase is believed to be attributable to a number of customer service initiatives implemented following feedback from earlier surveys.

### **Trade Publications**

EIS branch coordinated OCBA's editorial contributions to industry publications. Five publications received educational material on a regular basis and material was sent to a further seven publications as specific industry issues arose.

### **Consumer Education : Disadvantaged Consumers**

Many South Australian consumers may be at risk regarding their consumer rights and suffer disadvantages because of geographical isolation, low income, unemployment, gender, disability, age, literacy or cultural factors.

These socio-economic and cultural barriers can contribute to consumers not being aware of the OCBA services available to them and can pose obstacles to their ability to exercise their consumer rights.

Special consumer education programs are in place to help address those issues and during the reporting period, EIS branch:

- conducted consumer education presentations, seminars and workshops
- produced consumer education radio programs that were broadcast in English and a number of community languages
- organised and participated in consumer education training courses for opinion leaders and community advocates and
- developed strategies to enable OCBA staff to deal appropriately with new arrivals, long term residents born overseas, urban Aboriginal consumers and disabled consumers groups.

### **Expo - Women as Consumers**

A consumer education display and presentation was organised at the Murray Institute of TAFE in Gawler. Issues highlighted included consumer credit, warranties, lay-by and product safety with an emphasis on baby items and children's furniture. The EIS activity was part of a multi-discipline Women's Health Expo.

### **Community Radio Program: 'Consumer Affairs in your Neighbourhood'**

During August and September, a series of broadcasts on the northern metropolitan radio station PBA-FM aimed to raise awareness of OCBA services amongst Spanish, Serbian and Russian speakers. The project was a collaborative initiative of OCBA and the Multicultural Writers Association of Australia. The northern areas of Adelaide have a large and active multicultural component and subjects covered in the broadcasts included contracts, warranties, second-hand cars, lay-by sales, tenancies and advertising.

### **Consumer Education workshop for disabled consumers**

This workshop was organised by the EIS branch to inform disabled consumers and representative of organisations working with them of the services available to them by OCBA.

### **Largs Bay Consumer Seminar**

A consumer education seminar at Largs Bay Men's Club was aimed at senior citizens and their families in the area.

### **Business Migrants and New Arrivals**

A number of training and education sessions for business migrants and new arrivals took place at the Adelaide Institute during the year in review. The consumer education sessions were delivered simultaneously in English and through interpreters in Vietnamese, Mandarin, German, Russian, Arabic and Polish.

### **Men's Seminar**

An evening consumer education seminar was held for men living in Adelaide's western area. Conducted in collaboration with Cowandilla Church of Christ Men's Fellowship the audience heard speakers talk about product safety, tenancies, warranties and second hand motor vehicle issues.

### **Homelessness State Conference**

The EIS branch was represented at the Homelessness State Conference where the opportunity was taken to advise government agencies and non-government organisations working with homeless persons in SA of OCBA service delivery practices.

### **Access to Justice Program**

OCBA's representative participated in this program that was organised by the Office of the State Ombudsman and the Office of Multicultural and International Affairs. A wide range of participants, from both metropolitan and country areas, discussed methods of how government can improve on its requirement to meet community needs.

### **Consumer Education Workshops, Flinders University**

During August/September 1999 two consumer education workshops, carried out in conjunction with the Special Education and Disabilities Studies School-Flinders University, targeted undergraduates and post-graduate students who were working, or who planned to work with consumers with special needs.

### **Centacare-Catholic Family Services**

An OCBA representative delivered a presentation at a welfare conference attended by social workers and counsellors working with low income families, homeless people, the unemployed, young mothers and the elderly throughout the Western, Southern and Northern regions.

### **Christmas Shopping Program**

During November/December 1999, a series of community information programs on the topic 'Credit and wise Christmas shopping' was broadcast on the Adelaide metropolitan ethnic station 5 EBI-FM. OCBA staff members presented topics in English and in-studio interpreters spoke in Farsi, Chinese and Arabic.

### **Gawler Neighbourhood House**

In a joint venture program with the Gawler Neighbourhood House, a consumer education workshop was organised in May 2000 for unemployed and single parents living in Gawler and outer northern metropolitan areas. The demand for consumer education programs in the region increased during the reporting period.

### **Multicultural Good Practice Network**

A senior consultant from the branch was invited to be a member of the South Australian multicultural good practice network reference group organised by the Office of Multicultural and International Affairs. The consultant will assess community consumer education practices for non-English speakers and will be available to contribute to consumer education programs in State government agencies.

### **Educational Programs**

The community education program of the branch incorporated talks and lectures, training programs, discussion papers, question and answer test sheets for consumer and trader groups and facts sheets.

As well as working with adult education groups, the retail industry, TAFE and Government and non-Government organisations, staff addressed many community and service groups, primary/secondary schools, colleges and trade associations to promote a better understanding of the Consumer Transactions Act, the Fair Trading Act and other consumer legislation.

Educational courses, training programs and seminars were held at Mount Carmel College, Christian Brothers College, Prescott and Mary MacKillop Colleges, Sacred Heart College, Brighton Secondary School, Birdwood Area School, Christies Beach High School, Coober Pedy Area School, Norwood Morialta High/Middle School, Ross Smith Secondary, Urrbrae Agricultural High School, Modbury High School, Mount Barker High School, Murray Bridge High School, Norwood Senior School and Tanunda Lutheran School.

