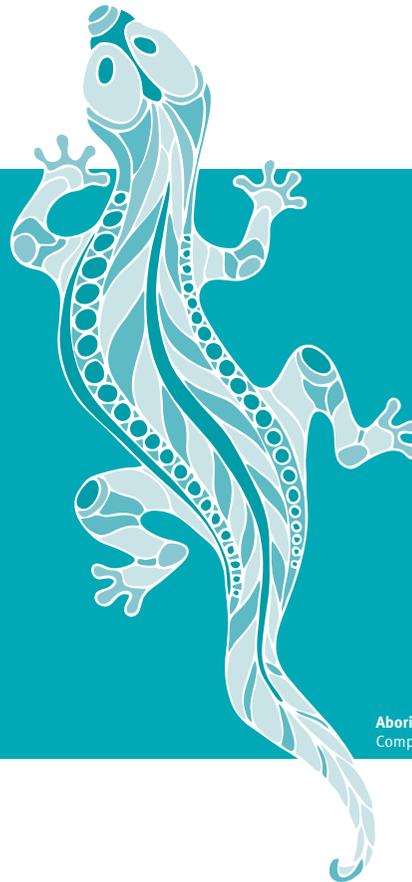


Office of Fair Trading  
**Outcomes Report**  
**2017–18**



Commonwealth Games 2018  
Compliance operations



Aboriginal Art authenticity  
Compliance operations



Sharing Economy  
Your rights and responsibilities





Aboriginal and Torres Strait Islander people are advised that this publication may contain the names and images of deceased people.



# Introduction

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## About us

### The Office of Fair Trading (OFT) is Queensland's marketplace regulator.

We administer various marketplace laws that set out the rights and responsibilities of consumers, businesses and certain licensed occupations.

The primary laws we administer are set out in Appendix 1, and include:

- the *Fair Trading Act 1989* and Australian Consumer Law (ACL), including product safety regulation
- specific legislation relating to a number of regulated industries including property agents, motor dealers, security providers, second hand dealers and pawnbrokers and the tattoo industry
- not-for-profit legislation relating to incorporated associations and charities.

We work closely with fair trading regulators in other states and territories, as well as federal agencies including the Australian Competition and Consumer Commission (ACCC) and the Australian Securities and Investments Commission (ASIC). We also work directly with local law enforcement authorities and other Queensland Government regulators.

## About this report

This report provides an overview of the OFT's strategies, functions and activities for 2017–18. It highlights where we focused our resources and the results we achieved.

## Acronyms used in this report

ACCC	Australian Competition and Consumer Commission	FTE	Full-time equivalent
ACL	Australian Consumer Law	FTOG	Fair Trading Operations Group
AFAA	<i>Agents Financial Administration Act 2014</i>	ICAN	Indigenous Consumer Assistance Network
ASAN	Australian Scams Awareness Network (previously the Australasian Consumer Fraud Taskforce—ACFT)	IPSS	Integrated product safety strategies
ASIC	Australian Securities and Investment Commission	NICS	National Indigenous Consumer Strategy
CAANZ	Consumer Affairs Australia and New Zealand	OFT	Office of Fair Trading (Queensland)
CAF	Legislative and Governance Forum on Consumer Affairs	ORP	Office of Regulatory Policy
CDRAC	Compliance and Dispute Resolution Advisory Committee	PAMDA	<i>Property Agents and Motor Dealers Act 2000</i>
CEP	Compliance and Enforcement Policy	PICME	Proactive Industry Compliance Management and Education
CPN	Civil penalty notice	PRAC	Policy and Research Advisory Committee
DJAG	Department of Justice and Attorney-General	PSOG	Project Safety Operations Group
EIAC	Education and Information Advisory Committee	QCAT	Queensland Civil and Administrative Tribunal
		QUT	Queensland University of Technology

## Redress and complaints

**\$8.14M**  
redress



**15,433**  
complaints received



**15,230**  
complaints finalised



## Staffing and budget

**225.3**  
staff



**\$27.8M**  
Budget



## Summary

	SERVICE	NUMBER
Complaints and redress	Redress	\$8.14 million
	Complaints received	15,433
	Complaints finalised	15,230
Information and education	Website visits	3.8M
	Call centre contacts	approx. 140,600
	Hours of phone contact	approx. 13,047
	Enquiries received	80,729
	Businesses engaged with on trader walks	1,574
	Seminars, information sessions, stalls	2,221
	Seminars, information session, stalls audiences	27,028
Compliance	Entities monitored for compliance	9,898
	Investigations completed	3,433
Enforcement actions	Warnings issued	1,016
	Infringements issued	385
	Administrative disciplinary actions	1,224
	Civil penalty notices	9
	Disciplinary proceedings (QCAT)	3
	Public naming	4
	Enforceable undertakings	24
	Court actions	73
	Licensing and registrations	Occupational licence and registration certificate applications processed
Occupational licence and registration certificate renewals processed		35,803
Number of occupational licence and certificate holders as at 30 June 2018		86,598
Not-for-profit applications processed		1,150
Not-for-profit annual returns processed		20,796
Number of not-for-profits and other organisations registered as at 30 June 2018		27,481
Staffing and budget	Staff full-time equivalent (FTE)	225.3
	Budget	\$27.8million

## Information and education

**3.8M**  
website visits



**140,600**  
call centre approx



**13,047**  
phone hours approx



**80,729**  
enquiries



**1,574**  
trader walks



**2,221**  
engagements held



**27,028**  
attendees



## Compliance and enforcement actions

**9,898**  entities monitored

**3,433**  investigations

**1,016**  warnings issued

**385**  infringements

**1,224**  administrative disciplinary actions

**9**  civil penalties

**3**  QCAT action

**4**  public naming

**24**  enforceable undertakings

**73**  court actions

## Licensing and registrations

**18,445**  
applications



**35,803**  
renewals



**86,598**  
licensed @ 30/6/18



**1,150**  
NFP applications



**20,796**  
NFP returns



**27,481**  
NFP and others  
@ 30/6/18



# Overview

## Our role

The OFT aims to foster a fair and safe Queensland marketplace.

Our work includes:

- providing information and advice to consumers, businesses and not-for-profit organisations
- conciliating consumer complaints
- investigating and taking enforcement action against businesses engaged in unfair or illegal marketplace behaviour
- undertaking a schedule of proactive compliance operations, targeting areas where consumers are most at risk
- ensuring consumer goods are safe
- licensing and monitoring the conduct of persons working in a number of occupations
- registering not-for-profit organisations and charities
- administering funeral benefit businesses and limited liability partnerships
- delivering consumer and business education, engagement and awareness activities.

Marketplace integrity is achieved through a compliance strategy which follows an escalation model including:

- the provision of information and advice
- targeted education campaigns
- a proactive, intelligence-driven compliance program
- conciliating and investigating complaints
- enforcement where appropriate.

The OFT uses a proportionate, risk-based approach to compliance and enforcement. The OFT's Compliance and Enforcement Policy (CEP) is a framework covering risk management, case assessment, investigation and enforcement.

## Our strategy

The OFT prioritises its services and activities based on the government's statement of objectives for the community and the Department of Justice and Attorney-General (DJAG) Strategic Plan.

Under the four key areas of the DJAG Strategic Plan 2017–21, the OFT seeks to:



## Queensland is safe

- Protect consumers and business against unsafe products and unethical behaviour

## Queensland is fair and just

- Promote marketplace fairness
- Protect the rights and interests of vulnerable Queenslanders
- Better manage service demand on the justice system and deliver results faster
- Respond to the needs of people from culturally and linguistically diverse backgrounds, people with disability and children in need of protection

## Queensland gets great service

- Make it easier for Queenslanders to do business
- Ensure regulatory models encourage business growth while meeting community standards
- Improve service delivery models and make it easier for people to use our services
- Foster a consultative approach and engage with our stakeholders and customers

## DJAG is responsive and high performing

- Ensure a high performance culture focused on organisational excellence
- Deliver customer and business focused ICT solutions
- Embed the Queensland Public Service culture and values

## Our approach

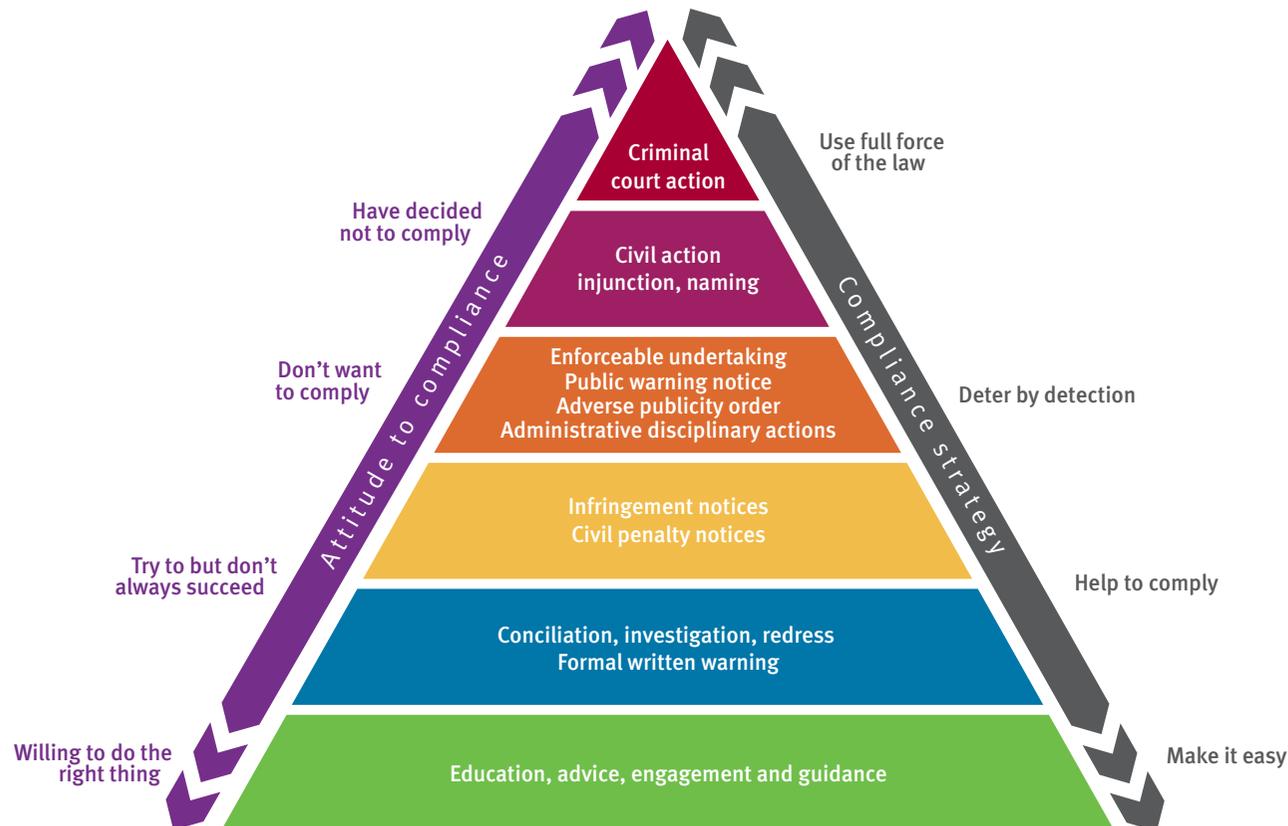
The OFT's goal is to achieve a fair and safe marketplace. We recognise that most businesses want to comply with the law and to facilitate this we follow an escalation model of education, compliance and enforcement. As a trader's attitude to compliance deteriorates, our regulatory response escalates.

Our policies and procedures set out how we achieve compliance with the law. They are designed to:

- encourage businesses to follow the law
- most effectively protect the rights of consumers and businesses
- maintain community confidence in the marketplace.

We use a range of activities and powers to promote compliance with the law. These include:

- educating businesses and consumers
- working with industry groups to promote good practices
- licensing or registering participants of some industries and not-for-profit sectors
- receiving and considering complaints
- undertaking investigation and compliance
- taking appropriate enforcement action.

