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Commissioner's column



It's been a dramatic period of change for Consumer Protection recently with the abolition of five Boards resulting in us acquiring new responsibilities, and the implementation of COAG reforms seeing us relinquish responsibilities in some areas to the Commonwealth.

These changes have prompted a restructure of our division within the Department of Commerce in order to better administer these changing roles, while ensuring we continue to fulfil our core responsibility of enforcing consumer law. It's also essential that, as a regulator, we keep pace with changes in the marketplace and make sure that our laws, policies and practices remain current and effective.

For example, the explosive growth in online shopping is transforming the retail environment and posing some challenges for regulators who must deal with the blurred boundaries of jurisdiction in the new cyber world. While the retail landscape is providing consumers with more choice and opportunities, the benefits of international e-commerce also come with some risks.

Greater competition in the retail sector can result in more aggressive marketing and advertising methods being employed and it is our task to challenge claims being made by traders that might be designed to mislead consumers and take advantage of their vulnerabilities and fears. The new Australian Consumer Law allows us to call on traders to substantiate their claims with proof and to test if they are based on truth and not overly exaggerated.

The increased sophistication of scams is another area where we must keep pace with the professionalism of cyber criminals who use the latest technology and techniques to infiltrate the marketplace.

Consumer Protection is now undergoing a strategic planning process where we will be analysing local, national and global trends in a number of key areas to make sure we remain effective, efficient, responsive and transparent in a fast moving and modern world. The aim of our endeavours is to create a fair and competitive marketplace that fosters innovation while minimising compliance costs.

The strategic plan will look at trends in retail trading, the national and global economic outlook, the impact of Australia's ageing population, directions in litigation and red tape reduction, among many other issues.

In the area of communications, we need to connect with all sectors of the community to inform, educate and advise consumers and traders. To do this effectively, we must engage with all new forms of communication methods, whether it be social media, blogs or other online platforms, while continuing to utilise traditional media outlets. Communications for the future will become multi-faceted as we continually explore the internet for new avenues to access varying demographics within our community.

This strategic review will set a plan for the changing marketplace and act as a blueprint for the future direction of the Department. If you would like to have some input into that process, please feel free to send us a submission with your thoughts and recommendations.

An important part of remaining relevant as a regulator is to ensure that laws are current, meet the needs of the community and are properly addressing consumer issues that arise. Consumer Protection's legislative program continues this year with a number of new laws and regulations about to be drafted or brought before Parliament.

The Retirement Villages Amendment Bill is in its final stages of drafting before soon being introduced into Parliament. These important amendments will offer retirement village residents greater protection while maintaining the sector's viability and its ability to attract investment.

There are about 250 residential parks in WA housing 20,000 tenants so it is timely that we review the laws which protect the rights of these residents living in park homes. Initial consultations have been held with key stakeholders and a discussion paper seeking public comment is being prepared and will be issued in coming months.

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Choose a licensed motor vehicle repairer

A campaign to encourage car and truck owners to only use licensed vehicle repairers has been gathering speed.

It has been a requirement since July 2009 not only for vehicle repair businesses to have a licence but also for individual repairers, or those who supervise others, to be registered.

Despite numerous education campaigns aimed at vehicle repairers, and visits to repair businesses by Consumer Protection's Automotive Branch officers, there are still a small number of operators who are flouting the law.

As the vehicle repair industry has had nearly three years to comply with the new licensing system, Consumer Protection feels there really is no excuse. The department's latest tactic to stamp out this unfair practice has been to call on consumers to exercise their power to influence the motor vehicle repair industry.

A media statement was issued urging the Western Australian community to refuse to have their vehicles repaired by non-licensed businesses and to report any such businesses to Consumer Protection immediately.

The media release generated a considerable amount of broadcast, print and online coverage. Consumer Protection's Commissioner said she now feels more confident that more owners of cars or trucks will



ask the question and not deal with unlicensed vehicle repairers.

There has been heavy promotion of the distinctive yellow and black "tick" sign that should be displayed at the premises of any vehicle repair business in WA. This promotion has included the creation of a banner advert (online animation), which can be added to industry websites.

Vehicle repairers have been informed, through industry publications, that they can expect customers to double-check whether they have a licence. This is not a problem for the majority of repairers who have done the right thing. Licensed repairers have also been asked to report unlicensed activity.