Talks/Training to community and industry groups included: NASTEC Employment Services, Adelaide Training Academy, Mortgage Industry Group, Bunnings Hardware, Anglican Women's Group, Club 68 Stepney, Retail Group(s) Training, Various TAFE colleges, Umoona Community - Coober Pedy, Neighbourhood Watch groups, Combined Car Clubs, Parks Community Workshops, Healthy Living for seniors, Marion Men's Club, Parks Community Health Service, Glandore Community Group, Elizabeth Community Centre, Lutheran Care, Reynella Neighbourhood Centre, University of Third Age and various Rotary Clubs. Many Probus Clubs were given consumer education talks and branch speakers addressed Legacy Widows Group, Woodcroft Women and Well-being, Salvation Army Women's League, consumer and business groups in Coober Pedy, and YWCA Rostrevor.

### **Publications and Literature**

EIS is responsible for the overall production of brochures, information sheets, leaflets, newsletters and other educational materials across the whole of OCBA. These publications are distributed throughout the community via service organisations, information booths, companies, schools, tertiary education institutions and other Government agencies.

During the reporting period several new information sheets and brochures were developed including the Little Book of Scams, Buying a Used Vehicle, Buying a Home and Building a Home. A new photographic Licence/Registration Card brochure and a Birth Registration/Application for a Birth Certificate brochure also were produced.

A considerable amount of writing and design work was done for forthcoming publications including Important Information for Crowd Controllers, E-Commerce, An Example of Rules for an Incorporated Association, the Good Business Guide, the revised OCBA Service Charter, Mutual Recognition of Licences and Land Agents.

As new information sheets and brochures were published, electronic versions were incorporated on the OCBA website in a format that is able to be downloaded.

EIS continued to work closely with the operational branches to refine and improve the layout, design and readability of OCBA forms.

The EIS publishing unit was increasingly utilised by the branches and equipment and resources were directed to this area to meet demand. Many of OCBA's documents, publications, forms and presentations including the new licence card and brochure and a series of five new nursery series commemorative birth certificates were professionally designed inhouse.

### **Little Black Book of Scams**

This publication, launched to mark National Consumer Day in October proved to be one of the branch's most popular publications. It gives details of many of the scams, swindles, frauds and rorts being promoted in South Australia and gives advice about how to avoid being ripped off.

It was distributed widely throughout the State and to senior citizens clubs and other groups with predominantly older members.

### **Credit Card Fraud**

A joint project between EIS and the Crime Prevention Unit, SA Police and supported by many South Australian banks and credit unions involved the production and State wide distribution of a pamphlet warning of credit card fraud. The awareness campaign was developed to warn consumers of potential credit card fraud particularly during the lead up to the Olympic Games and five hundred and fifty thousand copies were distributed in banks and credit union statements during March and April.

## Education and Information Services

### **Trade Measurement Brochures**

In December the Minister for Consumer Affairs launched a series of trade measurement publications. Ten brochures were published to cover major trade measurement functions including: Weights and Measures, Instrument Servicing, Public Weighbridges, Weighbridges, Service Stations, Packaging and Labelling, Fruit and Vegetables, Wine Packaging, Meat Packaging and Alcoholic Beverage and Spirit Measures.

The publications are handed out to traders by Trade Measurement Inspectors during regular monitoring visits.

### **New Photographic Licence Card and Brochure**

EIS branch designed the new secure Business and Occupational Services photographic licence card and certificate and an accompanying brochure for licence holders and applicants.

### **Website Developments**

As new OCBA information sheets are developed and application forms revised they are added to the website [www.ocba.sa.gov.au](http://www.ocba.sa.gov.au). Customers frequently access residential tenancy and the registration of a business name forms and One Step Ahead, an information kit for older South Australians and the Little Black Book of Scams are the two most popular publications on the website.

Following the establishment of a new Corporate Affairs and Compliance branch, the front page of the website was re-designed. The section on registering a business name section was expanded along with information on associations and co-operatives.

Several modifications were made to the site to comply with Government protocols for web searching, e-mail and webmaster addresses.

During the reporting period, there was an average of 1100 hits per day (access to a single page) and an average of 390 visits per day (a cluster of hits by a particular host). The most popular areas of the site were births, birth certificates, baby names, business name requests, scams and tenancy forms.

# Appendix One

## Product Analysis of Complaints Investigated

Analysis of complaints investigated by product or service  
1 July 1999 to 30 June 2000

Category	99/00		98/99	
	Sub-total	Total	Sub-total	Total
<b>1 General Consumer Products</b>		<b>793</b>		<b>849</b>
Air conditioners	52		42	
Literature, Stationary, Tapes & Records	28		41	
Clothes	60		77	
Electrical goods - other	51		48	
Food products	27		19	
Footwear	17		16	
Furnishings	64		63	
Furniture - lounge suites	76		83	
Furniture - other	69		74	
Haberdashery, clothing materials & accessories	14		8	
Heaters & hot water systems	21		19	
Household small appliances	9		6	
Jewellery, clocks and watches	22		24	
Pets & pet products	17		12	
Photographic equipment & supplies	20		7	
Health & cleaning products	24		89	
Sports & camping equipment	12		5	
Televisions & video cassette recorders	32		39	
Whitegoods - other	23		19	
Whitegoods - refrigerators	32		40	
Whitegoods - washing machines	28		23	
Other general goods	95		95	
<b>2 Motor vehicles and Transport Products</b>		<b>509</b>		<b>525</b>
Purchase of new motor vehicles	26		31	
Purchase of new & used motor cycles	12		9	
Purchase of used motor vehicles	185		184	
Consignment sales	2		2	
Automotive repair & servicing	194		233	
Spare parts & accessories	55		42	
Other transport vehicles & equipment	35		24	