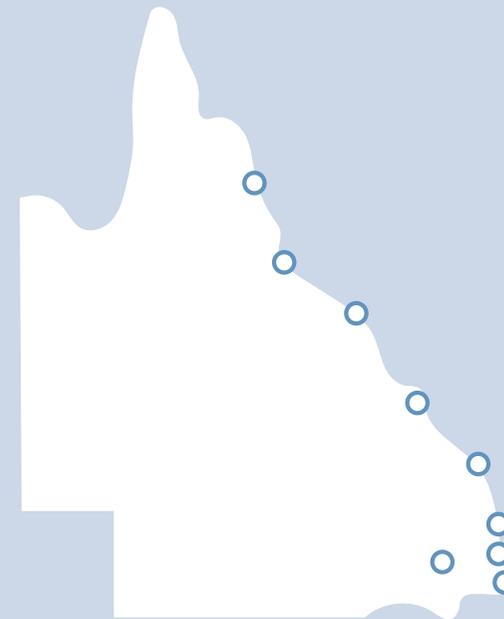


## Staffing and budget

	FTEs 2017-18	BUDGET 2017-18
Office of Fair Trading	225.3	\$27,815,900
Office of the Executive Director	5	
Complaint and Program Coordination	34.6	
Investigations and Enforcement	36.9	
Industry Licensing and Registrations	70.1	
Regional Operations and Engagement	69.7	
Systems Support and Development	9	
Policy support from the Office of Regulatory Policy	12	\$1,509,700
Executive support from the Office of the Deputy Director-General	1.75	\$3,606,800
<b>Total</b>	<b>239.05<sup>1</sup></b>	<b>\$32,932,400<sup>2</sup></b>

Notes:

1. FTEs do not include any department corporate services allocation.
2. Does not include Departmental project funding such as OFT's digital transformation project.



The OFT operates from offices in:

- Brisbane**
- Cairns**
- Townsville**
- Mackay**
- Rockhampton**
- Hervey Bay**
- Maroochydore**
- Toowoomba and Southport.**

Our organisational structure is provided at Appendix 2.



# Results

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Attorney-General and Minister for Justice, Yvette D'Ath, together with Jellurgal Arts Centre representative Lexi, and Elder Aunty Joyce, inspecting examples of authentic Aboriginal art at the Jellurgal Arts Centre on the Gold Coast.

## Enquiries, information and advice

The OFT's goal is to achieve a fair and safe marketplace and the key activity for the OFT in achieving this is the provision of information and advice to consumers, not for profit organisations, and traders about consumer protection and fair trading matters.

General information is primarily provided through content on our website, through information provided during calls to our call centre, by electronic newsletters, and via our facebook and twitter accounts. The OFT also issues media statements.<sup>1</sup>

**Combined, the OFT provided information approximately 4 million times via these channels in 2017–18.**

Enquiries are recorded contacts with consumers, not-for-profit organisations, licensees and traders to provide more detailed, situation specific information. They generally result from calls escalated by the call centre about complex matters, from visits by clients to OFT counters and by emails.

**In 2017–18 OFT recorded more than 80,700 enquiries handled.**

Education and engagements are recorded contacts with consumers, not-for-profit organisations, licensees, traders and industry associations to provide industry specific information. Examples of activities recorded include community information sessions, school visits and presentations to classes, educational visits to traders, and our outreach program which takes fair trading information and advice to regional and remote locations of Queensland.

**The OFT engaged with over 27,000 people through more than 2,200 activities in 2017–18.<sup>2</sup>**

Notes:

1. For more information about OFT statements issued to the media during 2017–18 see appendix 5.
2. For more details about OFT's information, education and engagement activities during 2017–18 see page 38.

Provided information

**4M times**



Enquiries

**80,700**



Education and engagement

**27,000 people** through  
**2,200 activities**



## Consumer complaints and conciliation

Under Queensland's *Fair Trading Act 1989*, the OFT receives and considers complaints. Where consumers are unable to resolve disputes with traders using the information and advice we make available, they are encouraged to lodge a formal complaint. Complaints can be lodged using an online form on our website, by email, by mail, or by completing a complaint form at one of our offices. In 2017–18 the OFT received 15,433 complaints.

All complaints are assessed and those which indicate a breach of the legislation administered by the OFT for which enforcement action can be taken are categorised for investigation. Those that do not are allocated for conciliation.

Conciliation is an informal process undertaken to resolve disputes in which the OFT acts as an intermediary between the consumer and the trader. In 2017–18 the OFT conciliated 14,101 complaints.

The service delivery standards the OFT aims for are 80% of consumer complaints conciliated with a satisfactory outcome, and 80% conciliated within 30 days. In 2017–18 OFT achieved these targets, with 82% satisfactorily finalised and 80% finalised in 30 days.

While the OFT uses its best endeavors to resolve marketplace disputes, under the Australian Consumer Law it does not have the legislative power to direct a trader to provide redress. Accordingly exceeding these targets is a significant outcome for consumers.



## Investigation and enforcement

A key function of the OFT is to investigate alleged breaches of fair trading laws. Investigations may commence based on complaints from consumers or businesses, information from intelligence sources, proactive compliance monitoring or public information including media reports.

In 2017–18, the OFT:

- commenced 3,454 investigations
- finalised 3,433 investigations, and
- secured \$1.1M in redress for consumers via investigations
- obtained \$1.5M in redress through court-ordered compensation orders.

Where investigations substantiate a breach of legislation, the OFT has various enforcement options available. These options vary according to the legislation under which the breach occurred.

Generally, the OFT takes escalating enforcement action depending on the seriousness of the breach. Enforcement options include:

- warnings
- administrative actions
- civil penalty notices and infringement notices
- disciplinary proceedings
- enforceable undertakings
- pecuniary penalty applications
- prosecution.



**3,454**

**Investigations commenced**



**3,433**

**Investigations finalised**



**1.1 Million**

**Redress for investigations**

## Enforcement actions

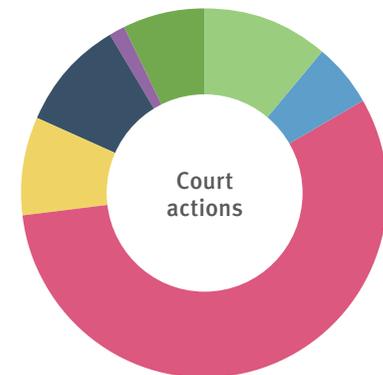
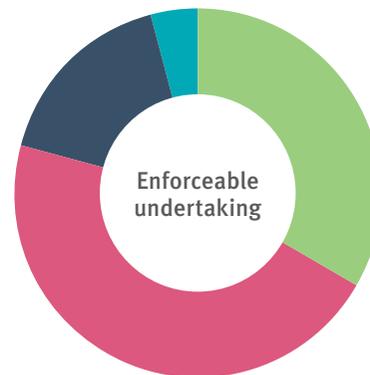
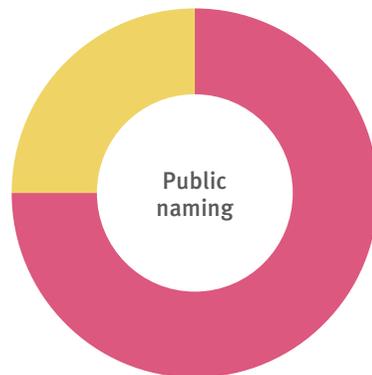
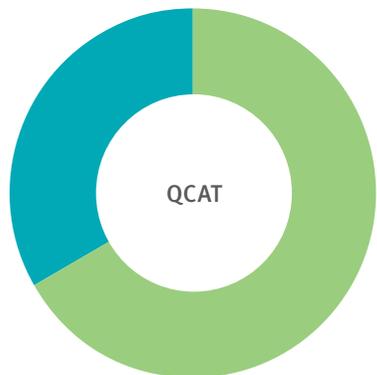
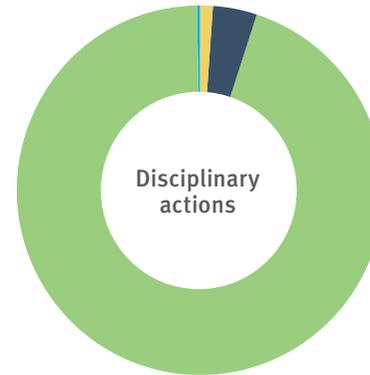
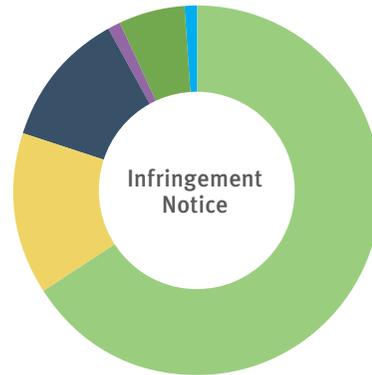
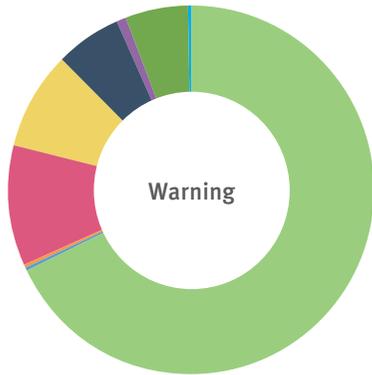
In 2017–18, the OFT took a total of 2,738 enforcement and disciplinary actions against traders and licensees. A breakdown by Act and action type is below.

Act	Warning	Infringement notice	Administrative disciplinary action	Civil Penalty Notice (CPN)	Disciplinary proceeding (QCAT)	Public naming	Enforceable undertaking	Court action
<i>Agents Financial Administration Act 2014</i>	689	254			2		8	8
<i>Collections Act 1966</i>	4							4
<i>Debt Collectors (Field Agents and Collection Agents) Act 2014</i>	2							
<i>Fair Trading Act 1989</i> (incorporating the Australian Consumer Law)	107			9		3	11	40
<i>Fair Trading Inspectors Act 2014</i>	1							
<i>Land Sales Act 1984</i>	1							
<i>Motor Dealers and Chattel Auctioneers Act 2014</i>	85	55	15			1		6
<i>Property Occupations Act 2014</i>	61	46	49				4	8
<i>Property Agents and Motor Dealers Act 2000</i> <sup>1</sup>					1		1	
<i>Second-hand Dealers and Pawnbrokers Act 2003</i>	9	4						1
<i>Security Providers Act 1993</i>	55	22	1,159					6
<i>Tattoo Industry Act 2013</i>	2	4	1					
<b>Total</b>	<b>1,016</b>	<b>385</b>	<b>1,224</b> <sup>2</sup>	<b>9</b>	<b>3</b>	<b>4</b>	<b>24</b>	<b>73</b>

### Notes:

- On 1 December 2014, the *Property Agents and Motor Dealers Act 2000* (PAMDA) was repealed and replaced with industry specific Acts. Conduct occurring on 30 November 2014 or earlier was dealt with under the former PAMDA.
  - Administrative disciplinary actions include all actions taken in the course of refusing, suspending or cancelling a licence or registration. It also includes show cause notices regarding possible disciplinary action.
- \* A trader may be subject to more than one type of enforcement or disciplinary action.  
 \* An action may involve one breach or several.

## Enforcement outcomes



## Court actions

In 2017–18, the OFT undertook action against 61 entities through the courts<sup>1</sup>. Of these:

- 33 were for wrongly accept payment (Australian Consumer Law, section 158)
- 5 were for making false or misleading representations (Australian Consumer law, section 151)
- 3 were for making false and misleading representations regarding mileage or tampering with an odometer (*Motor Dealers and Chattel Auctioneers Act 2014*)
- 13 were for breaches of trust account provisions
- 7 were for unlicensed trading (real estate, motor dealing and security industries)
- 8 entities appealed against a licensing decision (real estate, motor dealing and security providers)
- 1 entity appealed against a court prosecution
- 4 were for breaches under the *Collections Act 1966*
- 4 were for other consumer law offences.

The vast majority of the OFT's prosecutions are heard in the Magistrates Court.

Note:

1. A trader may be subject to more than one type of enforcement or disciplinary action and under multiple acts. An enforcement action may cover one breach or multiple breaches.

## Accepting payments and failing to supply custom built food trailers



**John Frederick Waters, sole trader of Ocean Road Queensland**

On 7 June 2018, Mr Waters, sole trader of Ocean Road Queensland, was found guilty of two counts wrongly accepting payment and failing to supply goods by the Beenleigh Magistrates Court.

Ocean Road Queensland, based in Coopers Plains, created custom built food trailers. The business advertised on online classified websites throughout 2015 and 2016, then ceased trading in early 2017.

The court heard that, between October 2015 and September 2016, Mr Waters agreed to provide two consumers with trailers at agreed prices of \$40,000 and \$116,000 respectively. In both instances Mr Waters accepted interim deposits and provided completion dates, accepting a number of payments from both consumers, totalling \$132,000.

Mr Waters failed to meet the agreed upon completion date for both trailers, stating he had used the payments to keep his business afloat. He continued to push back delivery of the trailers until the two affected consumers requested refunds.

In sentencing, the court considered Mr Waters' behaviour 'unscrupulous' due to his conduct of continuing to take money from consumers without supplying a product and failing to refund them despite multiple opportunities to do so.