Consumer Protection continues to prosecute unlicensed operators. The maximum fine for not holding a vehicle repairer licence is \$5,000 for an individual and \$50,000 for businesses. However, the threat of financial penalty is not always enough to deter non-compliant operators. The idea of the education campaign is to create a formula: no work for unlicensed repairers equals

better protection for consumers and legitimate business will reap the reward.

The licensing and certification system is important because it aims to ensure suitably qualified and experienced repairers carry out repair work, or supervise that repair work. The law offers increased consumer protection and reduces risks by improving the quality of repair work and training of repairers. The ultimate objective is better vehicle safety on WA roads by doing everything possible to maintain high standards of workmanship in the repair industry.

For more information on vehicle repairer licensing, visit the Consumer Protection website at www.commerce.wa.gov.au/motorvehicles or phone 1300 30 40 54 and ask to be put through to the Automotive Branch.



Commissioner's column *(continued)*

We have received some good feedback from our discussion paper on regulating the pre-paid funeral industry. Ten submissions were lodged, most in favour of an option to set up a Code of Conduct for the industry in order to safeguard consumers' funds.

Consultation regarding the regulations to support changes to the Residential Tenancies Act 1987 is about to close with the changes

expected to be implemented by the end of year. These changes cover the content of standard lease agreements, a cap on option fees, minimum levels of security for rental properties, content of property condition reports and also clarifies what urgent repairs should be considered essential services.

Finally, Sunday trading laws allowing 11am-5pm shopping hours in metropolitan Perth and abolishing

the special trading precincts will soon go before the Legislative Council after being passed by the Legislative Assembly. The new laws also give the Minister the power to set public holiday trading hours other than Christmas Day, Good Friday and ANZAC Day.

A handwritten signature in black ink, appearing to read 'Joelle'.

Misuse of Ukash by scammers

Consumer Protection frequently issues warnings about the risks associated with wire transfer. It's a great way to send money overseas, quickly, to people you know and trust. But tracking those involved in the cash transaction is extremely difficult, and recovering the funds once collected is impossible if the receiver turns out to be a con artist.

That's why wire transfer is the preferred method of payment for scammers. And up until now the predominant service misused during scams targeting Australians has been Western Union.

However several recent reports (July 2011-March 2012) received by Consumer Protection and investigated by WA ScamNet have involved a service called Ukash.

Now it's important to point out that Ukash, like Western Union, is a legitimate business. Ukash provides a service for consumers who want to send cash overseas quickly or buy things online using a voucher bought with cash.

Ukash is based, as the name might suggest, in the UK and it's regulated by the Financial Services Authority there.

Ukash vouchers are available in set denominations – \$20, \$50, \$100 and so on, up to \$500 – at small shops, newsagents, delis and video stores across many countries, including Australia.



The fake scenario created by a scammer who asks for an Ukash voucher will be the same as is used by any other advance fee fraudster:

- Out-of-the-blue contact via phone (call or text), email, letter or fax
- Offers of money – tax refund, inheritance, lottery win etc
- The need to pay to obtain the money supposedly owed to you
- A request to buy a Ukash voucher and supply the code

One Western Australian received a phone call telling her she was entitled to a GST refund of \$3,250. She was asked to buy a \$199 Ukash voucher and was supplied with a list of local retailers where she could go to get it. Luckily she smelled a rat and contacted WA ScamNet for advice.

It's likely that if she had gone through with that initial payment the scammer would've come up with various reasons to extort further payments from her. Before you know it multiple \$199 payments can turn in to tens of thousands of dollars like it did in the well-publicised case of a Bunbury pensioner who lost her life savings in an ATO refund scam.

In April 2012 a man reported to WA ScamNet that he had received a cold call from a man from an Indian accent claiming to represent the State Government and requesting Ukash payment for a supposed overdue power bill. The scammer even went so far as to give the man a nearby location (a video store) where he could purchase the voucher. Thankfully the target in this scenario was not fooled.



Remember the Australian Tax Office (ATO) or any other Government agency will NOT call you unexpectedly offering a refund and would NEVER request a fee in the form of a wire transfer.

Ukash has done the responsible thing and put anti-fraud and scam prevention tips on its website. The other well-known wire transfer services – Western Union and Money Gram – have done the same. You can find the links at www.scamnet.wa.gov.au.