## Appendix One

Category	99/00		98/99	
	Sub-total	Total	Sub-total	Total
<b>3 Residential Building Construction</b>		<b>933</b>		<b>744</b>
Air conditioning, heating installation	29		31	
Building & decorating products	83		69	
Carpentry, joinery	34		14	
Pest control services	24		31	
Concrete work, foundations, brickwork, paving	83		19	
Electrical	13		18	
Fences, walls, gates	32		31	
Garages, carports, sheds, water tanks	41		33	
Gardening & outdoor products	29		35	
Home Construction, extensions, renovations	288		176	
Painting, decorating, plastering	20		11	
Plumbing - water, gas, drainage	37		41	
Roofing, insulation, roof treatments	54		42	
Swimming pools, spas, hot tubs	26		15	
Tiling	39		20	
Other	101		158	
<b>4 Insurance</b>		<b>16</b>		<b>28</b>
	16		28	
<b>5 Credit, finance, investment</b>		<b>70</b>		<b>73</b>
Credit & finance	62		65	
Investment	8		8	
<b>6 Communication &amp; Information</b>		<b>250</b>		<b>259</b>
Telephone	61		60	
Internet	19		22	
Postal, Television & other services	13		9	
Computers and software	157		168	
<b>7 Marketing Methods</b>		<b>110</b>		<b>55</b>
Mail Order	89		34	
Discount & gift voucher schemes	4		8	
Other	17		13	

Category	99/00		98/99	
	Sub-total	Total	Sub-total	Total
<b>8 Real estate, accommodation</b>		<b>45</b>		<b>25</b>
	45		25	
<b>9 General Services</b>		<b>301</b>		<b>447</b>
Dry Cleaning	25			24
Education & training	15			15
Employment	6			5
Furniture removals	22			39
Health services	3			7
Household services	25			57
Transport services	20			14
Personal services	76			156
Professional & technical services	21			68
Utilities & fuel supply	11			7
Sport, culture & recreation	42			9
Other services	35			46
<b>10 Travel, Hospitality and Tourism</b>		<b>131</b>		<b>18</b>
Travel Agents	21			23
Tours	11			6
Hotels, Motels, Hostel	20			23
Other	79			66
<b>11 Trade Standards</b>		<b>302</b>		<b>295</b>
Product safety & hazardous products	143			147
Trade standards & trade measurements	159			148
<b>TOTAL</b>		<b>3,460</b>		<b>3,418</b>

## Appendix Two

### Analysis of Complaints by practice

1 July 1999 to 30 June 2000

	Practice	99/00	98/99
1	Advertising	64	82
2	Representations	186	140
3	Product Labelling	5	7
4	Sale Methods	49	71
5	Price	205	183
6	Quality	1,500	1,593
7	Credit	35	33
8	Contracts	721	627
9	Warranties	339	328
10	Miscellaneous Conduct	54	59
11	Trade Measurements & Trade Standards	143	148
12	Product Safety & Hazardous Products	159	147
	<b>TOTAL</b>	<b>3,460</b>	<b>3,418</b>

# Appendix Three

## Disciplinary Action

Defendant	Conduct	Result
<b>Building Work Contractors Act 1995</b>		
Prime, Christopher Jon	Insolvent builder	Licence cancelled
Jeffries, Warren Michael	Bankrupt builder	Licence cancelled
Delaine, Trevor and Susan	Insolvent builders	Licence cancelled
Harding, Ronald Frederick	Director of insolvent company	Licence cancelled
Hill, Andrew Todd	Director of insolvent company	Licence surrendered
Schaefer, Reinhold	Director of insolvent company	Licence surrendered
Zidov, Stephen	Bankrupt builder	Licence surrendered
<b>Plumbers, Gas Fitters and Electricians Act 1995</b>		
Snadden, Paul	Electricity theft	Licence suspended for 12 months
Smoker, Christopher Ralph	Bankrupt electrician	Suspended licence until discharged from bankruptcy
Morgan, Keith	Bankrupt electrician	Licence suspended until discharged from bankruptcy
Vaughan, Phillip John	Electrician performing substandard work	Licence cancelled

## Appendix Three

<b>Defendant</b>	<b>Conduct</b>	<b>Result</b>
<b>Land Agents Act 1994</b>		
Harding, Ronald Frederick	Director of an insolvent company	Registration surrendered
RF Harding Real Estate P/L	Director involved with another company declared insolvent	Registration surrendered
Lazaroff, Nick	Bankrupt land agent	Registration cancelled
Jenkinson, Reginald Barry	Bankrupt land agent	Registration suspended until discharged from bankruptcy
<b>Security and Investigation Agents Act 1995</b>		
Panos, George	Recent offences - not entitled to obtain a licence	Licence cancelled
Devey, Brian Raymond	Bankrupt security agent	Licence surrendered
<b>Second Hand Vehicle Dealers Act 1995</b>		
Roberts, Geoffrey Allen	Unlicensed second hand vehicle dealer	Fined \$12,550 and disqualified from obtaining a licence
<b>Business Names Act 1996</b>		
Panos Funeral Directors	Unregistered business name	Fined \$1,500
<b>Fair Trading Act 1987</b>		
Panos Funeral Directors	Funeral directors in breach of code of conduct - fraudulent conversion of funds	Fined \$1,500