**Mr Waters pleaded guilty, was fined \$50,000 and ordered to repay \$105,664 to the affected consumers within two years or face six months imprisonment. A conviction was recorded.**

### Wrongful conversion of trust account money

Satvinder Singh Dhillon, sole director and principal agent of Lionheart Realty



On 21 July 2017 Satvinder Singh Dhillon was sentenced to 12 months imprisonment, suspended for 18 months in the Brisbane Magistrates Court.

The court heard tenants paid rent and bonds to Lionheart Realty in mid-2016, but rather than paying property owners the rent money owing to them and passing bond money on to the Residential Tenancies Authority (RTA), Mr Dhillon transferred the trust money, a total of \$13,142, to his own account and applied the money to his personal use.

The OFT's investigation also revealed Mr Dhillon's real estate licence expired on 10 May 2016, but he continued to work illegally as a real estate agent.

**Mr Dhillon was found guilty of wrongful conversion of trust money, sentenced to 12 months imprisonment, suspended for 18 months, and disqualified from holding a real estate licence for five years.**

### Unlicensed motor dealer fined

Emma Lloyd



An OFT investigation found that between July 2016 and June 2017, Ms Lloyd purchased 35 used motor vehicles from a vehicle auction house in Brisbane representing herself as her daughter, a former licensed motor dealer. She persuaded several acquaintances to sign registration documents, telling them she 'could not have too many vehicles registered in her business name at the same time'. Ms Lloyd then sold these vehicles as private sales.

The OFT commenced its investigation after receiving a complaint from a potential buyer who conducted his own vehicle history checks and discovered an anomaly in the odometer reading.

The investigation found Ms Lloyd had misrepresented the mileage on six vehicles sold to consumers, including one vehicle with an odometer difference of 150,000 kilometres.

**Ms Lloyd was found guilty of six counts of making false representations about vehicles mileage and of acting as an unlicensed motor dealer. She was fined \$20,000 and a conviction was recorded.**

## Court enforceable undertakings

In 2017–18, the OFT entered into 24 enforceable undertakings with traders.

An enforceable undertaking is a legally binding agreement that the OFT enters into with a business or individual.

Generally, undertakings include agreements from the traders to:

- remedy the mischief
- accept responsibility for their actions
- establish or review and improve their trade practices compliance programs and culture
- provide redress to affected consumers.

If a trader fails to comply with any condition of an undertaking, or reoffends, the court can order them to change their activities and pay:

- compensation
- a fine
- a security bond.

Enforceable undertakings are listed on the OFT website.

## National real estate agency enters into enforceable undertaking

### Purplebricks Australia Pty Ltd



The OFT found that between November 2016 and June 2017, Purplebricks Australia Pty Ltd, entered into agreements with consumers who were not made aware of the terms of the fees charged. Consumers were also misled about additional services offered by Purplebricks, despite the agency advertising ‘low, fixed fees’ for their services when selling property.

Also during this period, the OFT found that Purplebricks failed to fulfil some of its regulatory obligations about use of appropriate accounts software, use of a non-Queensland bank account and notification of substitute licensees and other places of business.

The OFT received several complaints from consumers alleging false and misleading representations on the Purplebricks website and advertising regarding their fees, particularly that the fixed fees were payable regardless of whether a property was sold, or their services were cancelled.

**The enforceable undertaking, which will remain in force for three years, required Purplebricks to pay a penalty of \$20,000 and ensures that all representations made by the business, particularly those concerning fees and additional services, are not false or misleading.**

## Enforceable undertaking for alleged breaches of the Australian Consumer Law

### Imagine That Photography Pty Ltd



Between 1 July 2015 and 31 October 2017, Imagine That Photography Pty Ltd, a mobile photography business trading from major shopping centres around Australia, entered into agreements with consumers. The OFT found the business did not provide appropriate information regarding the layby terms and conditions, including how a consumer might terminate the layby agreement, and made misleading representations about refund rights, denying them to consumers who wished to validly cancel an agreement.

The enforceable undertaking required Imagine That Photography to acknowledge its obligations under the ACL by correcting all advertising and agreements, and by releasing any consumer who wished to cancel an agreement who had been placed on a debt recovery plan by the business.

The business was also required to write to all consumers who entered into a direct debit agreement to advise them they were entitled to cancel their agreement and receive a refund.

**The conduct of Imagine That Photography was first raised with the OFT by the Indigenous Consumer Assistance Network (ICAN), after a number of Indigenous consumers were affected by the actions of the business and had contacted ICAN for assistance.**

**ICAN is a not for profit organisation which provides consumer education, advocacy and financial counselling services to Indigenous consumers.**

**As part of the undertaking, Imagine That Photography provided a payment of \$5,000 to ICAN.**



## Infringement notices and civil penalty notices

In 2017–18, the OFT issued 385 infringement notices and 9 civil penalty notices.

### Failure to comply with unsolicited consumer agreement provisions

#### Oz Solar Needs Pty Ltd

In July 2017, Oz Solar Needs Pty Ltd was issued a civil penalty notice of \$10,800 for failing to comply with the unsolicited consumer agreement provisions of the ACL.

Mr Lalit Arora, director of Oz Solar Needs Pty Ltd, and an employee visited the community of Yarrabah and township of Laura and door knocked residents with the intention to sell air conditioning systems. The men had signed up a number of consumers to contracts but had not provided the prescribed form to advise them of their rights to a cooling off period of 10 business days.

**OFT began investigating Oz Solar Needs after being advised that the business was door knocking in the community. Yarrabah had become a *Do not knock informed (DNKi) community* in May 2017 and consumers noted the trader was not complying with the law.**



### Cosmetics did not comply with an information standard

During a compliance check in August 2017, the OFT's Consumer Product Safety Unit identified cosmetics for sale at a pop-up store which did not contain a list of ingredients as required by the Trade Practices (Consumer Product Information Standard) (Cosmetics) Regulations 1991.

**After the intervention of the OFT the goods were removed from sale and in March 2018 the trader paid a \$10,800 civil penalty notice issued by the OFT for the non-compliance.**



### Onsite resident letting agent

In March 2018 the OFT undertook inquiries at a holiday accommodation building on the Gold Coast to follow up on a consumer complaint.

**As a result of this visit technical breaches of the legislation regulating onsite resident letting agents were identified and the agent was issued with two penalty infringement notices, one for \$1,892 for failing to have a licensed person in charge at the location, and another for \$975 for failing to lodge an audit report within time.**



# Proactive compliance

The OFT conducts a Proactive Industry Compliance Management and Education program (PICME) annually.

The PICME program targets high-risk industries and areas where consumers are most likely to suffer detriment. Traders who have previously come to the attention of the OFT (via, for example, consumer complaints, media reports, intelligence sources, or previous compliance activity) are often included as spot check targets in the PICME program's proactive compliance operations.

The PICME program includes:

- scheduled operations
- non-scheduled operations and non-scheduled spot checks
- product safety operations.

## Operation outcomes

During an operation, a predetermined number of spot checks are completed by fair trading officers across Queensland. When a spot check is completed, the outcome will be one of the following:

- no breaches detected
- breaches rectified immediately (product safety related issues)
- referred for further investigation.

An investigation can result in a number of outcomes. For PICME reporting purposes these are broken down into:

- no breach, meaning no evidence of breach, insufficient evidence of breach
- 'other', meaning a non-enforcement outcome. For example a compliance advice letter or the investigation was referred to another Government agency
- enforcement actions, which can include:
  - a warning
  - an infringement notice
  - a civil penalty notice
  - a public naming
  - an enforceable undertaking
  - a court prosecution, where the investigation is referred for court or tribunal action.

P I C M E P R O G R A M



## PICME scheduled operations

Operation	Spot checks		Investigation outcomes							
	No breach detected	Sent for investigation	No breach	Other	Enforcement actions					
					Warning issued	Infringement issued	Civil Penalty Notice (CPN)	Public naming	Enforceable undertaking	Court action
<b>ART17/18</b> —checking claims made by art galleries/art warehouses/museums regarding ‘authentic’ Indigenous art.	46	0								
<b>CWGAMES17/18ED</b> —educational security provider visits to licensed venues ahead of Commonwealth Games.	104	0								
<b>LAYBY17/18</b> —focussed on smaller retailers with a focus on lay-by agreements and refund signage.	113	6		5	1					
<b>MD17/18</b> —focussed on newly licensed motor dealers or those OFT hasn’t visited in previous 24 months.	38	26		10	16	1				
<b>MDREPEAT17/18</b> —follow up to MD17/18 checking remedial action has been taken by motor dealers.	34	18		4	13	6				
<b>REA17/18</b> —focussed on newly licensed agents not subject to an OFT visit in previous 24 months.	27	21	2	13	5	1				
<b>REAREPEAT17/18</b> —follow up to REA17/18 checking remedial action has been taken by agents.	27	30	2	6	9	2				
<b>REMOVAL17/18</b> —educational visits regarding ACL obligations and provision of targeted factsheet.	50	0								
<b>RLASCHOOLIES17</b> —resident letting agents managing high rise apartments used by Schoolies.	24	0								
<b>SCAN17/18</b> —check scanned prices on products reflects shelf prices and any advertising or brochures.	71	2			1					
<b>SCHOOLIES17</b> —check security officers to ensure they are licensed, focusing on designated Schoolies precincts.	79	5		4		1				
<b>SHD17/18</b> —focus on second hand dealers where non-compliance was previously detected.	65	22	1	16	3	2				1
<b>TATTOO17/18</b> —education visits to tattoo licensees.	74	3	1		1	1				
<b>TOURIST17/18</b> —checking claims made by souvenir and tourist orientated retailers regarding authenticity of Indigenous art.	93	17		12						
<b>Total operations (14)</b>	<b>845</b>	<b>150</b>	<b>6</b>	<b>70</b>	<b>49</b>	<b>14</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>

## Notes:

- Multiple enforcement actions can be taken against one entity. Conduct occurring on 30 November 2014 or earlier was dealt with under the former PAMDA.
  - Not all matters referred for investigation during a financial year may have been finalised in that financial year.
- \* ‘no breach’ includes investigations outcomes where there was insufficient evidence of a breach.

**1,095  
SCHEDULED  
SPOT CHECKS**



**845**

NO BREACH DETECTED



**150**

SENT FOR INVESTIGATION

### Operation REA17/18

In October and November 2017, newly licensed resident letting agents, real estate agents and agents that had not been visited by an OFT officer within the last two years were checked for compliance and provided with educational information on rights and responsibilities of traders providing accommodation services during the Commonwealth Games. Over the course of the operation 48 spot checks were completed and a high percentage of possible non-compliance was identified. As a result, 21 matters were referred for investigation and one infringement notice was issued.



### Operation CWGames 17/18

Operation CWGames was an educational operation conducted from October to December 2017 to raise awareness of licensed venues regarding the employment of licensed crowd controllers during the Commonwealth Games 2018. The operation was conducted in conjunction with the Office of Liquor and Gaming Regulation (OLGR), with OLGR officers distributing educational support material to those within the industry during their ongoing spot check operations. OFT officers conducted 104 spot checks across Queensland with 100% compliance reported.



### Operation SHD17/18

In August and September 2017, proactive spot checks were undertaken on traders dealing in second hand items that were previously visited in 2016–2017. Over the course of the operation, OFT officers checked 87 premises across Queensland. Two infringement notices were issued for unlicensed second hand dealing with one matter proceeding to court, and due to be heard in 2018–2019.



### Authentic Indigenous art

As part of an ongoing proactive compliance program to reduce the risk of unethical behaviour affecting consumers during the Commonwealth Games, the Office of Fair Trading (OFT) conducted two operations in 2017–18 in relation to Indigenous souvenirs and art.

Educating and working with traders was an important aspect of this operation, to ensure businesses are complying with their obligations under the ACL and acting transparently regarding the authenticity of Indigenous products.

OFT compliance resources are targeted based on identified risks and analysis of the Queensland marketplace. This can cover industry sectors, licensees or traders most likely to cause harm to consumers and the marketplace.

Each compliance operation also gives the OFT a chance to better understand trader and market behaviour, which in turn helps develop strategies to encourage and monitor compliance with the law.

In Australia, consumers purchasing Indigenous souvenirs, arts and craft must not be misled into believing a product is ‘authentic’ or ‘genuine’ when it is not.

Traders who sell these products must be able to substantiate their claims to fulfil their obligations under ACL.

One of the operations carried out by the OFT focused on art galleries, the other on retail souvenir shops.

The Attorney-General and Minister for Justice Yvette D’Ath, spoke about results at the Jellurgal Arts Centre on the Gold Coast in March 2018. Ms D’Ath acknowledged the initial status of the investigations and was pleased that most businesses in Queensland were abiding by their obligations to consumers.