If you haven't got time to log on, here's the summary...

- Only use wire transfer to send money overseas when you know the receiver personally and trust them 100%. An exchange of emails or even telephone calls does not mean you know the person.
- When using Ukash treat the voucher like cash. Do not give the code out over the phone or by email to someone you don't know.
- Official or Government organisations will not ask for wire transfer payments.
- If you are using Ukash vouchers to make online purchases you should ensure the site is on the list of genuine Ukash partner websites. Again you can find the link at www.scamnet.wa.gov.au.

Update from Kalgoorlie

Ivo da Silva, Consumer Protection's Senior Regional Officer hit the road 5-9 March 2012.

He visited the towns of Bruce Rock, Narembeen, Quairading, Cunderdin, Tammin, Merredin, Nungarin, Wyalkatchem, Mukinbudin, Koorda, Bencubbin, Kellerberrin and Kununoppin.

"During the visits I conducted 43 Business Name inspections, and visited 11 Community Resource Centres to discuss the Residential Tenancy Act, Australian Consumer Law, Associations and Seniors' Housing and give out WA ScamNet information packs.

"I also conducted four scanning audits, visited Bruce Rock Senior High School and went to two police



stations to discuss the issue of itinerant traders. In addition to this I held a meeting with the Small Business Development Centre and the Department of Housing."

Business names reforms

Business name registration has gone national

A new national business names register went live on 28 May 2012.

The change affects you if you want to register a new business name, if you already had a business name registered in WA or another State or Territory, or if you want to carry out a search to see whether a business is registered.

The national system is managed by the Australian Securities and Investments Commission (ASIC).

Current State and Territory services have ceased to operate and the registered business names information held by agencies like Consumer Protection, including expiry dates, has been transferred across to the new national system.

All services, including the issue of business name renewal forms, will now be provided by ASIC. Businesses whose name is due to be renewed between now and July 2012 may receive the form later

than usual but the business name will not be deregistered and the business name holder will be given extended time for renewal because the delay is due to the launch of the national register.

The idea behind a single national system is to save businesses having to register their business name in every State and Territory in which they want to trade.

Business name holders with duplicate names registered in multiple jurisdictions have only been able to keep one and must let the rest expire (or cancel the names no longer required).

Identical names held by different businesses in different States transferred to the new register and can now be identified by their State or Territory. For example: XYZ bakery (Western Australia) and XYZ Bakery (Tasmania). Going forward duplication of names is no longer permitted.



The new system is only available online at www.asic.gov.au/business-names. There are one-year (\$30) and three-year (\$70) registration options available. For Western Australians the fees decrease slightly under the national service.

National Youth Week 2012



Consumer Protection recently attended the KickstART festival as a part of National Youth Week 2012; the biggest celebration of youth around Australia involving thousands of young people.

Held in the central square of the Cultural and Arts Centre in Northbridge, the KickstART festival provided young people aged 12-25 with an opportunity to come together to share ideas, attend live events and have their voices heard on issues that concern them.

The Consumer Protection display proved one of the most popular on the day as many young people stopped to play the 'Repair, Replace, Refund' board game which tested knowledge on consumer rights.

A survey for young consumers was given out on the day to ascertain which consumer issues concerned

young people the most. Results from the survey will enable Consumer Protection to best reflect those concerns in the youth website currently under development. Several young people who filled out the survey also indicated they would be interested in testing out the website before it is launched.

Elsewhere in the state Senior Regional Officer for the Kimberley region, Luke Eaton, set up a Consumer Protection table at a school holiday pool party held at the Broome Recreation and Aquatic Centre.

He tested attendees on their knowledge of their consumer rights and drove home the message that Consumer Protection was there to help whenever they ran into problems with the goods they buy.



Making consumers switched on about digital TV

Next year analogue TV will be turned off across Western Australia. It's scheduled to start with Perth at the end of June 2013 and then regional and remote areas from July through to December.

WA can learn lessons from the Eastern States where dodgy sellers have been offering overpriced TV conversion equipment or falsely claiming to represent the Government and promoting non-existent grants or rebates.

There is a Commonwealth Government household assistance scheme for the elderly and people with disabilities. However, Centrelink will write to eligible households directly. There will be no door knocking or telephone sales that will offer a rebate or access to the assistance scheme. Importantly the household assistance scheme for WA is yet to be announced so there is certainly no rush for anyone who's eligible for a rebate to upgrade their television.