<b>Defendant</b>	<b>Conduct</b>	<b>Result</b>
<b>Births, Deaths and Marriages Registration Act 1996</b>		
Panos Funeral Directors	Failed to provide Registrar with written statement of disposal within 7 days. Failed to provide registrar with written statement where disposal not within 30 days. Making false and misleading statements to the registrar	Fined \$12,500
<b>ACTIONS PENDING</b>		
Second Hand Vehicle Dealers Act 1995		2
Security and Investigation Agents Act 1995		6
Building Work Contractors Act 1995		10
Conveyancers Act 1994		2
Land Agents Act		1
Plumbers, Gas Fitters and Electricians Act		1

## Appendix Four

### Register of Assurances

No.	Trader	Date	Conduct Covered
507	SJT Pty Ltd T/A Simon Trumble Real Estate	5/7/99	LAA Section 6(1) Carrying on business as a real estate agent without a licence.
508	Fuller, Michael James	8/12/99	SIA Section 25(1)(b) Agent acted improperly whilst licensed as a security agent.
509	Harrison, Henry Peter T/A L & P Property Maintenance	13/12/99	BWCA Section 6(1)(b) FT Section 58(e) & (f) Carrying on business without a licence.
510	Jones, Christopher	15/2/00	SIA Section 6(1)(b) Section 6(1)(a) Acting as a security agent without a licence.
511	Robinson, Maurice	21/2/00	BWCA Section 6(1) Carrying on business without a contractors licence.
512	Peavor, John	8/3/00	BWCA Section 6(1) Carrying on business without a contractors licence.
513	Weston, Mark Keith	8/3/00	SIA Section 6(1)(a) and Section 6(1)(b) Acting as a security agent without a licence.
514	Martin, Colin Albert Martin, John Albert John Martin Land Agents Pty Ltd T/A John Martin First National	16/3/00	LAA Section 10 Carried on business without proper management or supervision by a registered agent.
515	Mitolo, Vito	8/4/00	SHVDA Section 7(1) Selling and offering second hand motor vehicles without a licence.
516	Tea Tree Gully Estates Pty Ltd	12/4/00	LB(S&C)A: Section 10(1) Failed to ensure vendor's statement was accurate as at the date of service on the purchaser.
517	Chubb Security Australia Pty Ltd T/a Chubb Protective Services	7/4/00	SIA Section 12A Section 13(1) Employed a security agent without a licence. Failed to properly manage and supervise an agent's business.
518	Ward, Benjamin Mark	28/4/00	SIA Section 6(1)(a) Section 6(1)(b) Acted as a security agent without a licence.
519	McMillan, Malcolm	2/5/00	BWCA Section 6(1)(a) Section 6(1)(b) Carried on as a building work contractor without a licence.

No	Trader	Date	Conduct Covered
520	Hannam, Lynette Marie	26/4/00	LB(S&C)A: Section 5 Carried on conveyancing business without a licence.
521	Godfrey, Ronald Godfrey, Lynette	10/4/00	BWCA Section 6 Section 34 Exceeded building work contractors licence endorsements.
522	Zivkovic, Zivko	30/5/00	BWCA Section 6(1)(a) Section 6(1)(b) Carried on as a building work contractor without a licence.
523	Fenwick, Peter Scott	2/6/00	SIA Section 6(1)(a) Section 6(1)(b) Acted as a security agent without a licence.
524	Congedi, Luci	12/6/00	BWCA Section 6(1)(a) Section 6(1)(b) Carried on as a building work contractor without a licence.
525	Beggs, Ian	13/5/00	PGEA Section 6(1)(a) Carried on as an electrical work contractor without a licence.
526	Macar Pty Ltd	23/6/00	Consumer Credit Code Section 144. Acted falsely by overstating the price of a vehicle in a credit contract. Accepting a deposit in contravention of the CCC Act.
527	Williams, Owen	22/6/00	PGEA Section 6(1)(a) Section 13(a) Carried on as an electrical work contractor without a licence.

BWCA: Building Work Contractors Act 1995  
 SIA: Security and Investigation Agents Act 1995  
 TAA: Travel Agents Act 1996  
 SHVDA: Second-hand Vehicle Dealers Act 1995  
 PGEA: Plumbers, Gas Fitters and Electricians Act 1995  
 LAA: Land Agents Act 1994  
 LB(S&C)A: Land and Business (Sale and Conveyancing) Act 1994

## Appendix Five

### Residential Tenancies

	June 2000	June 99	June 98	June 97	June 96	June 95	June 94
<b>Bonds</b>							
Held	82,985	82,035	80,361	80,681	78,796	73,705	69,297
Lodged	47,323	47,151	47,311	49,266	51,801	52,281	48,372
Refunded	46,338	45,339	46,726	44,380	46,710	46,936	48,847
<b>Tribunal Support</b>							
Applications Lodged (Note 1)	10,717	9,667	8,682	8,041	10,209	12,888	11,216
Hearings listed - Metro	8,695	8,042	6,464	6,388	4,710	4,215	4,836
- Country	8,92	652	487	345	245	276	304
Hearings Conducted	7,366	7,029	5,605	5,496	4,783	4,112	3,847
<b>Advisory Section</b>							
Request for assistance	926	1,011	1,180	1,015	987		
Tribunal files investigated	1,427	1,417	1,428	2,598	2,404	3,424	3,110
Telephone advice	83,603	78,406	78,143	86,232	87,978	88,000	64,361
<b>Total telephone calls received in branch (est)</b>	<b>173,390</b>	<b>152,950</b>	<b>164,000</b>	<b>174,000</b>	<b>160,000</b>	<b>145,000</b>	<b>127,875</b>

Note 1: Included approximately 5,000 claims for bond refund that were processed by ten day letter, until the legislation changed on 30 November 1995. These claims are now made to the Commissioner for Consumer Affairs.