In total, the OFT conducted 156 spot check inspections:

- 46 targeted art galleries and warehouses
- 110 targets tourist businesses, such as souvenir stores, which sell Indigenous styled souvenirs.



Twelve matters were referred for further investigation by the OFT, which resulted in seven product lines being removed from sale. These products were removed by the traders as they were not able to substantiate representations being made, primarily concerning how, or where, the goods were produced.

The OFT is pleased to see the educational and compliance efforts undertaken continue to have positive effect on traders selling indigenous souvenirs and artwork. For example, the OFT is aware of a number of business in the process of amending their labelling (e.g. Made in Indonesia) to better inform their customers of the country of origin of their products.

Overall, the results of the operations are encouraging and show most Queensland traders selling Indigenous souvenirs and art are willing to cooperate with the OFT to ensure their obligations are being met.

## Non-scheduled spot checks

Non-scheduled compliance checks are generally conducted where the OFT believes there may be evidence to suggest non-compliance. Spot checks can occur following a complaint received or where the OFT becomes aware of emerging issues or heightened public interest in a particular issue or industry.

Some festivals and major events are also visited unannounced as part of our non-scheduled program to check compliance across all OFT legislation. The provisions checked vary depending on the event. (See Appendix 1 for a list of OFT administered legislation).

Legislation/industry	Spot checks		Investigation outcomes							
	No breach detected	Sent for investigation	No breach	Other	Enforcement actions					
					Warning issued	Infringement issued	Civil Penalty Notice (CPN)	Public naming	Enforceable undertaking	Court action
ACL (not related to specific national projects)	41	2		2						
Auctioneers	6	1					2			
Debt collectors		1								
Motor dealers	22	9		4	3	1				
Real estate agents	178	22	2	5	9	5				
Resident letting agents	17	1					2			
Second hand dealers*	12	0								
Security providers**	26	4	1	1	2					
Tattoo industry	13	1					1			
Festivals and events	43	2	1				1			
Fuel retailers (price boards)	121	2		1	1					
<b>Total</b>	<b>479</b>	<b>45</b>	<b>4</b>	<b>12</b>	<b>15</b>	<b>12</b>				

### Notes:

- Multiple enforcement actions can be taken against one entity.
- \* The Queensland Police Service also undertakes compliance spot checks under the *Second-hand Dealers and Pawnbrokers Act 2003*.  
\*\* The Queensland Police Service and Office of Liquor and Gaming Regulation also undertake compliance spot checks under the *Security Providers Act 1993*.
- The statistics listed in this report relate only to those undertaken by the OFT.
- Not all matters referred for investigation during a financial year may have been finalised in that financial year.

**524  
NON-SCHEDULED  
SPOT CHECKS**



**479**

NO BREACH DETECTED



**45**

SENT FOR INVESTIGATION

**Fuel 17/18**

With the commencement of the Fair Trading (Fuel Price Board) Regulation 2017 on 31 January 2018, OFT inspectors spot checked service stations across Queensland in order to gauge industry compliance following the introduction of the new provisions.



Under the regulation, all fuel retailers must display only the full price of fuel available to motorists, instead of displaying potentially misleading or confusing discount prices. The regulation also requires retailers to coordinate price changes on price boards and fuel pumps.

OFT officers conducted 123 spot checks state-wide in 2018.

Compliance with the new law was good with only two matters referred for investigation. A warning was subsequently issued for a fuel retailer who had failed to change the price board for a price increase before, or simultaneously, when changing the fuel pump display.



# Redress

The OFT obtains redress for consumers by:

- conciliating complaints between consumers and traders
- paying claims from the claim fund to reimburse consumers who have suffered financial loss as a result of certain illegal actions by real estate agents, auctioneers, motor dealers and debt collectors
- negotiating refunds, or payments to community organisations where individual consumers can't be identified, as part of enforceable undertakings
- securing court-ordered compensation as part of the prosecution of traders.

Redress is calculated as a dollar value, including the value of refunds, repairs, replacements, repeat services and in-kind compensation.

In 2017–18, the OFT achieved \$8.14M in redress for consumers.

Conciliation	4,707,161
Investigations	1,141,720
Claims paid to consumers	759,780
Court-ordered compensation orders	1,533,280



A consumer purchased a new motor vehicle and after a few months began to notice a number of issues, including water leaking through the roof and paint defects. The trader agreed to repair the problems but could not provide the consumer with any indication of how long that would take.



**After intervention by OFT the trader agreed to provide the consumer a refund of \$65,291.**

A consumer who has hearing loss purchased hearing aids from a trader in 2015. Three years later the hearing aids were not working properly. Despite the consumer communicating with the trader, and the trader repairing the product, the issues continued.



**As a result of OFT intervention the consumer obtained a refund of \$1,235.**

A consumer engaged a trader to lay new flooring at their property but not long after its installation the flooring started to lift. The consumer's attempts to resolve the issue with the trader were unsuccessful and he lodged a complaint with the OFT.



**As a result of OFTs intervention the trader offered the consumer their choice of either a full refund of the \$13,800 they had paid or the installation of a replacement flooring of a different type at no further charge.**

## Court ordered compensation

In certain circumstances, as part of a prosecution of a trader, the OFT can request a court order a trader to pay compensation to consumers who have been left out-of-pocket by the trader's offending.

In 2017–18, the OFT secured court-ordered compensation orders totalling \$1,533,280.

### Prosecution of Samuel Newnham and Adrian Campbell

On 12 March 2018, Mr Newnham and Mr Campbell, directors of Eco Boss Pty Ltd, were ordered to pay over \$579,579 in fines, compensation, and court costs, by the Southport Magistrates Court.



Mr Newnham and Mr Campbell pleaded guilty to 11 counts of making false and misleading representations. The Court heard between October 2015 and June 2016 Eco Boss Pty Ltd sold 'exclusive' distribution licenses for the sale and installation of a particular brand of smoke detection technology in different locations within Australia.

Mr Newnham and Mr Campbell told interested purchasers they had an agreement with a UK-based company to sell territorial licenses within Australia, producing a false contract with the UK company to deliberately mislead potential distributors. As a result the 11 affected purchasers were under the impression they had bought exclusive distribution rights in specified areas.

In sentencing, the Court considered Mr Newnham's and Mr Campbell's level of manipulation, the significant financial detriment their actions had on the affected purchasers and lack of remorse.

**Neither Mr Newnham nor Mr Campbell appeared in court. Eco Boss Pty Ltd was fined \$250,000. Mr Newnham was fined \$40,000 and ordered to pay \$102,200 in restitution to affected distributors and \$89.90 in court costs. Mr Campbell was fined \$85,000 and ordered to pay \$102,200 restitution and \$89.90 in court costs. A conviction was recorded against Mr Campbell.**

## Claims

Established under the *Agents Financial Administration Act 2014* (AFAA) the claim fund is used to reimburse consumers who suffer financial loss as a result of certain breaches of industry laws by agents, motor dealers, auctioneers and debt collectors.

Under AFAA real estate agents, motor dealers, auctioneers and debt collectors must put certain monies received for transactions into a trust account. Depending on the industry, this may include deposits, rent payments and purchase money. Approximately 8,500 trust accounts are held across 15 financial institutions in Queensland.

Major breaches leading to claims include:

- misappropriating trust monies
- false and misleading representations about real estate and motor vehicles
- failure to guarantee clear title of motor vehicles
- real estate agents obtaining a beneficial interest in real property
- motor dealers improperly dealing with deposits during a cooling off period.

In 2017–18, \$759,779.89 was paid from the claim fund to 177 consumers who had been the victim of dishonest acts by agents and motor dealers. A further \$179,545.39 was used to fund receiverships over trust properties and a special investigator.

Under AFAA all amounts paid from the claim fund may be recovered from the offending trader. While every effort is made to recover these monies, agents and dealers often lack the financial capacity to repay the debt and recovery rates are relatively low. In 2017–18, \$236,046.67 was recovered.

## Product safety

Legislative provisions to ensure the safety of consumer goods are contained within the ACL, administered jointly by the ACCC and state and territory fair trading agencies. The OFT is responsible for product safety matters in Queensland. Each year, around 40,000 hospital admissions and 200,000 emergency department presentations relate to injury. Many of these involve everyday consumer products.

During 2017–18, a number of high risk areas were assessed including importers and internet traders. Buying and selling consumer goods via the internet continues to be a rapidly growing market and can raise significant safety risks for consumers. While regulatory oversight of overseas traders presents a number of challenges, OFT is active in this area and during 2017–18 worked extensively with a number of large international online platforms to enhance consumer protection.

As a result of product safety investigations undertaken in 2017–18:

- 3 civil penalty notices worth a total of \$32,400 were issued, for breaches of safety and information standards
- 6 debt recovery orders worth a total of \$8,095 were issued, to recoup testing costs and \$682 was recovered as part of an enforceable undertaking
- 77 warnings were issued for breaches of mandatory standards and permanent bans
- 1 enforceable undertaking was entered into
- 1 court prosecution was completed resulting in a penalty of \$10,800 and a conviction recorded.

In 2017–18, the OFT also conducted 735 product safety spot checks state-wide, including:

- 582 as part of compliance operations
- 153 as targeted non-scheduled inspections.

**735**  
**SPOT CHECKS**



**627**

NO BREACH DETECTED OR  
BREACH RECTIFIED IMMEDIATELY



**108**

SENT FOR INVESTIGATION

## Toy store fined for selling banned goods

**BB Toyman Ptd Ltd, trading as My Toys and Hobbies**



On 11 September 2017, a Gold Coast business was fined by the Southport Magistrates Court for selling unsafe toys, following an OFT investigation.

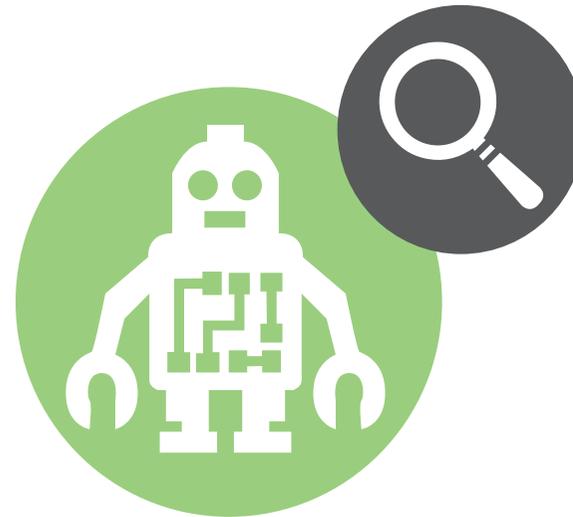
BB Toyman Ptd Ltd, trading as My Toys and Hobbies in Carrara, pleaded guilty to one charge of supplying goods that do not comply with safety standards, was fined \$10,800 and a conviction was recorded against the business.

The court heard OFT inspectors observed a projectile toy known as a ‘Fun Crossbow’ offered for sale at a stall at the Carrara Markets in May 2016. Officers seized samples of the toy from the stall, which was run by BB Toyman, for testing.

Further testing by the OFT revealed the ‘Fun Crossbow’ failed the mandatory safety standard for projectile toys.

The ‘Fun Crossbow’ is a lightweight toy that shoots suction tipped plastic darts propelled by an internal mechanism.

In sentencing, the court considered the power of the toy and the danger it posed to the eyes of children as well as the lack of effort by the trader to ensure the crossbow complied with safety standards, after prior warning was given by the OFT. The court also took into consideration BB Toyman’s successful removal of non-compliant items in the past.



## Scheduled product safety operations

The following product safety-focused proactive compliance operations were undertaken in 2017–18.

Operation	Spot checks			Investigation outcomes						
	No breach detected	Breach rectified immediately	Sent for investigation	No breach	Other	Product withdrawn by trader	Warning label added/modified	Enforcement actions		
								Warning issued	Civil Penalty Notice issued	Enforceable undertaking
<b>IMPORTER17/18</b> —increase compliance in the importer industry and to reduce the supply of non-compliant unsafe products to the marketplace.	12		6		2	1	1			
<b>ONLINE17/18</b> —Increase compliance online and to reduce the supply of non-compliant unsafe products to the marketplace. Primarily a desktop compliance audit operation.	65		35	18	4	1	2	7		
<b>EKKA17</b> —show bag safety checks and compliance audits of stall holders at the Brisbane Ekka.	13	12	1					1		
<b>SAFECHRISTMAS17</b> —Increase compliance in the retail and import industries and to reduce the supply of non-compliant unsafe products to the marketplace. This was a state wide joint operation involving the Consumer Product Safety Unit, Marketplace and Financial Investigations and regional offices.	335		19					16	2	1
<b>MARKET18</b> —Increase compliance in the importer industry and to reduce the supply of non-compliant unsafe products to the marketplace.	9		9							
<b>STANDARDS18</b> —focus on compliance in the retail sector to reduce the supply of unsafe products to the marketplace.	63	2	1					2		
<b>Total scheduled (6)</b>	<b>497</b>	<b>14</b>	<b>71</b>	<b>18</b>	<b>6</b>	<b>2</b>	<b>3</b>	<b>26</b>	<b>2</b>	<b>1</b>
<b>BUTTONBATTERIES17/18</b> —focus on the retail, importer and online sectors to reduce the supply of unsafe products to the marketplace.	31	10	19	3	1	9	6			
Other non-scheduled spot checks.	75		18	1				15	1	
<b>Total non-scheduled</b>	<b>106</b>	<b>10</b>	<b>37</b>	<b>4</b>	<b>1</b>	<b>9</b>	<b>6</b>	<b>15</b>	<b>1</b>	<b>0</b>

### Notes:

- Multiple enforcement actions can be taken against one entity.
- Not all matters referred for investigation during a financial year may have been finalised in that financial year.
- Breach rectified immediately can include removal of non-compliant products or attaching a warning label at the time of the spot check. No further investigation is required.