New technology can be a bit daunting, especially for some elderly members of the community, or

even just those who are not tech-savvy. Luckily there is a dedicated Australian Government website and hotline to help.

Consumers can contact an official Digital Switchover Taskforce advisor on 1800 20 10 13 or log onto: www.digitalready.gov.au. There is a postcode search facility to help website users find their local digital advisors or endorsed antenna installers. All the information for the metropolitan area and regional Western Australia is also on the website.

Basically, consumers have two options going forward – to buy a Digital Set Top Box (they retail for as little as \$20-\$40) or the more expensive option of buying a new TV with a built-in tuner (they will have a sticker on that says it is digital ready).

For those whose current TV reception is good it's probably going to be fine when the digital switchover happens. Again consumers can use the website to find information about predicted coverage. Anyone who needs to engage the services of an antenna installer should ensure



they use those listed as endorsed at www.digitalready.gov.au.

People living in rental properties need to speak to their landlord or property manager about getting digital TV ready. Those who rent or own a property where there is a body corporate will need to raise it with them.

The most important Consumer Protection message in terms of making sure people are switched on when it comes to the digital TV switchover, is to reiterate there will NOT be any rebates for products bought from door-to-door sellers or retail outlets. If you or anybody you know encounters someone making such claims, contact Consumer Protection on 1300 30 40 54 or via email: consumer@commerce.wa.gov.au because it's a scam!

CP Awards

A woman who established a financial support organisation, a major regional council and a group campaigning for child safety are this year's recipients of the prestigious Consumer Protection Awards.

For the first time, a media category was included in the 2012 awards, which were presented by Commerce Minister Simon O'Brien during a ceremony at the University Club of Western Australia.

Ms Lyndsey Fitzgerald, who established the Jacaranda Community Centre in Belmont in 2000, was declared winner of the Rona Okely Award – named after the well known WA consumer protection pioneer. Ms Fitzgerald is the Chief Executive Officer of the Centre which offers financial counselling and welfare support services for people on low incomes. Jacaranda was initiated by Aboriginal people

wanting a Centre where they felt they could belong, without it being a solely Indigenous organisation.

Winner of the Richard (Dick) Fletcher Award (named after the late former Consumer Affairs Commissioner) was the City of Greater Geraldton. The Council has introduced an innovative star rating system to ensure that food produced and sold in their region is of the highest quality and standard for consumers.

The Kidsafe WA award went to Parents for Window Blind Safety, an organisation which focuses on raising awareness and educating the community about the danger of curtain and blind cords to young children. The group was established after the tragic death of a child from a blind cord in 2006 and has contributed to mandatory safety standards being introduced.



The Hon Simon O'Brien, The Minister for Commerce, Rona Okely and Ms Lyndsey Fitzgerald, winner of the Rona Okely Award

The Media Award was won by ABC TV reporter, Jake Sturmer, for his two-part series on 7.30 WA investigating a property developer who was accused of misleading consumers and failing to honour obligations under contracts with property owners.



As readers of Better Trading will no doubt know, Consumer Protection offers a free 'conciliation' service to help resolve disputes between buyers and sellers of goods or services. This might be when a product does not work and the customer cannot obtain a refund or when a service provider has taken money and will not carry out the agreed job.

Separate to this, breaches of the Australian Consumer Law are dealt with by Consumer Protection's 'compliance and investigation' officers.

The 'conciliation' process relies on voluntary two-way communication between the buyer and seller of goods or services, albeit with Consumer Protection as the mediator. Before a complaint can be 'conciliated', the consumer will need to have made an attempt to sort the situation out with the retailer, business or tradesperson.

Once Consumer Protection gets a complaint, an officer is assigned the case and the 'conciliation' process gets underway. Put simply, Consumer Protection looks at the consumer's side of the story and the outcome they would like. Then an approach is made to the other party to ask them to respond and to consider providing the consumer with the desired outcome. The

seller may have a different version of events and offer an alternative solution. Consumer Protection acts as a go-between to try to find common ground.

Lately Consumer Protection has been encountering some issues where after 'toing and froing' between parties, and at a point where a suitable outcome is about to be achieved, consumers decide to talk about the dispute on a social networking website, via a letter to their local newspaper or they contact a consumer affairs TV program.