# Appendix Six

## Freedom of Information

Six new applications under the Freedom of Information Act were received during the year. Eighteen applications were received in the previous year.

The new applications were for information held on consumer affairs files.

The Registrar of Births, Deaths and Marriages, who does not come within the administrative jurisdiction of the agency, handles FOI applications separately to those received by the Office of Consumer and Business Affairs.

New applications	6
Applications carried over	nil

# Appendix Seven

## Residential Tenancies Fund

### FINANCIAL STATEMENT FOR YEAR ENDED 30 JUNE 2000

	Note	2000 \$'000	1999 \$'000
<b>FUNDS HELD AT 1 JULY</b>		<b>41,732</b>	<b>41,427</b>
<b>RECEIPTS</b>			
Security Bonds Lodged		21,697	20,745
Rent Received Pursuant to Tribunal Direction		4	7
Interest	2	3,292	3,161
Proceeds From Sale of Goods		3	1
Salary Cost Recoups		86	22
SAHT Cost Recoups		374	405
Aboriginal Housing Authority Cost Recoups		5	
Other		106	105
Total Receipts		<u>25,567</u>	<u>24,446</u>
<b>PAYMENTS</b>			
Security Bonds Refunded		20,545	19,795
Rent Paid Pursuant to Tribunal Direction		5	10
Compensation Payments	4	4	5
Administration Costs		3,510	3,711
Total Payments		<u>24,064</u>	<u>23,521</u>
<b>NET INCREASE IN FUNDS</b>		<b>1,503</b>	<b>925</b>
<b>NON CASH MOVEMENTS IN INVESTMENTS</b>	3	<b>552</b>	<b>(6200)</b>
<b>FUNDS HELD AT 30 JUNE</b>	6	<b><u>43,787</u></b>	<b><u>41,732</u></b>
<b>THIS BALANCE WAS REPRESENTED BY:</b>			
Deposits Lodged With The Treasurer*		(31)	(272)
Investment With Public Trustee	3	43,818	42,004
		<u>43,787</u>	<u>41,732</u>

\*Represents deposits held in a Deposit Account less unrepresented cheques.

Notes to and forming part of the Financial Statement

#### 1. Accounting Policy

The financial statement has been prepared predominantly on a cash basis, unless otherwise disclosed, and is in accordance with Treasurer's Instructions issued pursuant to the Public Finance and Audit Act, 1987.

#### 2. Interest

Actual earnings on the portfolio of investments, that was credited to the investment of \$2.7 m ( \$2.6m 1998/99) managed by the Public Trustee, was brought to account in 1999/00 as interest received.

The remaining portion of interest received relates to deposits lodged with the Treasurer and Bond Guarantees lodged by the South Australian Housing Trust.

<b>3. Investments with Public Trustee</b>	<b>2000</b>
	\$'000
Opening balance 1 July 1999	42,004
Unrealised market movements	552
Withdrawals for operations	(1,500)
Interest Earned	2,656
Other Revenue	106
Balance at 30 June	<u>43,818</u>

#### 4. Compensation Payments

Section 101(f) of the Residential Tenancies Act 1995 provides for compensation to be paid from the investment income of the Fund for the benefit of landlords and tenants as approved by the Minister.

#### 5. Guarantee Bond Scheme

In February 1996 the South Australian Housing Trust replaced their Bond Assistance Programme with a Guarantee Scheme whereby only a guarantee is lodged with the Commissioner for Consumer Affairs rather than actual bond monies. At 30 June 2000 there were approximately 20 000 guarantees lodged totalling \$9.5 million.

#### 6. The Residential Tenancies Fund comprises:

	\$'000	2000 \$'000
Monies held on behalf of landlords and tenants:-		
Security bonds lodged	34,530	
Unclaimed monies held in accordance with statutory requirements	594	
Sale of goods pursuant to section 97	12	
Rent held pursuant to tribunal direction	<u>3</u>	
		35,139
Earnings of the Fund:-		
Balance 1 July 1999	7,747	
Net earnings 1999/00	<u>901</u>	
		<u>8,648</u>
		<u>43,787</u>

To the best of our ability and belief, the foregoing Financial Statement and notes are presented fairly in accordance with Statements of Accounting Concepts, applicable Accounting Standards, Urgent Issues Consensus Views and the Public Finance and Audit Act, 1987, as amended and internal controls over financial reporting have been effective throughout the reporting period for the year ended 30 June 2000.



Mark Bodycoat  
Commissioner for Consumer Affairs



Brian Scholz  
Manager, Tenancies Branch



## INDEPENDENT AUDIT REPORT

### TO THE COMMISSIONER FOR CONSUMER AFFAIRS

#### **SCOPE**

As required by section 31 of the *Public Finance and Audit Act 1987* and section 102 of the *Residential Tenancies Act 1995*, I have audited the financial report of the Residential Tenancies Fund for the financial year ended 30 June 2000. The financial report comprises:

- A Financial Statement of Receipts and Payments and Funds Held;
- Notes to and forming part of the Financial Statements;
- Certificate by the Commissioner for Consumer Affairs and the Manager, Tenancies Branch.

The Commissioner for Consumer Affairs and the Manager, Tenancies Branch are responsible for the financial report. I have conducted an independent audit of the financial report in order to express an opinion on it to the Commissioner for Consumer Affairs.

The audit has been conducted in accordance with the requirements of the *Public Finance and Audit Act 1987* and Australian Auditing Standards to provide reasonable assurance that the financial report is free of material misstatement.