## Occupational licensing

The OFT protects the community and promotes marketplace integrity by making sure that only suitable persons are licensed to work in certain occupations.

In 2017–18, the OFT processed 18,445 new licence and certificate applications and 35,803 renewals.

Act	New licence and certificate applications	Licence and certificate renewals
<i>Property Occupations Act 2014</i>	7,050	18,243
<i>Motor Dealers and Chattel Auctioneers Act 2014</i>	1,235	3,866
<i>Debt Collectors (Field Agents and Collection Agents) Act 2014</i>	78	225
<i>Security Providers Act 1993</i>	9,528	12,327
<i>Second-hand Dealers and Pawnbrokers Act 2003</i>	242	653
<i>Tattoo Parlours Act 2013</i>	284	444
<i>Introduction Agents Act 2001</i>	6	7
<i>Tourism Services Act 2003</i>	22	38
<b>Total</b>	<b>18,445</b>	<b>35,803</b>



**18,445**  
Applications



**35,803**  
Renewals



**86,598**  
Entities licensed

As at 30 June 2018, the following number of entities were licensed to perform the OFT-licensed occupations.

Occupational function <sup>1</sup>	Number licensed or registered	
<b>Security industry</b>	Security provider—Class 1 (unrestricted)	21,117
	Security provider—Class 1 (restricted)	7
	Security provider—Class 2	4,349
	Security firm	1,431
<b>Real estate industry</b>	Real estate (individual)	14,048
	Resident letting agent (individual)	1,799
	Real estate salesperson	21,223
	Real estate (corporation)	6,894
<b>Motor industry</b>	Resident letting agent (corporation)	1,013
	Motor dealer (individual)	3,586
	Motor salesperson	3,176
	Motor dealer (corporation)	1,367
<b>Auctioneering</b>	Auctioneer (individual)	1,462
	Chattel auctioneer (individual)	1,080
	Auctioneer (corporation)	581
	Chattel auctioneer (corporation)	430
<b>Debt collection</b>	Field agent (individual)	233
	Field sub-agent	177
	Field agent (corporation)	109
<b>Tattoo industry</b>	Tattooist	805
	Tattoo parlour operator	314
	Visiting tattoo permit	3
	Second-hand dealer	1,094
<b>Second-hand dealing and pawnbroking</b>	Pawnbroker	7
	Second-hand dealer and pawnbroker	181
	<b>Introduction agent</b>	<b>15</b>
<b>Inbound tour operator</b>	<b>97</b>	
<b>Total</b>	<b>86,598</b>	

Note:

1. An entity may hold more than one licence class.

## Significant administrative and disciplinary action against occupational licensees

### *Property Occupations Act 2014* licences suspended

Licence suspension reason	Number
Fail to supply audit report	3
<b>Total</b>	<b>3</b>

### *Security Providers Act 1993* licences suspended

Licence suspension reason	Number
Assault	28
Drugs related offences	29
Endangering life or health	9
Morality/sexual offences	14
Offences against liberty	7
Other	1
Public interest	1
Stealing and like offences	19
Weapons offences	8
<b>Total</b>	<b>88</b>

### *Property Occupations Act 2014* licences cancelled

Licence cancellation reason	Number
Assault	1
Bankruptcy	2
Breaches of the peace	1
Corporation deregistered	1
Drugs related offence	3
Stealing and like offences	2
<b>Total</b>	<b>9</b>

### *Motor Dealers and Chattel Auctioneers Act 2014* licences cancelled

Licence cancellation reason	Number
Assault	1
Morality/sexual offences	2
Stealing and like offences	1
<b>Total</b>	<b>4</b>

### *Security Providers Act 1993* licences cancelled

Licence cancellation reason	Number
Assault	6
Breaches of the peace	2
Drugs related offence	9
Endangering life or health	5
Failure to supply fingerprints	8
Homicide	1
Mandatory association membership	15
Morality/sexual offences	7
Offences against liberty	1
Public interest	19
Stealing and like offences	10
Triennial training	148
Weapons offences	2
<b>Total</b>	<b>228</b>

#### Notes:

1. An individual or company may have their licence suspended or cancelled for more than one activity.
2. An individual or company licence may remain suspended across reporting periods. For example, until a matter is determined by a court.
3. Under some circumstances an individual or company licence may be cancelled without having been suspended. For example, due to an automatic disqualifying offence.

## Decision making and disciplinary action

The OFT receives applications for licences and registration status under the legislation it administers. Following an investigation of available evidence, consideration is given as to whether an entity is suitable to hold a licence or registration status. Applications may be granted or refused.

When the OFT receives adverse information on any of its existing licensed or registered entities that may render the entity ineligible to retain a licence or continue being registered, the OFT will investigate the matter. Where there is sufficient evidence we will commence action to cancel the licence or registration of the entity concerned. Information can be received from a variety of sources, including the Queensland Police Service, other licensees, other regulatory agencies or members of the public.

The majority of decisions by the OFT are subject to review by QCAT. The OFT appears in QCAT to defend any decision appealed.

In 2017–18, a total of 1,224 administrative disciplinary actions were taken by the OFT against licensees, with 8 being reviewed by QCAT. Administrative disciplinary actions include all actions taken in the course of refusing, suspending or cancelling a licence or registration. It also includes show cause notices regarding possible disciplinary action.



## Working collaboratively

In assessing an application for a licence OFT relies heavily on certificates of competency issued by registered Training organisations (RTOs). OFT works collaboratively with the Australian Skills Quality Authority (ASQA) to identify and take action against dishonest RTOs.



On 13 February 2018, ASQA following an investigation conducted with the assistance of the Office of Fair Trading (OFT), cancelled 432 security and first aid qualifications and statements of the attainment issued by the now deregistered training provider, Premier Training Institute Pty Ltd.

ASQA then provided the OFT with a list of 266 names of persons whose qualifications have been cancelled. This list was assessed against the OFT Licensing Register and the results were as follows:

- 109 not licensed in QLD
- 133 licences already expired
- 6 still currently licensed in QLD
- 18 have either been withdrawn, cancelled or refused

**Of the six current licensees, one has expired and the OFT has issued show cause notices to the other five seeking their cancellation.**

# Not-for-profit and other registrations

The OFT helps community groups and not-for-profit organisations by registering incorporated associations, charities and cooperatives.

Act	New registration applications	Annual returns
<i>Associations Incorporation Act 1981</i>	924	16,728
<i>Collections Act 1966</i>	220	3,941
<i>Cooperatives Act 1997</i>	6	127
<b>Total</b>	<b>1,150</b>	<b>20,796</b>

As at 30 June 2018, the following number of organisations were registered.

Organisation type	Number registered
Incorporated associations	22,508
Charities and community purpose	4,444
Cooperatives	193
Limited liability partnerships	336
<b>Total</b>	<b>27,481</b>

The majority of decisions by the OFT are subject to review by QCAT. The OFT appears in QCAT to defend any decision made. In 2017–18, one not-for-profit matter was lodged for review with QCAT but was not finalised during the financial year.



## Education and engagement

A key part of the OFT's role is to inform and educate consumers, businesses and licensees about their rights and responsibilities under fair trading laws. A well-informed marketplace contributes to fair competition, and better outcomes for both consumers and traders.

The OFT uses a wide variety of channels and mechanisms to inform the marketplace. These include our:

- website at [www.qld.gov.au/fairtrading](http://www.qld.gov.au/fairtrading)
- call centre on 13 QGOV (13 74 68)
- visits to traders at their premises to provide general information
- community information and advice sessions and school visits
- educational visits by our inspectors, as part of our PICME program
- outreach program, taking fair trading information and advice to regional and remote Queensland
- social media channels including Facebook, Twitter and YouTube
- statements to the media and industry organisations
- electronic newsletters.

In 2017–18, the OFT:

- had website content accessed over 3.8 million times by over 1 million users

- visited 1,574 traders to provide one-on-one education and advice at their business premises
- gave 365 presentations and information sessions attended by 14,313 people including
  - 263 presentations that were attended by over 10,800 people including youth, seniors, Aboriginal and Torres Strait Islander consumers and non-English speaking background consumers
  - 102 trader presentations attended by approximately 3,400 business and industry attendees
  - a state-wide school program with visits to 680 schools, speaking with more than 4,100 students on their refund rights and online shopping
- had approximately 140,600 phone interactions at the Queensland Government call centre, involving over 13,000 hours of direct telephone talk time
- responded to 80,729 enquires received seeking information or advice
- produced 16 electronic newsletters (six editions of Smart Business Bulletin, five editions of Consumer Connection, four editions of SafetyZone and one edition of Security Buzz) for around 23,000 subscribers.
- continued to engage with consumers and traders through our Facebook, Twitter and YouTube accounts.



## Product safety education

The OFT undertakes a variety of product safety educational activities. Educating business and consumers about the safe purchase, supply and use of products helps prevent injuries and equips both with information to make the safest decisions.

In 2017–18, these included:

- two national integrated product safety strategies (IPSS), one on consumer goods containing button batteries and one for toppling furniture. Both initiatives were run over two years and were conjointly undertaken by all Australian consumer protection regulators
- as part of the button battery IPSS campaign, OFT visited 73 traders and assessed approximately 200 product lines. This resulted in 30 product lines being removed from sale or rectified to comply with the industry code and five product lines recalled nationally. The safety of consumer products containing button batteries continues to be proactively surveyed as part of a number of ongoing consumer product safety compliance operations
- distributing over 60,000 of our product safety brochures to educate consumers about the safe use of consumer products including prams, cots, bunk beds, trampolines, pool toys, treadmills and furniture stability
- scheduled visits to childcare centres and medical centres to share information and advice on the importance of product safety
- compliance audits to educate traders about the ACL requirements to meet product safety standards and how to develop compliance plans.

## Buy Smart Competition

Since 2002, the OFT has strengthened the engagement and education of young consumers through its annual Buy Smart Competition, with students participating from schools throughout the State from Weipa to Toowoomba.

Buy Smart is a hands-on learning activity designed to help Queensland students in Years 4 to 12 learn life-long skills and become more informed consumers. Students who participate identify a consumer issue (such as refund rights, shopping online, scams, or needs vs wants) and then design a creative entry outlining the issue and potential solutions.

In 2017–18, the Office of Fair Trading spoke to over 5,400 students across Queensland about consumer rights, scams, budgeting, product safety, and many other topics, resulting in entries from close to 800 students.

The winning entries came from:

- Aspley State High School
- Bundaberg State High School
- Burnett State College, Gayndah
- Chancellor State College, Sippy Downs
- Clayfield College
- Kenmore State High School
- Kin Kora State School
- Kurwongbah State School
- Loreto College Coorparoo
- Redlands College, Wellington Point
- St Paul's Lutheran Primary, Caboolture
- Trinity College Gladstone
- Wellers Hill State School
- Westside Christian College, Goodna.

In 2017, the inaugural School Champion prize was awarded to Malanda State High School. This award is a special commendation for one school or organisation to recognise enthusiasm and effort in getting involved with the Buy Smart program.

## Outreach program

The OFT aims to deliver a high standard of service to all Queenslanders. Our outreach program takes our message into rural and regional parts of the State where we:

- hold information sessions for consumers, associations and businesses
- visit schools and provide presentations to classes about being smart consumers
- visit retailers to provide one-on-one information and advice about the ACL
- visit childcare and medical centres to distribute product safety information
- undertake compliance checks on industry sectors we regulate
- take complaints from consumers.

In 2017–18, the OFT conducted four outreaches to:

- **Scenic Rim**  
Boonah, Killarney, Kalbar, Warwick, Harrisville
- **Central West**  
Longreach, Barcaldine, Ilfracombe
- **Maranoa**  
Roma, St George, Goondiwindi, Inglewood
- **Cassowary Coast**  
Innisfail, Mission Beach, Tully, Cardwell.