Consumer Protection would not stop people from going down this route however the agency has found if done too early, it can cause negotiations to break down and any potential deal may be taken off the table. In effect taking this action removes any semblance of good will from the equation and traders are likely to feel offended that their reputation has been affected. Time and effort put in will also be lost.

A consumer may achieve an outcome through media attention but risks having to fight the case in court if the other party withdraws from the 'conciliation' process. Worst case scenario the consumer could also land themselves in trouble with the law. There was one situation where a WA business threatened a consumer with legal action because

comments about the 'conciliation', posted on Facebook, were of a defamatory nature.

Newspapers, TV and social media are fantastic for spreading consumer rights messages but might not be the best option for individuals already trying to resolve a dispute through official channels.

Consumer Protection's recommendations to consumers are:

- When dealing with a problem in relation to goods or services purchased, first approach the seller to see if they will address the issue.
- Use the complaints checklist at www.commerce.wa.gov.au/consumerprotection and contact us (1300 30 40 54) for help if needed.
- Know that confidentiality can generate good will and lead to positive outcomes.
- Should you make a decision to talk about the issue on a blog or social networking site, like Facebook or Twitter, avoid naming the business when aiming to negotiate a solution with the business.

Repeated complaints about a business will mean that Consumer Protection will also consider legal action or public naming of the business.





“Slam scams” was the theme of National Consumer Fraud Week (19-23 March 2012).

The campaign is an initiative of the Australian Consumer Fraud Taskforce; a group formed in 2005 and comprising of more than 20 government and regulatory agencies and departments with responsibility for consumer protection regarding frauds and scams.

The aim of Fraud Week is to raise awareness of scams in the community and reduce their financial toll.

During 2011, 38,400 West Australian consumers contacted Consumer Protection either by phone or email about scams and 366 victims reported losing a total of \$4.12 million dollars. Romance scams accounted for \$1.2 million in losses reported by 40 consumers. The other major scams that cost victims the most money were bogus buyers and sellers of cars and fake online ads offering rental accommodation.

There were also advance fee frauds where people get an email or phone call saying they have won a lottery, are beneficiaries of an inheritance or are entitled to a grant but must first pay some fees before they are able to access the fictitious funds.

Consumer Protection believes the figures indicate only a tip of the iceberg of the money lost from the economy, most of which went overseas. The statistics reinforce the need for strategically planned

communication campaigns such as Fraud Week.

The key messages promoted to consumers during Fraud Week were:

- Don't respond to suspicious emails, letters, personal approaches, phone calls or SMS – press delete, throw them out, shut the door or just hang up
- Watch out for slick tricks as scammers become more professional, posing as someone that you know and trust and creating fake websites, glossy brochures and documents
- Don't let scammers push your buttons as they will play with your emotions to get what they want
- Protect your identity and keep your personal information private and secure

A media release sent out by the Australian Competition and Consumer Commission led to considerable national media coverage on TV, radio, print and online. Meanwhile this was echoed at State level in WA following a media release issued by Consumer Protection. You can hear an interview broadcast on ABC 720 Perth Mornings via the homepage of WA ScamNet: www.scamnet.wa.gov.au

Consumer Protection's Twitter account @ConsumerWA was extremely influential in a national social media campaign (#FraudWeek) involving Federal, State and Territory consumer protection agencies and commercial



organisations including Westpac and Telstra. Statistics on monetary loss, victim stories and warnings were all used as tweets to get the warning messages across to social media users.

The campaign also saw the promotion of some new online tools for small businesses to arm themselves against scammers. Stevie's Scam School is a six-part series of one-minute YouTube videos produced by Consumer Affairs Victoria. The clips show how scammers operate in bogus government agency scams, overpayment scams, domain name fraud, unauthorised advertising, and computer repairs or office supplies scams. You can view the videos via WA ScamNet: www.scamnet.wa.gov.au.

On the street Consumer Protection community education officers hit the Esplanade train station in Perth to give out “Slam scams” goodie bags to commuters and passers-by.

Planning is already underway for another week of coordinated activities in 2013.

Central Wheatbelt visit

Consumer Protection officers visited the Central Wheatbelt in March 2012. Members of the team from Perth and Kalgoorlie went to Wagin, Narrogin, Katanning, Dumbleyung, Kojonup, Merredin and other towns to promote the rights of consumers and responsibilities of traders under the Australian Consumer Law.