Audit procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion whether, in all material respects, the financial report is presented fairly in accordance with Treasurer's Instructions promulgated under the provisions of the *Public Finance and Audit Act 1987*, Australian Accounting Standards and other mandatory professional reporting requirements including Urgent Issues Group Consensus Views so as to present a view which is consistent with my understanding of the Residential Tenancies Fund's position, and the results of its operations.

The audit opinion expressed in this report has been formed on the above basis.

#### **AUDIT OPINION**

In my opinion, the financial report presents fairly in accordance with the Treasurer's Instructions promulgated under the provisions of the *Public Finance and Audit Act 1987*, applicable Australian Accounting Standards and other mandatory professional reporting requirements, the funds position of the Residential Tenancies Fund as at 30 June 2000 and the results of its operations for the year then ended.

29 September 2000

**K I MacPHERSON**  
AUDITOR-GENERAL

## Appendix Eight

### Second-hand Vehicles Compensation Fund

#### FINANCIAL STATEMENT FOR THE YEAR ENDED 30 JUNE 2000

	NOTE	2000 \$`000	1999 \$`000
<b>FUNDS HELD AT 1 JULY</b>		<b><u>1309</u></b>	<b><u>1140</u></b>
<b>RECEIPTS</b>			
Contributions by Licensees		301	298
Interest on Investments	2	102	76
Recovery of Claims		6	-
<b>Total Receipts</b>		<b><u>409</u></b>	<b><u>374</u></b>
<b>PAYMENTS</b>			
Claims	3	56	85
Administration Costs	4	39	3
Debt Recovery		3	8
<b>Total Payments</b>		<b><u>98</u></b>	<b><u>186</u></b>
<b>NET INCREASE IN FUNDS</b>		<b><u>311</u></b>	<b><u>188</u></b>
<b>NON CASH MOVEMENTS IN INVESTMENTS</b>	5	<b><u>24</u></b>	<b><u>(19)</u></b>
<b>FUNDS HELD AT 30 JUNE</b>		<b><u><u>1644</u></u></b>	<b><u><u>1309</u></u></b>
<b>THIS BALANCE WAS REPRESENTED BY:</b>			
Deposits lodged with the Treasurer		42	223
Investment with Public Trustee	6	1602	1086
		<b><u>1644</u></b>	<b><u>1309</u></b>

#### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENT

##### 1. Statement of Accounting Policy

The financial statement has been prepared predominantly on a cash basis, unless otherwise disclosed, and is in accordance with Treasurer's Instructions issued pursuant to the Public Finance and Audit Act, 1987.

##### 2. Interest on Investments

Interest of \$92,000 (\$69,000) was earned on the portfolio of investments and was credited to the Public Trustee Special Portfolio Account.

The remaining portion of interest received relates to deposits lodged with the Treasurer.

## Appendix Eight

### 3. Claims

Payments totalling \$56,000 (\$85,000) was paid to settle valid unsatisfied claims against 4 (9) second-hand motor vehicle dealers.

### 4. Administration Costs

Reimbursements paid to the Attorney-General's Department for the cost of administering Schedule 3 of the Second-hand Vehicle Dealers Act, 1995 was \$33,000.  
The remaining portion of administration costs relates to Auditors' remuneration.

### 5. Non Cash Movements in Investments

Reflects the change in the market value of the fund as at 30 June 2000. This has been brought to account to accurately reflect the value of the Fund.

### 6. Investment Transfers

In October 1999, \$150,000 and March 2000, \$250,000 of funds held by the Treasurer were transferred to the Public Trustee to be invested.

	\$'000
Opening balance 1 July 1999	1086
Unrealised market movements	24
Deposits	400
Interest Earned	92
Balance at 30 June	1602

### 7. Contingent Liabilities

It is anticipated that during 2000 - 2001, payments from the Fund in respect of claims received and anticipated claims are estimated at \$100,000.

To the best of our ability and belief, the foregoing Financial Statement and notes are presented fairly in accordance with Statements of Accounting Concepts, applicable Accounting Standards, Urgent Issues Consensus Views and the Public Finance and Audit Act, 1987, as amended and internal controls over financial reporting have been effective throughout the reporting period for the year ended 30 June 2000.



Mark Bodycoat  
Commissioner for Consumer Affairs



Brian Scholz  
Manager, Tenancies Branch



## INDEPENDENT AUDIT REPORT

### TO THE COMMISSIONER FOR CONSUMER AFFAIRS ATTORNEY-GENERALS DEPARTMENT

#### SCOPE

As required by section 31 of the *Public Finance and Audit Act 1987* and section 6 of schedule 3 of the *Second-hand Vehicles Dealers Act 1995*, I have audited the financial report of the Second-hand Vehicles Compensation Fund for the financial year ended 30 June 2000. The financial report comprises:

- A Financial Statement of Receipts and Payments and Funds Held;
- Notes to and forming part of the Financial Statements;
- Certificate by the Commissioner for Consumer Affairs and Manager, Consumer Affairs

The Commissioner for Consumer Affairs and the Manager, Consumer Affairs are responsible for the financial report. I have conducted an independent audit of the financial report in order to express an opinion on it to the Commissioner for Consumer Affairs.

The audit has been conducted in accordance with the requirements of the *Public Finance and Audit Act 1987* and Australian Auditing Standards to provide reasonable assurance that the financial report is free of material misstatement.