## Do not knock informed communities

The *Do not knock* informed communities program is designed to deter unscrupulous door-to-door traders from targeting Indigenous communities and empower Indigenous consumers to enforce their consumer rights.

Following a successful pilot in Wujal Wujal in April 2016, the program was expanded to Yarrabah in May 2017. In 2017–18 the initiative developed further to include Hope Vale in September followed by Palm Island and Woorabinda in November 2017.

The program involves erecting prominent roadside signage, designed to remind door-to-door traders of their legal obligations and reinforce that residences displaying do-not-knock notices are not to be approached.



The initiative in 2017–18 included community information days at Hope Vale, Palm Island and Woorabinda where OFT officers talked about consumer issues such as door-to-door trading, and distributed do-not-knock notices for residents to place on their front door. The sticker informs door-to-door traders that it is illegal to approach the premises and they must leave immediately.

The Do not knock informed communities program is a joint initiative of the OFT, the Australian Competition and Consumer Commission (ACCC), not-for-profit community groups and local Aboriginal Shire Councils.

## Fair trading policy achievements

The Office of Regulatory Policy's (ORP) Fair Trading Policy unit supports the Attorney-General by developing and maintaining consumer protection policy and regulatory frameworks.

During 2017–18, ORP undertook policy and legislative work, including:

- the Fair Trading (Fuel Price Board) Regulation 2017, which prohibits the display of conditionally discounted prices on fuel price boards
- analysis of issues associated with a general safety provision to enhance product safety for consumers, as highlighted by the ACL review
- supporting the staged review of Queensland property laws being undertaken by Queensland University of Technology (QUT)
- reviewing not-for-profit legislation with a view to modernising the legislation governing the sector and reducing regulatory burden.

In 2017–18, ORP also undertook work to progress a range of recommendations arising from a national review of the Australian Consumer Law, including:

- increasing maximum penalties for contraventions of the ACL
- amending provisions of the ACL relating to price transparency, unsolicited selling in public places, consumer guarantees for the transport and storage of goods and investigative powers and procedural matters
- formal public consultation on proposals to expand the coverage of the ACL to provide, amongst other things, enhancements to consumer guarantees (including better protection for consumers who buy a 'lemon' motor vehicle)
- Queensland contributing to several discrete national consumer protection policy projects including gift cards, ticket re-selling and fees and charges for paper bills.





# National activities

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## National activities

All Australian Consumer Affairs Ministers responsible for fair trading participate in the Legislative and Governance Forum on Consumer Affairs (CAF). CAF's role is to consider national fair trading issues and, where possible, develop a consistent approach to those issues. Communiqués from CAF meetings can be found at

**[www.consumerlaw.gov.au](http://www.consumerlaw.gov.au)**

CAF is supported by a committee of senior officials from each fair trading agency known as Consumer Affairs Australia and New Zealand (CAANZ). In turn, three advisory committees and a reference group support CAANZ.

The OFT is an active participant in CAANZ and its supporting committees. The supporting committees often conduct discrete national projects on topics of interest or areas of concern.

- **The Policy and Research Advisory Committee (PRAC)** focuses on the development of common policy approaches to national consumer issues, particularly as they relate to the ACL, and coordinates the development of any amendments to the ACL. The PRAC also conducts national consumer policy research.
- **The Education and Information Advisory Committee (EIAC)** focuses on national cooperation and coordination for education and information activities relating to the ACL and consumer issues more generally.

- **The Compliance and Dispute Resolution Advisory Committee (CDRAC)** focuses on national cooperation and coordination for compliance, dispute resolution and enforcement activities relating to the ACL and consumer issues more generally. CDRAC also operates two working groups:
  - the Fair Trading Operations Group (FTOG), which deals with day to day liaison on compliance enforcement issues
  - the Product Safety Operations Group (PSOG).
- **The National Indigenous Consumer Strategy (NICS) Reference Group** leads implementation of the NICS Action Plan, which is designed to improve marketplace outcomes and reduce disadvantages for Indigenous consumers across Australia.

A representation of CAF and its committees is at Appendix 3.

## Peer-to-peer/sharing economy

The sharing economy, also known as the peer-to-peer or collaborative economy, are online marketplaces run by platform operators that connect consumers with people who have goods or services to sell, hire, rent or lease. It includes platforms like Airbnb, Uber and Airtasker.

The sharing economy campaign was led by NSW Fair Trading and launched in November 2017. The project aimed to ensure consumers, traders and sharing economy businesses were better informed of their ACL rights and responsibilities while utilising sharing economy platforms. The campaign was centred on six short videos which were produced by Queensland OFT. Each video focused on topics that required further education for both consumers and traders within the sharing economy – including: protection, remedies, disputes, reviews, advertising and cancellations.

The project included web content, media coverage, editorial, social media and digital promotion via Facebook and YouTube. The digital component was very successful, achieving more than double the predicted views for both Facebook and YouTube and sharing the campaign’s messaging with far more people than anticipated.

## Free range egg labelling rules

From 26 April 2018, a new national standard governing free-range egg production was introduced to help consumers compare different brands of eggs labelled as ‘free range’ and ensure shoppers are getting what they pay for.

Falling under the ACL, the Information Standard requires producers to prominently disclose the outdoor stocking density of hens laying free range eggs on their packaging.

The ACL places an obligation on traders not to mislead consumers in promoting their goods and services. Any claims that eggs are ‘free range’ means they must come from hens that are produced in a free range environment. A producer is in breach of the information standard if the requirements for using the term ‘free range’ are not complied with.



## Debt management firms

The debt management campaign aimed to increase awareness of the pitfalls of using debt management firms and provide information about alternatives for consumers. The target audience for the campaign was financially stressed and vulnerable consumers. The project was led by the Australian Securities and Investments Commission and ran from 4 June to 1 July 2018. The campaign included social media messages which linked to ASIC’s MoneySmart website.

## Country of Origin labelling



On 1 July 2016, the Country of Origin Food Labelling Information Standard 2016 (Standard) commenced under the Australian Consumer Law. The Standard introduced new labelling requirements for most food sold in stores, markets, online and in vending machines. Businesses had until 30 June 2018 to transition to the new labels.

In 2017–18 consumer protection regulators undertook a national project to increase awareness of the new laws. The type of label required for food products varies depending on the category of food, whether it is packaged or not, and whether it was grown, produced, made or packed in Australia or another country. The key country of origin claims mean different things:

- ‘Grown in’ and ‘produced in’ are claims about where the ingredients come from and where processing has occurred.
- ‘Made in’ is a claim about the manufacturing process involved in making the food.
- ‘Packed in’ claims are used for foods that contain ingredients from multiple countries and can’t claim to have been grown, produced, or made in Australia or any other country.

In addition, the Australian Consumer Law (ACL) prohibits businesses from making claims that are false, misleading or deceptive, including country of origin claims. Businesses must ensure that any representations made about their products are clear, truthful and accurate.

## Paper billing

As businesses shift towards electronic billing, some are charging consumers a fee to receive a paper bill. This can lead to significant costs over a year particularly to consumers on a low income or disadvantaged groups such as seniors, Indigenous and regional Australians.

Some consumers are reluctant to switch to electronic billing, others may not have reliable internet access at their location and some may not be able to afford digital connectivity, leaving them unable to receive digital bills. Some service providers have exemption schemes in place however, many consumers aren’t aware of these as information on the schemes is difficult to access without the internet.

The paper billing project was developed to improve consumer understanding and awareness of exemptions from fees for paper bills and to encourage businesses to cater for disadvantaged consumers.

The project was led by South Australia and ran from 30 April to 27 May 2018. As the target audience for this project involved people with limited access to the internet, the campaign had to reach consumers through more traditional communication methods. The main activities for the project included media releases, e-newsletter articles and distributing posters and postcards to regional offices for use at presentations and expos.



## Ticket reselling

The ticket reselling project was a national campaign launched in March 2018 to improve consumers' understanding and awareness of the ticket reselling market.

The campaign encouraged consumers to only buy tickets from the authorised seller and before purchase to read the terms and conditions of sale, the returns and refund policy, and the delivery details. The messages were promoted through national websites, social media channels, media and newsletters.



## Winter safety campaign

As many of the products we use in winter have been packed away for nearly a year, and they should be checked before use as over time they can become unsafe. A national campaign 'Well Winter' was implemented throughout June 2018 to educate consumers on the risks of winter products, and to provide safety tips for the use of hot water bottles, wheat bags, children's winter clothing, electric blankets and heaters. The safety messages were promoted on national regulators websites and social media channels, media outlets and newsletters. In addition the Queensland OFT produced short safety videos on hot water bottles, wheat bags and children's winter clothing to help share these important safety messages.



## Scams

The OFT is a member of the Australian Scams Awareness Network (ASAN), formerly the Australasian Consumer Fraud Taskforce, which includes 40 Australian and New Zealand government consumer protection and law enforcement agencies.

The ASAN organised the annual National Scams Awareness Week, which in 2017–2018 ran from 21–25 May 2018. ASAN members participate in fraud and scam prevention activities during National Scams Awareness Week to:

- raise awareness of fraud and scams
- provide advice to consumers on how to avoid becoming a victim of scams. In 2017, the Targeting scams report by the ACCC reported over \$90m lost by Australians to scams. Investment scams and dating and romance scams contributed to the highest reported losses in 2017.

Accordingly in 2017 the campaign focused on threat-based impersonation scams and urged consumers to take a moment and ‘Stop and check: Is this for real?’ Threat based impersonation scams involve scammers impersonating a government agency or trusted company to make threats of arrest, legal action, fines or other action to scare victims into making payments or giving personal information to scammers.

In 2017–18, the OFT’s campaign focused on:

- educating Queenslanders about threat based impersonation scams
- informing Queenslanders how to identify, avoid and disengage from scammers
- promoting the ACCC’s ScamWatch website as a reliable source of information and guidance on current scams
- encouraging Queenslanders to report scams, whether they have been a victim or not.

## NICS national projects

### *It’s ok to walk away campaign*

Each year the National Indigenous Consumer Strategy Reference Group (NICS) focuses on a priority issue with a targeted campaign aimed at empowering Indigenous consumers around a particular aspect of consumer law. While one of the NICS’ member agencies takes a lead role in coordinating the project, the broader messaging is leveraged through the wider NICS membership group. Led by the WA Department of Commerce, the initiative, It’s ok to walk away, encouraged Aboriginal and Torres Strait Islander consumers to say ‘no’ to high pressure sales tactics, whether they be door-to-door approaches, or in store.

The project involved targeted consumer empowerment messaging using a rap song, social media, short videos, and printed material combined with community outreach visits.

At the end of the project, evaluation found that the campaign helped equip consumers in remote Indigenous communities with the information they need to better deal with high pressure sales. The compliance work undertaken identified specific trader behaviour that will be investigated further.





# Priorities



# Priorities

Over the next year, the OFT will maintain its focus on regulated industries and selectively target specific issues within those sectors for compliance or education activities. The OFT will also continue integration of security provider compliance checks with the Office of Liquor and Gaming Regulation.

These areas will be a priority for the OFT in 2018–19:

- real estate agents and resident letting agents, particularly around trust account compliance
- trust account auditors
- unlicensed motor dealers
- unlicensed second-hand dealers, particularly online
- security providers, including at events and festivals
- locksmiths
- funeral industry
- charity collectors
- fitness industry
- removalists
- online retailing
- was/now pricing
- unfair contract terms
- selling goods and services under the National Disability Insurance Scheme .

This list of priorities is indicative and is subject to change as other matters emerge.

