

# Carers' guide to consumer protection



Department of Consumer  
and Employment Protection  
Government of Western Australia  
Consumer Protection Division

For information and advice on any consumer protection issue, or to obtain a list of DOCEP's free publications, contact the Consumer Protection Advice Line on 1300 30 40 54 from anywhere in Western Australia for the cost of a local call, or visit [www.docep.wa.gov.au/consumer](http://www.docep.wa.gov.au/consumer)

*This publication is available on request in other formats to assist people with special needs.*

### **Disclaimer**

Information contained in this guide (the information) is provided by the State of Western Australia (the State), the Department of Consumer and Employment Protection (DOCEP), the Commissioner for Consumer Protection (the Commissioner), and their relevant officers (servants).

It is provided voluntarily as a public service, in good faith and is derived from sources believed to be reliable and accurate at the time of publishing.

Changes in circumstances after the information is published may impact on its accuracy (for example changes to legislation). As such, no assurance can be given about its accuracy or currency after the publication of this guide.

The State, DOCEP, the Commissioner and servants are waived – to the full extent permitted by law – from any and all claims relating to the use of this information.

Whether you are a family carer or a care worker it is important to know where to go for information and advice if you are concerned the person you care for may be the victim of unfair trading practices.

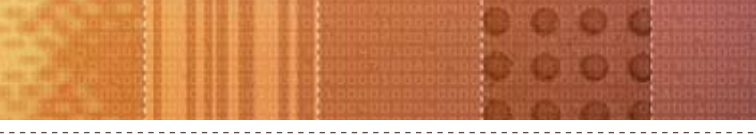
Consumer Protection is a division of the Department of Consumer and Employment Protection (DOCEP). One of its roles is to provide advice and assistance about the rights and responsibilities of traders and consumers under Western Australia's consumer protection laws.

Consumer Protection has developed this brochure to help you protect the welfare of the people in your care.

## Dealing with another person's affairs

A Power of Attorney and an Enduring Power of Attorney are legal documents where one person gives another the legal authority to make financial and legal decisions on their behalf. The documents are the same apart from the following important difference:

- A Power of Attorney is **automatically cancelled** if the person who gave the power becomes of unsound mind; that is, becomes legally incapacitated.
- An Enduring Power of Attorney **remains legally in force** even if the person who gave the power becomes of unsound mind.



A person who holds an Enduring Power of Attorney has the same rights, on behalf of the incapable consumer, as any other consumer and can discuss private financial and legal issues with Consumer Protection.

Individuals can only make or revoke an Enduring Power of Attorney while they are still capable of making legal and financial decisions for themselves.

If you do not hold the Enduring Power of Attorney and suspect that a person in your care is the target of unfair trading practices, it is important you immediately advise whoever is responsible for their affairs.

Where a person is unable to give another person an Enduring Power of Attorney, the Public Trustee may be able to assist in the management of the person's financial affairs. The Public Trustee ensures its clients have access to any legal service they may require.

The Public Trustee employs specialist solicitors, accountants and trust officers to represent the interests of the estates under administration, the beneficiaries of those estates and the financial affairs of those for whom the Public Trustee is appointed as administrator.

Non-legal advice can also be obtained by calling the Consumer Protection Advice Line on 1300 30 40 54. Consumer Protection staff offer free conciliation and complaint handling services, and will help you with any enquiries.

## **Making a contract**


In some circumstances the people you care for may not have the capacity to make informed decisions, particularly when purchasing goods and services. They can easily be misled or have little understanding of the documents they are asked to sign.

When any purchase is made, the parties involved enter into a contract of sale. A contract is a legal and binding promise, document or agreement between two or more people. Contracts can be verbal, written or implied by conduct.

Although some contracts have a 'cooling off' period, it is still important to understand the contract before signing any documentation.

Adults are deemed to have the capacity to enter into a contract if they can:

- understand the information given to them;
- make a decision based on this information, having weighed up the positive and negative consequences of the decision; and
- communicate that decision to another person.



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The law presumes adults are of sound mind and have the capacity to enter into a contract, unless there is evidence this is not the case.

If a person's capacity to enter into a contract is in question, medical and/or other evidence may be needed for a ruling to be made on the validity of a contract.

## Scams

Scams, rip-offs and frauds often target the most vulnerable members of our community.

Scams can surface over the internet, by phone, through unsolicited mail or door to door soliciting.

There are many types of scams. The most common are:

- fake lotteries and prize draws;
- pyramid schemes;
- advance-fee frauds;
- psychics, clairvoyants and other lucky charms; and
- email scams, in particular phishing.

DOCEP is keen to hear from anyone who has come across a scam so we can then alert other members of the public.

As a carer or care worker, you are encouraged to forward to Consumer Protection any suspect emails, letters,

phone calls, or dubious door to door encounters that you, or those for whom you care, receive.

## **WA ScamNet**

WA ScamNet is a service provided by Consumer Protection to help fight the growing problem of scams. The WA ScamNet website;

[www.docep.wa.gov.au/wascamnet](http://www.docep.wa.gov.au/wascamnet)

provides details of many different types of scams and has a list of those currently targeting people in Western Australia.