The team visited retailers, real estate agents, car dealers and residential parks throughout the week to ensure

that these businesses are complying with the law.

Consumer Protection also had a display at the Wagin Woolarama on 9 and 10 March 2012 to provide information to both traders and consumers.

The Central Wheatbelt sweep was part of a wider program to strengthen services in regional areas of Western Australia.

Our next sweep is planned for the Port Hedland region in late July/early August.

The program also provides Consumer Protection with an opportunity to gain a greater understanding of the needs of rural-based businesses.

The Western Australian Council of Social Service (WACOSS) holds a biennial Conference and Networking Day. The event aims to bring together the movers, shakers and change makers from across the community to showcase talent, share stories and drive future agendas. Beyond tackling organisational challenges, groups can work collaboratively to drive change and use a collective voice to build a united civil society built on the principles of social justice and community engagement.

The 2012 Conference THE BIG PICTURE focused on major issues for community services, the sector and civil society at large.

This conference explored four key themes that help to lead innovation and involvement in service design, drive cultural change, develop policy in partnership and set priorities for making an impact.

Consumer Protection was involved in the WACOSS conference by displaying information at the exhibition and supplying information on all of the resources and services provided to consumers and to community agencies. Community representatives were particularly interested in gathering information on the Australian Consumer Law, upcoming visits to the Port Hedland and Carnarvon regions and the imminent changes to the Residential Tenancies Act.



Consumer Protection visits the Indian Ocean Territories

Consumer Protection is undertaking further visits to the Indian Ocean Territories to ensure Islanders get the most from their co-operative, clubs and associations.

For small, tight knit communities like the Cocos/Keeling Islands and Christmas Island it's often the work of their local associations, clubs and the Island co-operative that make a quick and noticeable difference to Island life. It's no exaggeration to suggest that their members are often the first to jump in to provide help and assistance in times of need. They also contribute regularly to a range of activities and provide much needed sponsorship in areas far removed from their normal areas of interest.

Consumer Protection has been fortunate to work closely with these groups for many years. In 2011, working with the Islands Administrator, Brian Lacy, Will Morgan and Robyn Peterson from the Co-operatives and Charities Branch, ran a highly successful workshop in Perth for 8 members of the Cocos Island Co-operative Society Ltd. As the Island's largest employer, and with direct links back to the community via substantial ownership by community members, it is vital that the Co-operative keeps

up to date with legislative and other changes that can directly affect its operations.

Flowing from this, a follow-up visit to the Indian Ocean Territories was scheduled for November last year. Unfortunately this was cancelled due to extreme weather conditions that prevented planes landing on the Islands. This trip was rescheduled and Will and Robyn were able to continue this highly anticipated series of workshops and information sessions for all residents on Cocos Island in May 2012.

The visit also provided an opportunity for any interested individuals or groups to hear about more general consumer protection issues and gain tips on how to get the most from their club or association.

Similar information sessions will be held on Christmas Island, but with a stronger emphasis placed on clubs and associations as they don't have a co-operative operating on this Island. Whether on Cocos or Christmas Island, all residents will be encouraged to meet with Will and Robyn to have their consumer protection questions answered, or for assistance with any other consumer related matter.



For more information on this Indian Ocean Territory trip please contact Joan Susinetti, Co-ordinator Indian Ocean Territories on (08) 9282 0763, or email joan.susinetti@commerce.wa.gov.au.

A new online portal for incorporated associations has been launched by Consumer Protection.

Once enrolled, incorporated associations are able to:

- Lodge changes to the rules/ constitutions
- Update contact information
- Purchase replacement certificates etc.

Members of the public and unincorporated groups can use the service to check whether an association is registered, purchase copies of documents and apply to become incorporated.

For more information visit:
www.commerce.wa.gov.au/associationsonline



General legislative updates



Residential Tenancies Amendment Regulations consultation

The consultation on changes required to residential tenancy regulations as part of amendments to tenancy laws has now closed. Proposals included what terms standard lease agreements should contain, what should be in property condition reports and what types of security devices should be provided and maintained on rental properties. The consultation paper outlining these and other proposed regulations is available on the Department of Commerce website at www.commerce.wa.gov.au/consultations.