We publish our Proactive Compliance Calendar on our website [www.qld.gov.au/fairtrading](http://www.qld.gov.au/fairtrading)

## Appendix 1—List of OFT legislation

The OFT administers more than 60 Acts. Primary among these are:

*Agents Financial Administration Act 2014*

*Associations Incorporation Act 1981*

*Collections Act 1966 and Charitable Funds Act 1958*

*Cooperatives Act 1997*

*Debt Collectors (Field Agents and Collection Agents) Act 2014*

*Disposal of Uncollected Goods Act 1967*

*Fair Trading Act 1989* incorporating the Australian Consumer Law Qld

Fair Trading Act 1989 (Code of Practice—Fitness Industry) Regulation 2003

Fair Trading (Fuel Price Board) Regulation 2017

*Fair Trading Inspectors Act 2014*

*Funeral Benefit Business Act 1982*

*Introduction Agents Act 2001*

*Motor Dealers and Chattel Auctioneers Act 2014*

*Partnership Act 1891*

*Property Occupations Act 2014*

*Sale of Goods Act 1896*

*Second-hand Dealers and Pawnbrokers Act 2003*

*Security Providers Act 1993*

*Tattoo Industry Act 2013*

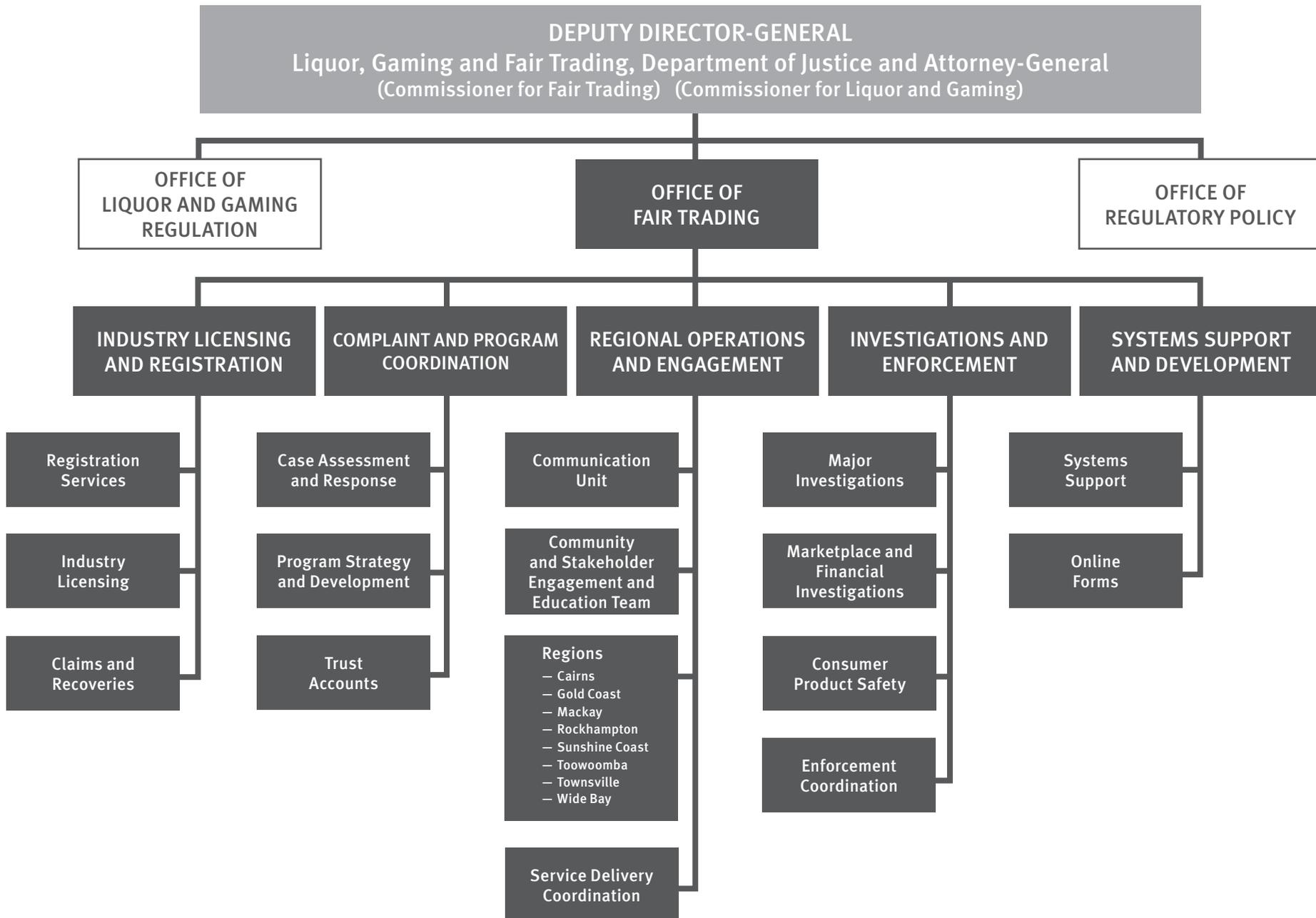
*Tourism Services Act 2003*

A full list of Acts and Regulations administered by the OFT can be found on the OFT website.

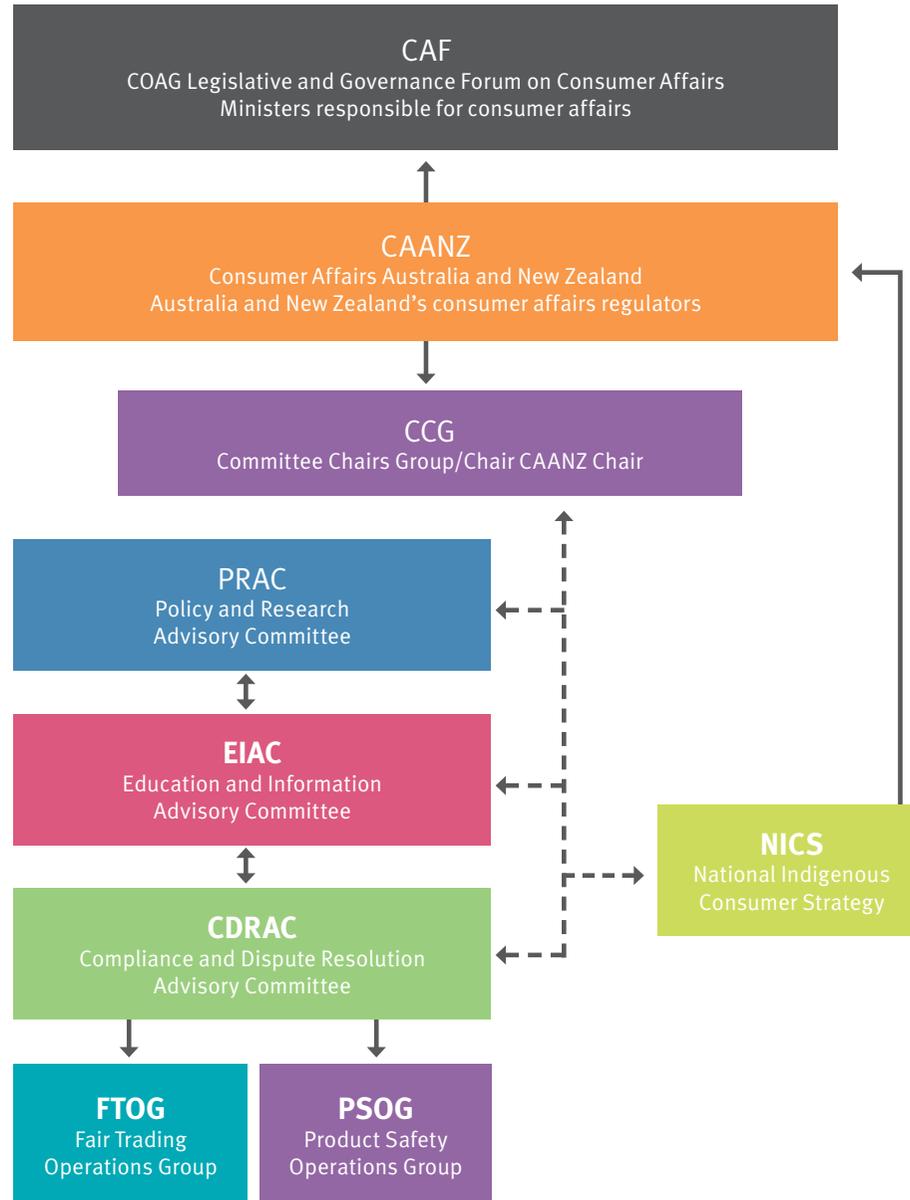
Unlike consumer protection regulators in some jurisdictions, we don't have responsibility for:

- residential tenancy
- caravan and residential parks
- building and construction
- body corporate management
- motor vehicle repairer licensing
- electrical safety
- tradesperson occupational licensing
- liquor industry regulation
- prostitution licensing
- competition law
- price surveillance
- boarding houses (since May 2012)
- retirement villages (since May 2012).

# Appendix 2–OFT organisational structure



# Appendix 3-CAF structure



## Appendix 4–List of impacts

The OFT is a state government agency which operates within the legislation, parameters, policies, procedures and guidelines of the Queensland Government. Occasionally, this may impact on the OFT’s responsibilities and functions, including changes to statistics and budget allocations. Significant impacts during 2017–18, included:

- In January 2018 the *Fuel Price board Regulations* came into effect
- In April 2018 an information standard under the ACL in relation to free range eggs came into effect
- In July 2018 the transition period for the Country of Origin Food Labelling Information Standard under the Australian Consumer Law ended
- Continuing development of online service delivery offerings including the rollout of the OFT Portal, providing a streamlined and secure process for customers to log in and complete an online transaction. Expansion of services to include lodgement of annual returns for Incorporated Associations and Charities, as well as lodgement of annual trust account audit reports
- Participation in initiatives to deliver the CAANZ proposed package of reforms identified through the Australian Consumer Law Review
- Contributing to the Queensland Government’s commitment to deliver the Commonwealth Games in April 2018 including through
  - licensing of over 4,000 security personnel required for the event; issuing over 2,900 permits; progressing 1,100 existing security licensees through additional probity checks
  - a communication campaign undertaken to warn consumers not to purchase games tickets through ticket re-sellers and to only deal with the authorised promotor
  - an education project targeting accommodation providers to help them understand their responsibilities under consumer protection legislation
  - a communication project to educate consumers visiting for the games about their consumer rights and responsibilities
  - a proactive education and compliance program to ensure art and souvenirs sold to visitors as authentic Indigenous products were not misrepresented.

## Appendix 5

Queensland Office of Fair Trading media statements 2017–18 <sup>1</sup>		
Date	Action	Description
12/7/2017	Court outcome	<u>Narelle Joy Quinn was fined \$3,000 and disqualified from working in the real estate industry for three years.</u>
21/07/2017	Court outcome	<u>Satvinder Singh Dhillon, sole director and principal agent of Lionheart Realty, was sentenced to 12 months' imprisonment, suspended for 18 months, for wrongful conversion of trust money.</u>
25/07/2017	Public warning	<u>Queenslanders warned of scammers pretending to be from the Australia Tax Office (ATO).</u>
28/07/2017	Infringement notice	<u>Oz Solar Needs Pty Ltd fined for door-to-door trading breach in Indigenous communities.</u>
31/07/2017	Court outcome	<u>Braden Douglas Tagg, trading as XRO Racing, pleaded guilty to accepting payment for goods and failing to supply them under the ACL. He was fined \$6,000 and a conviction was recorded.</u>
07/08/17	Public warning	<u>Consumers warned not to deal with used caravan seller Anthony Michael Gliddon.</u>
08/08/2017	Public warning	<u>Parents and carers warned baby neck floats are dangerous.</u>
10/08/2017	Marketplace awareness	<u>Product safety checks toys and goods found in showbags and throughout the Ekka.*</u>
18/08/2017	Court outcome	<u>Matthew Geoffrey Rixon was found guilty of five counts of wrongly accepting payment under the ACL. He was fined \$25,000, ordered to repay \$4,141 to five consumers, and a conviction was recorded.</u>
25/08/2017	Court outcome	<u>Tui Philip Roberts, owner of Kiwiana Relocations, was ordered to pay a total of \$8,685 in fines, restitution and court costs after being found guilty of failing to supply removalist services to two Queensland consumers.</u>
27/08/2017	Public warning	<u>Consumers warned about purchasing event tickets through ticket reseller Viagogo.*</u>

Queensland Office of Fair Trading media statements 2017–18 <sup>1</sup>		
Date	Action	Description
28/08/2017	Consumer awareness	<u>Shoppers encouraged to read the terms and conditions before signing lay-by contracts.</u>
01/09/2017	Court outcome	<u>Charlene Dalia Marie Tipene, of online children's clothing store Boy Jungle, pleaded guilty to failing to supply goods within a specified timeframe. She was fined \$3,000 and ordered to pay a total of \$676 in compensation to nine affected consumers.</u>
04/09/2017	Consumer awareness	<u>Dads who received a gift card for Father's Day reminded to use them before they expire.</u>
11/09/2017	Court outcome	<u>BB Toyman Ptd Ltd, trading as My Toys and Hobbies, pleaded guilty to one charge of supplying goods that do not comply with safety standards, was fined \$10,800 and a conviction was recorded.</u>
15/09/2017	Court outcome	<u>Keith John Lawson, trading as unregistered business Simply Elegant Solutions, was found guilty of failing to supply goods or services under the ACL, fined \$9,000, and ordered to pay \$3,000 restitution.</u>
21/09/2017	Court outcome	<u>Michael Joseph Simmons was banned from the real estate industry for 10 years and fined \$3,000 after an OFT investigation found he had misappropriated trust money.</u>
21/09/2017	Marketplace awareness	<u>The <i>Do Not Knock informed</i> communities program launches in Hope Vale.</u>
25/09/2017	Trader awareness	<u>Product Safety Team commences its state-wide annual toy safety check 'Operation Safe Christmas 17'.</u>
27/09/2017	Marketplace awareness	<u>OFT has committed to prioritising Aboriginal and Torres Strait Islander consumer disadvantage as Australian consumer agencies launch the National Indigenous Consumer Strategy (NICS) Action Plan 2017–2019.</u>
05/10/2017	Public warning	<u>Parents warned of unsafe, non-compliant, car seats available for sale online.</u>