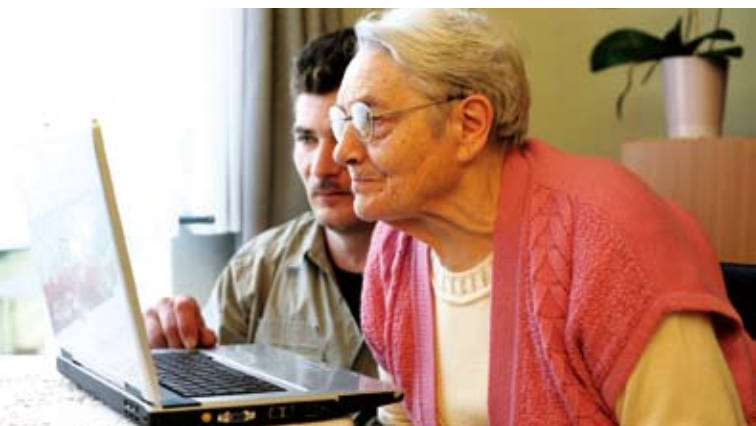
The website can help you recognise scams and let you know what to do if you suspect you, or somebody for whom you care, is the target of a scam. It also provides links to other useful websites.

## **How to report a scam**

You can report a scam to WA ScamNet by:

- email to [wascamnet@docep.wa.gov.au](mailto:wascamnet@docep.wa.gov.au);
- phoning the Advice Line on 1300 30 40 54 for the cost of a local call anywhere in WA;
- fax to (08) 9282 0862; or
- post (no stamp required) to:

WA ScamNet – Consumer Protection  
Reply Paid 64772  
Locked Bag 14  
Cloisters Square  
Western Australia 6850



## **Door to door trading**

There are laws which protect you and those you care for when buying goods or services from door to door salespeople.

The *Door to Door Trading Act 1987* provides a 10 day cooling off period on goods or services worth more than \$50.00. It allows door to door salespeople to visit only during certain times, unless they have an appointment, and they are prohibited from visiting you on Sundays or public holidays.

To find out more about the laws on door to door selling call our Advice Line on 1300 30 40 54.

## **Advice for carers and care workers**

The signs that a person within your care may be the victim of a scam include:

- The person hiding his or her mail.

- Bank transactions for which the person cannot account.
- Toys or gifts of little or no value appearing around the house or being given away as gifts.
- The arrival of overseas mail from unknown sources.
- The arrival of bills or personal letters with incomplete or misspelt names and addresses.
- Demands for payment for work that has clearly not been done.

## **Tips to ensure the privacy of information**

To help you keep the personal information of those within your care private and secure:

- Completely destroy all discarded personal information such as bills, bank statements and credit cards.
- If you have an Enduring Power of Attorney, order a credit report on the person in your care to ensure that no one is using their name to borrow money or run up debts. A credit report is available from [www.mycreditfile.com.au](http://www.mycreditfile.com.au)
- Keep their credit cards, ATM cards and PIN numbers safe.
- Never send money or pay fees on behalf of a person for whom you care, especially to claim a prize or lottery win.

- Look out for SMS and MMS numbers that start with 19. These are charged at premium rates (sometimes even for receiving the message) and are expensive.
- Never pay an invoice or bill unless you are sure the goods or services have been ordered and received.
- Register their number with the 'Do not call register', a service provided by the Federal Government. Visit [www.donotcall.gov.au](http://www.donotcall.gov.au) or telephone 1300 792 958.
- You can also remove a person's name from a mailing list by using the pro-forma letter available on the WA Scamnet website or by calling the Advice Line on 1300 30 40 54 to get a copy sent to you in the mail.

## Useful publications and contact numbers

DOCEP produces a range of publications, educational material and guides for consumers and traders. Copies are available on Consumer Protection's website [www.docep.wa.gov.au](http://www.docep.wa.gov.au) or by calling the Advice Line on 1300 30 40 54.

### ***Smart Choice: A consumer guide for Western Australians 50+***

The publication *Smart Choice 50+* contains a community directory to help put older

Western Australians in touch with the support services they may need.

It contains a list of government agencies and peak-body community organisations that provide information, publications, advice, referrals and/or community support services.

For a free copy of *Smart Choice 50+* visit [www.docep.wa.gov.au](http://www.docep.wa.gov.au) or call the Advice Line on 1300 40 30 54.

### **Office of the Public Advocate**

In Western Australia the Public Advocate is the independent statutory officer appointed to promote and protect the rights, dignity and autonomy of people with decision-making disabilities and to reduce their risk of neglect, exploitation and abuse.

Office of the Public Advocate  
Level 1, 30 Terrace Road  
East Perth WA 6004  
Telephone: 1300 858 455  
[www.justice.wa.gov.au/publicadvocate](http://www.justice.wa.gov.au/publicadvocate)  
TTY: 1300 859 955  
For an interpreter phone: 131 450

### **Public Trustee**

565 Hay Street  
Perth WA 6000  
Phone: (08) 9222 6777  
Freecall: 1800 642 777  
[www.justice.wa.gov.au/publictrustee](http://www.justice.wa.gov.au/publictrustee)



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## Consumer Protection

### Consumer Protection Advice Line 1300 30 40 54

(for the cost of a local call statewide)  
8.30pm – 5.00pm weekdays

### Forrest Centre

219 St Georges Terrace  
Perth Western Australia 6000

**Administration:** (08) 9282 0777

**Facsimile:** (08) 9282 0850

**National Relay Service:** 13 36 77

**Mailing address:** Locked Bag 14  
Cloisters Perth Western Australia 6850

**Website:** [www.docep.wa.gov.au](http://www.docep.wa.gov.au)

**Email:** [consumer@docep.wa.gov.au](mailto:consumer@docep.wa.gov.au)

### Regional offices

Goldfields/Esperance (08) 9026 3250

Great Southern (08) 9842 8366

Kimberley (08) 9169 2811

Mid-West (08) 9964 5644

North-West (08) 9185 0900

South-West (08) 9722 2888