The Residential Tenancies Amendment Act 2012 is scheduled to be implemented later this year once the Regulations have been finalised. The Department of Commerce will provide a range of education opportunities for the community prior to the implementation of the Amendment Act to ensure landlords, tenants and property managers understand the changes to the law.

Commercial Tenancy Act amendments

Amendments to the *Commercial Tenancy (Retail Shops) Agreements Act 1985* (Commercial Tenancy Act), aimed at improving the tenancy rights of small businesses and enhancing the clarity and effectiveness of the Act, were passed in November 2011. The amendments will come into effect in the second half of this year following the development of the necessary regulations to support the amendments. The Department will be consulting stakeholders on the regulations shortly.

The Commercial Tenancy Act has also been amended as a result of the creation of the Small Business Commissioner. The Commissioner now has a role to assist in the resolution of disputes in relation to retail shop leases. Most disputes will be referred to the Small Business Commissioner for alternative dispute resolution before an application can be made to the State Administrative Tribunal.

Retail Trading Hours Amendment Bill 2012

The Government introduced this Bill into Parliament on 22 February 2012. The Bill will provide all general retail shops located in the metropolitan area with the option of trading on Sundays from 11am-5pm. The Bill will abolish all special trading precincts, thereby providing a more level playing field and a better and fairer outcome for consumers and retailers. The Bill will

also provide the Minister with more discretion to issue orders permitting general retail shops to trade on most public holidays, with the exception of Christmas Day, Good Friday and ANZAC day upon which they must remain closed.

The Bill passed through the Legislative Assembly on 29 March and may be considered by the Legislative Council in May/June. Assuming the Bill passes through the Parliament promptly thereafter, it is anticipated that extended Sunday trading could be in place by August 2012, with the precise date to be set from a date of proclamation.

Prepaid funerals consultation

Submissions relating to the Consultation Regulatory Impact Statement and discussion paper on the possible regulation of the prepaid funeral industry closed on 6 March 2012. These are now being analysed with a view to releasing the Decision Regulatory Impact Statement around the end of June 2012.'



Ask us – Protection for Indigenous consumers

Many Indigenous consumers are unaware of their rights and responsibilities when buying goods and services. This brochure outlines how Consumer Protection can assist Indigenous consumers.

Ask us fact sheets

These fact sheets contain specialised information and advice on:

- Door-to-door sales
- Book Up
- Buying big ticket items
- Mobile Phones
- Unfair trading
- Estimates and quotes

Your rights when shopping – wallet guide

Produced in a handy wallet sized guide this publication outlines all the information Indigenous consumers need when shopping, including information on internet purchases, cooling-off periods, returning a product and lay-bys.



Compliance/Prosecutions

25/05/2012 “Deceptive” Esperance car dealer suspended – GS Motors

Stephen George Poyner, who operates the car dealership GS Motors in Esperance as well as Hollywood Hire Cars, breached the Motor Vehicle Dealers Act when he failed to enter the purchase of 1998 Mitsubishi Magna, valued at \$3,000, into the register of transactions as required. Mr Poyner also failed to notify the Department of Transport of the change in ownership.

On 1 March 2012 Mr Poyner was fined \$3,700 by the Esperance Magistrates Court and ordered to pay Court costs of \$6,540 over the same matter Mr Poyner had his licence suspended for three months and was ordered to pay costs of \$500.

25/05/2012 Disciplinary action against real estate agent following scam

Consumer Protection has begun disciplinary action against a Mirrabooka real estate agent following the fraudulent sale of a Ballajura home last year.

The owners discovered they had become victims of identity fraud perpetrated by scammers in Nigeria when they returned to Perth to inspect the property in August. The proceeds from the sale, almost \$400,000, had been sent to a bank account in China.

The Commissioner for Consumer Protection will allege that the agency L.J. Hooker Mirrabooka and agent Mr John Samykannu did not exercise due skill, care and diligence by failing to properly verify the identities of the vendors. A date for the hearing against the real estate agent has yet to be set.

14/05/2012 Real estate agency disqualified and fined over unauthorised withdrawal of funds

A Victoria Park real estate agency has had its licence and trading certificate cancelled and has been fined \$1,500 over the unauthorised withdrawal of funds from a landlord's trust account.

Spirit Real Estate, which has since ceased trading, was also ordered by the State Administrative Tribunal on 4 May 2012 to re-pay \$536.84 to the landlord, as well as pay the Department's legal costs of \$500.