Audit procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion whether, in all material respects, the financial report is presented fairly in accordance with Treasurer's Instructions promulgated under the provisions of the *Public Finance and Audit Act 1987*, Australian Accounting Standards and other mandatory professional reporting requirements including Urgent Issues Group Consensus Views so as to present a view which is consistent with my understanding of the Second-hand Vehicles Compensation Fund's funds position and the results of its operations.

The audit opinion expressed in this report has been formed on the above basis.

#### AUDIT OPINION

In my opinion, the financial report presents fairly in accordance with the Treasurer's Instructions promulgated under the provisions of the *Public Finance and Audit Act 1987*, applicable Australian Accounting Standards and other mandatory professional reporting requirements, the funds position of the Second-hand Vehicles Compensation Fund as at 30 June 2000 and the results of its operations for the year then ended.

20 October 2000

**K I MacPHERSON**  
**AUDITOR-GENERAL**

# Appendix Nine

## Retail Shop Leases Fund

### FINANCIAL STATEMENT FOR THE YEAR ENDED 30 JUNE 2000

	NOTE	2000 \$'000	1999 \$'000
<b>FUNDS HELD AT 1 JULY</b>		<b>1389</b>	<b>1270</b>
<b>RECEIPTS</b>			
Security Bonds Lodged		368	313
Interest on Investments	2	89	82
Other		3	3
Total Receipts		<u>460</u>	<u>398</u>
<b>PAYMENTS</b>			
Security Bonds Refunded		183	193
Administration Costs	3	80	70
Total Payments		<u>263</u>	<u>263</u>
<b>NET INCREASE IN FUNDS</b>		<u>197</u>	<u>135</u>
<b>NON CASH MOVEMENTS IN INVESTMENTS</b>		<u>15</u>	<u>(16)</u>
<b>FUNDS HELD AT 30 JUNE</b>	4	<u><b>1601</b></u>	<u><b>1389</b></u>
<b>THIS BALANCE WAS REPRESENTED BY:</b>			
Deposits lodged with the Treasurer *		314	196
Investment with Public Trustee	5	1287	1193
		<u>1601</u>	<u>1389</u>

\*Represents deposits held in a Deposit Account less unrepresented cheques

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENT

#### 1. Statement of Accounting Policy

The financial statement has been prepared predominantly on a cash basis, unless otherwise disclosed, and is in accordance with Treasurer's Instructions issued pursuant to the Public Finance and Audit Act, 1987.

#### 2. Interest on Investments

Actual earnings on the portfolio of investments, that was credited to the investment of \$76,000 (\$72,000 1998/99) managed by the Public Trustee was brought to account in 1999/00 as interest received.

The remaining portion of interest received \$13,000 (\$10,000) relates to deposits lodged with the Treasurer.

### 3. Administration Costs

Reimbursements paid to the Attorney-General's Department for the cost of administering Part 10 of the Retail and Commercial Leases Act 1995 was \$80,000. This reimbursement was based on expected earnings at the time of the reimbursement. The actual earnings of \$107,000 were insufficient to enable full recovery of actual costs. The actual costs of administering the Act was \$110,000 (\$121,000).

### 4. The Retail Shop Lease Fund Comprises:

	\$'000	2000 \$'000
Monies held on behalf of landlords and tenants:		
Security bonds lodged		1499
Earnings of the Fund:		
Balance 1 July 1999	75	
Net Earnings 1999/00	27	
		102
		1601

### 5. Investment with Public Trustee

	\$'000
Opening balance 1 July 1999	1193
Unrealised market movements	15
Interest Earned	76
Other Revenue	3
Balance at 30 June	1287

To the best of our ability and belief, the foregoing Financial Statement and notes are presented fairly in accordance with Statements of Accounting Concepts, applicable Accounting Standards, Urgent Issues Consensus Views and the Public Finance and Audit Act, 1987, as amended and internal controls over financial reporting have been effective throughout the reporting period for the year ended 30 June 2000.



Mark Bodycoat  
Commissioner for Consumer Affairs



Brian Scholz  
Manager, Tenancies Branch



Auditor-General's  
Department

## INDEPENDENT AUDIT REPORT

### TO THE COMMISSIONER FOR CONSUMER AFFAIRS

#### SCOPE

As required by section 31 of the *Public Finance and Audit Act 1987* and section 72 of the *Retail and Commercial Leases Act 1995*, I have audited the financial report of the Retail Shop Leases Fund for the financial year ended 30 June 2000. The financial report comprises:

- A Financial Statement of Receipts and Payments and Funds Held;
- Notes to and forming part of the Financial Statements;
- Certificate by the Commissioner for Consumer Affairs and the Manager, Tenancies Branch.

The Commissioner for Consumer Affairs and the Manager, Tenancies Branch are responsible for the financial report. I have conducted an independent audit of the financial report in order to express an opinion on it to the Commissioner for Consumer Affairs.

The audit has been conducted in accordance with the requirements of the *Public Finance and Audit Act 1987* and Australian Auditing Standards to provide reasonable assurance that the financial report is free of material misstatement.

Audit procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion whether, in all material respects, the financial report is presented fairly in accordance with Treasurer's Instructions promulgated under the provisions of the *Public Finance and Audit Act 1987*, Australian Accounting Standards and other mandatory professional reporting requirements including Urgent Issues Group Consensus Views so as to present a view which is consistent with my understanding of the Retail Shop Leases Fund's position, and the results of its operations.

The audit opinion expressed in this report has been formed on the above basis.

#### AUDIT OPINION

In my opinion, the financial report presents fairly in accordance with the Treasurer's Instructions promulgated under the provisions of the *Public Finance and Audit Act 1987*, applicable Australian Accounting Standards and other mandatory professional reporting requirements, the funds position of the Retail Shop Leases Fund as at 30 June 2000 and the results of its operations for the year then ended.