### Queensland Office of Fair Trading media statements 2017–18<sup>1</sup>

Date	Action	Description
10/10/2017	Public warning	<u>Queenslanders are urged to use ladders safely, especially when cleaning out gutters or maintaining trees.</u>
11/10/2017	Consumer awareness	<u>Queenslanders buying tickets for festivals and events should be aware of their consumer rights and know their responsibilities.</u>
18/10/2017	Court outcome	<u>Paul James Wilsher, director of Sport4Rent, was fined \$15,000 and disqualified from working in the industry for ten years for misusing trust money.</u>
25/10/2017	Consumer awareness	<u>The Palaszczuk Government congratulated 35 young Queenslanders and their schools after they were awarded a share of more than \$15,000 as part of the 2017 Buy Smart Competition.*</u>
13/11/2017	Consumer awareness	<u>A national education campaign was launched to advise consumers of their rights and responsibilities when they use ride sharing apps or book holiday accommodation through online sharing economy platforms.</u>
14/11/2017	Marketplace awareness	<u>Palm Island officially became a <i>Do Not Knock informed</i> community with the unveiling of new high profile signage at a community event.</u>
17/11/2017	Trader awareness	<u>OLGR and the OFT ramped up activities to ensure school leavers were safe and knew their consumer rights during Schoolies 2017.</u>
28/11/2017	Consumer awareness	<u>'Earthcore in the Park' event at Peak Crossing was cancelled. Ticketholders should contact the promoter for a refund.</u>
30/11/2017	Marketplace awareness	<u>The <i>Do Not Knock informed</i> community program expands to Woorabinda.</u>
01/12/2017	Court outcome	<u>Dragan Bondzulich, a real estate salesperson, was ordered to pay \$2,000 for dishonestly using trust account money.</u>
04/12/2017	Consumer awareness	<u>The OFT reminds consumers that the ACL applies to products and services purchased under the National Disability Insurance Scheme (NDIS).</u>

### Queensland Office of Fair Trading media statements 2017–18<sup>1</sup>

Date	Action	Description
11/12/2017	Public warning	<u>Parents warned of unsafe products identified in the lead up to Christmas.</u>
15/12/2017	Consumer awareness	<u>Parents urged not to relax when it comes to holiday accommodation safety this summer.</u>
22/12/2017	Consumer awareness	<u>Queenslanders reminded to know their consumer rights during boxing day sales.*</u>
26/12/2017	Consumer awareness	<u>Queenslanders urged to take some time to set expiry date reminders for any gift cards they received for Christmas.*</u>
09/01/2018	Court outcome	<u>Debra Lee Durrington, owner of Travel Experience Charters Towers, was fined \$10,000 and ordered to pay \$24,000 compensation to consumers for accepting payments for flights and accommodation she failed to book or provide refunds for.</u>
09/01/2018	Court outcome	<u>Cheryl Elaine Gilbert, previous owner of Mackay Real Estate Pty Ltd, was fined \$3,000 and Mackay Real Estate was fined \$3,000 for incorrect trust account use.</u>
16/01/2018	Court outcome	<u>Sharon Lucille Bennett, owner of Serenity Bridal Boutique, pleaded guilty to four counts of failing to supply wedding and bridesmaid dresses within a specified timeframe. Ms Bennett was fined \$14,000 and ordered to pay \$1,850 in refunds to four affected consumers.</u>
21/01/2018	Marketplace awareness	<u>The Office of Fair Trading returned more than \$6.7 million to consumers in 2017, with 15,756 complaints finalised across QLD.*</u>
22/01/2018	Enforceable undertaking	<u>Imagine That Photography Pty Ltd, entered into an enforceable undertaking after OFT alleged breaches of the ACL.</u>
01/02/2018	Court outcome	<u>Neil Hart, director of Wealthbuilt Realty, was fined \$10,000 and ordered to pay \$4,364 in witness and court costs after failing to organise repairs to two rental properties, despite collecting payments for them to be undertaken.</u>

Queensland Office of Fair Trading media statements 2017–18 <sup>1</sup>		
Date	Action	Description
07/02/2018	Court outcome	<u>Patricia Margaret Harper, former director of residential letting and management business Lonrae Pty Ltd operating ‘The Parc Apartments’ was fined \$8,000 and disqualified from the property industry for 10 years by the Queensland Civil and Administrative Tribunal.</u>
11/02/2018	Consumer awareness	<u>Attorney-General and Minister for Justice reminds Queenslanders to protect themselves from dating scams leading up to Valentine's Day.*</u>
12/02/2018	Court outcome	<u>Emilia Lloyd was fined \$20,000 for acting as an unlicensed motor dealer and making false and misleading representations about mileage.</u>
12/02/2018	Court outcome	<u>Tyson John Hanley, trading as unregistered business 540 Fabrications and Fencing, was found guilty of failing to supply goods to customers under the ACL, fined \$12,000 and ordered to refund \$6,032 to affected consumers.</u>
13/02/2018	Enforceable undertaking	<u>A Sydney based company, Fire Combat Australia Pty Ltd (which previously traded as Modakboard and its director entered into an enforceable undertaking with the OFT, for alleged breaches of the ACL.</u>
16/02/2018	Court outcome	<u>Stephen Joseph Mellor pleaded guilty to two charges of accepting payments for interior design services which he failed to provide. Mr Mellor was fined \$12,500, ordered to return \$1,750 to two affected consumers, a conviction was recorded for both charges and the court ordered Mr Mellor serve a term of imprisonment of seventeen days if the restitution was not paid within six months.</u>
22/02/2018	Consumer education	<u>Attorney-General and Minister for Justice Yvette D'Ath officially launched the Office of Fair Trading's annual Buy Smart Competition.*</u>
05/03/2018	Enforceable undertaking	<u>Purplebricks Australia Pty Ltd entered into two enforceable undertakings after the OFT alleged breaches of the ACL and the <i>Property Occupations Act 2014</i>.</u>
07/03/2018	Industry awareness	<u>OFT warns of a potential impersonation scam being circulated to security industry stakeholders.</u>

Queensland Office of Fair Trading media statements 2017–18 <sup>1</sup>		
Date	Action	Description
12/03/2018	Court outcome	<u>Eco Boss Pty Ltd, Samuel Edward Newnham and Adrian James Campbell pleaded guilty to 11 counts of making false and misleading representations under the ACL and were ordered to pay over \$579,579 in fines and compensation.</u>
12/03/2018	Court outcome	<u>Peter Stuart Mitchell, trading as Burleigh Cars, pleaded guilty to two counts of accepting payment without supplying services and one count of making a false representation under the ACL. He was ordered to pay a total of \$7,852 in fines and compensation.</u>
15/03/2018	Consumer awareness	<u>To mark World Consumer Rights Day today (15 March 2018), the OFT launched a new Resolving disputes and how to lodge a complaint video with tips for Queensland consumers.</u>
21/03/2018	Court outcome	<u>Persans Investments Pty Ltd, which traded as City Waters Luxury apartments and Sky Villas was fined \$20,000 for not correctly dealing with trust account monies.</u>
21/03/2018	Court outcome	<u>Lawrie Phillips pleaded guilty to one charge of making false or misleading representations under the ACL. Mr Phillips was fined \$10,000, and ordered to pay \$1,750 in compensation.</u>
26/03/2018	Consumer awareness	<u>National campaign to highlight issues around buying second hand tickets to concerts, sporting events, festivals and other events.</u>
27/03/2018	Marketplace awareness	<u>An Office of Fair Trading compliance operation found most shops and galleries with Indigenous art are doing the right thing by artists and consumers.*</u>
29/03/2018	Infringement notice	<u>A New Farm real estate agent and agency were fined a total of \$12,960 for making false and misleading representations.</u>
19/04/2018	Court outcome	<u>James Rees Houston, sole proprietor of JRH Commercial Property Maintenance, was found guilty of one count of failing to supply services under the ACL, was fined \$15,000, ordered to pay \$2,300 in compensation to the affected consumer and a conviction was recorded.</u>

### Queensland Office of Fair Trading media statements 2017–18<sup>1</sup>

Date	Action	Description
30/04/2018	Consumer awareness	<u>Consumers are encouraged to consider receiving their bills online, or to find out if they're exempt from paying a paper bill fee.</u>
4/05/2018	Consumer awareness	<u>The OFT reminds Queenslanders placing last minute flowers or package delivery orders for Mother's day to read the terms and conditions carefully before purchasing.</u>
9/05/2018	Court outcome	<u>Braden Douglas Tagg, trading as XRO Racing, was found guilty of three counts of accepting payment for goods and failing to supply them under the ACL, was fined \$40,000, ordered to refund \$4,416 to the affected consumers and a conviction was recorded.</u>
10/05/2018	Court outcome	<u>Elizabeth Anne Provan, sole director and former Principal Licensee of Dicky Beach Real Estate Pty Ltd was fined \$25,000 and banned from the real estate industry for ten years for breaches of the <i>Property Occupations Act 2014</i>.</u>
16/05/2018	Marketplace awareness	<u>Queensland businesses and consumers are encouraged to have their say on possible reforms to laws about expiry dates on gift cards.</u>
22/05/2018	Consumer awareness	<u>Scams Awareness Week (21–25 May 2018) encouraged Queenslanders to Stop and Check: is this for real?*</u>
23/05/2018	Public Warning	<u>Consumers warned not to deal with the business <i>Pro Master Painting and Maintenance</i> or its owner Mr Ali Faraj (aka Jamel Kaseem and Kamel Mousselmani).</u>
06/06/2018	Consumer awareness	<u>Queensland consumers reminded to have a Well Winter and think safety first when they use their winter warmers.</u>
07/06/2018	Court outcome	<u>John Frederick Waters, sole trader of Ocean Road Queensland, was fined \$50,000 and ordered to repay \$105,664 after pleading guilty to two counts of wrongly accepting payment for goods that he failed to supply under the ACL. A conviction was recorded and he was ordered to pay the fine within two years or face six months imprisonment.</u>

### Queensland Office of Fair Trading media statements 2017–18<sup>1</sup>

Date	Action	Description
08/06/2018	Court outcome	<u>Jason Alan Walker, trading as Across Country Removals, pleaded guilty to one count of wrongly accepting payment for a service under the ACL and ordered to pay more than \$9,000 in fines and compensation after failing to deliver belongings from Moree to Darwin.</u>
08/06/2018	Court outcome	<u>Realty Brokers Pty Ltd, which traded as RE/MAX Territory was fined \$5,000 after charges were brought by the Office of Fair Trading for misappropriating trust account monies.</u>
08/06/2018	Court outcome	<u>Kylie Nicholls, acting president of an incorporated association, was fined \$7,000 for misusing donated money.</u>
08/06/2018	Court outcome	<u>Aron Stirling Denny was found guilty of one count of wrongly accepting payment for goods and failing to supply them under the ACL.</u>
11/06/2018	Court outcome	<u>Hilton Holder, sole trader of online retailer Pretty Neat Stuff pleaded guilty to one count of breaching the ACL by failing to supply goods paid for within a specified timeframe, was ordered to pay more than \$10,000 in fines and compensation and a conviction was recorded.</u>
14/06/2018	Court outcome	<u>Sun Beef Pty Ltd, trading as SunUltima, operated by directors Colin Uebergang and Anthony Roger Asmus, failed to comply with a notice issued by the OFT which was seeking to substantiate claims about its product curing skin cancer. Sun Beef was fined \$10,000, plus professional costs of \$1,500, and a conviction was recorded.</u>
19/6/2018	Court outcome	<u>Kurt Russell Thomas was found guilty of three charges of taking money and failing to supply goods or services under the ACL. He was fined \$12,000 and ordered to pay restitution of \$3,445 to three effected consumers.</u>
22/06/2018	Consumer awareness	<u>Queensland consumers reminded of their rights as the end of financial year (EOFY) sales approached.</u>
26/06/2018	Public warning	<u>Consumers warned to avoid doing business with retailer Scott Dwyer and his online collectable toy business, Premium Collectables.</u>

Note:

1. Statements marked with an asterisk were released by the Attorney-General and Minister for Justice.