14/04/2012 Real estate agents fined over illegal commissions () () ()

Two Perth real estate agents have been reprimanded and fined \$4,000 each by the State Administrative Tribunal (SAT) after unlawful arrangements were made for payments, described as 'consultancy fees' for services provided in relation to several major residential property developments, prior to settlement of those transactions.

() () a licensed real estate agent who owned and operated the () () and was the person in control of the business, consented to orders that they be reprimanded and fined \$4,000 by the SAT for contravening the Code of Conduct for Agents and Sales Representatives for failing to adequately supervise the agency.

() () a licensed real estate agent, who was employed as a sales representative of () () but was not an owner of the business, also consented to orders that they be reprimanded and fined \$4,000 by the SAT for contravening the Code of Conduct by failing to exercise adequate skill, care and diligence.

27/03/2012 Real estate agency fined over bond dispute

An Applecross real estate agency has been fined \$1,000 and ordered to pay costs of \$451 over a bond dispute.

Bob Oliver Realty Pty Ltd appeared in the Fremantle Magistrates Court on 23 March 2012 charged with failing to pay back a security bond to a tenant in accordance with a Court order within seven days.

16/03/2012 Real estate agent penalty upheld after appeal fails

A former Mandurah real estate agent, who was fined \$1,350 by the State Administrative Tribunal (SAT), has had his appeal against the penalty dismissed by the Supreme Court.

Ronald George Smith, who operated the former business Exclusive Waterfront Properties Pty Ltd, was fined in May last year over breaches of the Real Estate and Business Agents Act and the Code of Conduct for Agents and Sales Representatives.

02/03/2012 Deceptive Esperance car dealer fined – GS Motors

A car dealer was ordered to pay more than \$10,000 by the Esperance Magistrates Court for failing to record the purchase of a vehicle which was later involved in a serious car accident.

Stephen George Poyner, who operates the car dealership GS Motors in Esperance as well as Hollywood Hire Cars, was fined \$3,700 on 1 March 2012 and ordered to pay Court costs of \$6,540 for breaching the Motor Vehicle Dealers Act.

News

May

25/05/2012 – “Deceptive” Esperance car dealer suspended – GS Motors

25/05/2012 – Disciplinary action against real estate agent following scam

24/05/2012 – Minister O’Brien: Guide to reduce risk in bushfire-prone areas

24/05/2012 – New guidelines to reduce risk in bushfire prone areas

24/05/2012 – ‘Help me’ scams on the rise

23/05/2012 – Fuel price advice for Perth drivers

22/05/2012 – Business names’ registration goes national

21/05/2012 – Midland vehicle auction business fined

16/05/2012 – Fuel price advice for Perth drivers

14/05/2012 – Real estate agency disqualified and fined

11/05/2012 – Fine for unlicensed vehicle repairers

08/05/2012 – Fuel price advice for Perth drivers

07/05/2012 – Consumer alert about dodgy back of van salesmen

04/05/2012 – Vehicle repairer fine prompts warning about over-servicing

01/05/2012 – Fuel price advice for Perth drivers

April

24/04/2012 – Fuel price advice for Perth drivers

18/04/2012 – Fuel price advice for Perth drivers

16/04/2012 – Late or non-deliveries cause consumer angst

14/04/2012 – Real estate agents fined over illegal commissions

11/04/2012 – Fuel price advice for Perth drivers

04/04/2012 – Fuel price advice for Perth drivers

03/04/2012 – Feedback needed on tenancy regulations

March

29/03/2012 – Tree lopper complaints cause concern

29/03/2012 – Worker fined \$8000 over eye injury to fellow worker

28/03/2012 – Fuel price advice for Perth drivers

27/03/2012 – Real estate agency fined over bond dispute

23/03/2012 – Minister O’Brien: Consumer advocates honoured with awards

21/03/2012 – Fuel price advice for Perth drivers

19/03/2012 – Slam scams campaign for consumer fraud week

16/03/2012 – Real estate agent penalty upheld after appeal fails

14/03/2012 – Fuel price advice for Perth drivers

13/03/2012 – Crackdown on unlicensed vehicle repairers

07/03/2012 – Fuel price advice for Perth drivers

02/03/2012 – Esperance car dealer fined

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- visit our website at: www.commerce.wa.gov.au/consumerprotection

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