10 October 2000

**K I MacPHERSON**  
**AUDITOR-GENERAL**

# Appendix Ten

## Agent's Indemnity Fund

### FINANCIAL STATEMENT FOR THE YEAR ENDED 30 JUNE 2000

	NOTE	2000 \$`000	1999 \$`000
FUNDS HELD AT 1 JULY		17233	14465
RECEIPTS			
Interest on Trust Accounts		<u>2870</u>	<u>2483</u>
Interest on Investments	2	1401	1095
Recovery of Claims		<u>3</u>	<u>-</u>
Total Receipts		<u>4274</u>	<u>3578</u>
PAYMENTS			
Claims	3	134	4
Accounting & Legal Fees		82	92
Administration Costs	4	146	163
Education Programs		296	271
Debt Recovery		<u>3</u>	<u>1</u>
Total Payments		<u>661</u>	<u>531</u>
NET INCREASE IN FUNDS		<u>3613</u>	<u>3047</u>
NON CASH MOVEMENTS IN INVESTMENTS	5	<u>443</u>	<u>(279)</u>
FUNDS HELD AT 30 JUNE		<u>21289</u>	<u>17233</u>
THIS BALANCE WAS REPRESENTED BY:			
Deposits lodged with the Treasurer		669	2791
Investment with Public Trustee	6	<u>20620</u>	<u>14442</u>
		<u>21289</u>	<u>17233</u>

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENT

#### 1. Statement of Accounting Policy

The financial statement has been prepared predominantly on a cash basis, unless otherwise disclosed, and is in accordance with Treasurer's Instructions issued pursuant to the Public Finance and Audit Act 1987.

#### 2. Interest on Investments

Interest of \$1,335,000 (\$1,011,000) was earned on the portfolio of investments and was credited to the Public Trustee Special Portfolio Account.

The remaining portion of interest received relates to deposits lodged with the Treasurer.

## Appendix Ten

### 3. Claims

The amount of claims in 1999-2000 was on account of claims against a defaulting conveyancer/mortgage financier and a land agent.

### 4. Administration Costs

Reimbursements paid to the Attorney-General's Department for the cost of administering Part 4 of the Conveyancers Act 1994 and Part 3 of the Land Agents Act 1994 was \$141,000. The remaining portion of administration costs relates to Auditors' remuneration.

### 5. Non Cash Movements in Investments

Reflects the change in the market value of the fund as at 30 June 2000. This has been brought to account to accurately reflect the value of the Fund.

### 6. Investment with Public Trustee

In October 1999, \$3,300,000 and March 2000, \$1,100,000 of funds held by the Treasurer were transferred to the Public Trustee to be invested.

	\$'000
Opening balance 1 July 1999	14442
Unrealised market movements	443
Deposits	4400
Interest Earned	1335
Balance at 30 June	20620

### 7. Contingent Liability

The contingent liability in respect of claims on the Fund received and anticipated to be received in respect of a defaulting conveyancer/mortgage financier and land agent is estimated to be a maximum of \$1,000,000 (\$1,060,000).

To the best of our ability and belief, the foregoing Financial Statement and notes are presented fairly in accordance with Statements of Accounting Concepts, applicable Accounting Standards, Urgent Issues Consensus Views and the Public Finance and Audit Act, 1987, as amended and internal controls over financial reporting have been effective throughout the reporting period for the year ended 30 June 2000.



Mark Bodycoat  
Commissioner for Consumer Affairs



Brian Scholz  
Manager, Tenancies Branch



Auditor-General's  
Department

## INDEPENDENT AUDIT REPORT

TO THE COMMISSIONER FOR CONSUMER AFFAIRS  
ATTORNEY-GENERALS DEPARTMENT

### SCOPE

As required by section 31 of the *Public Finance and Audit Act 1987* and section 41 of the *Land Agents Act 1994*, I have audited the financial report of the Agents Indemnity Fund for the financial year ended 30 June 2000. The financial report comprises:

- A Financial Statement of Receipts and Payments and Funds Held;
- Notes to and forming part of the Financial Statements;
- Certificate by the Commissioner for Consumer Affairs and Manager, Consumer Affairs

The Commissioner for Consumer Affairs and the Manager, Consumer Affairs are responsible for the financial report. I have conducted an independent audit of the financial report in order to express an opinion on it to the Commissioner for Consumer Affairs.

The audit has been conducted in accordance with the requirements of the *Public Finance and Audit Act 1987* and Australian Auditing Standards to provide reasonable assurance that the financial report is free of material misstatement.

Audit procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion whether, in all material respects, the financial report is presented fairly in accordance with Treasurer's Instructions promulgated under the provisions of the *Public Finance and Audit Act 1987*, Australian Accounting Standards and other mandatory professional reporting requirements including Urgent Issues Group Consensus Views so as to present a view which is consistent with my understanding of the Agent Indemnity Fund's funds position and the results of its operations.

The audit opinion expressed in this report has been formed on the above basis.

### AUDIT OPINION

In my opinion, the financial report presents fairly in accordance with the Treasurer's Instructions promulgated under the provisions of the *Public Finance and Audit Act 1987*, applicable Australian Accounting Standards and other mandatory professional reporting requirements, the funds position of the Agents Indemnity Fund as at 30 June 2000 and the results of its operations for the year then ended.

20 October 2000

K I MacPHERSON  
AUDITOR-GENERAL