

Office of Fair Trading

Outcomes Report

2020–21



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



Introduction

About us	3
About this report	4
Acronyms used in this report	4
Summary	4
Overview	5

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 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 2020–21. It highlights where we focused our resources, and the results we achieved.

It includes the OFT's Regulator Performance Framework report. See [Appendix 6](#) for further information.

Acronyms used in this report

ACCC	Australian Competition and Consumer Commission	ICAN	Indigenous Consumer Assistance Network
ACL	Australian Consumer Law	IPSS	Integrated product safety strategies
AFAA	<i>Agents Financial Administration Act 2014</i>	LGFT	Liquor Gaming and Fair Trading
ASIC	Australian Securities and Investments Commission	MDCAA	<i>Motor Dealers and Chattel Auctioneers Act 2014</i>
CAANZ	Consumer Affairs Australia and New Zealand	NICS	National Indigenous Consumer Strategy
CAF	Legislative and Governance Forum on Consumer Affairs	OFT	Office of Fair Trading (Queensland)
CDRAC	Compliance and Dispute Resolution Advisory Committee	OLGR	Office of Liquor and Gaming Regulation
CEN	Consumer Education Network	ORP	Office of Regulatory Policy
CEP	Compliance and Enforcement Policy	POA	<i>Property Occupations Act 2014</i>
CHO	Chief Health Officer	PRIME	Proactive Regulation of Industry and Marketplace Entities
COAG	Council of Australian Governments	PRAC	Policy and Research Advisory Committee
CPD	Civil penalty notice	PSOG	Product Safety Operations Group
CPN	Civil penalty notice	RIS	Regulatory impact statement
DJAG	Department of Justice and Attorney-General	QCAT	Queensland Civil and Administrative Tribunal
EIAC	Education and Information Advisory Committee	QUT	Queensland University of Technology
FTE	Full-time equivalent	TEWS	Trust Account Early Warning System
FTOG	Fair Trading Operations Group		

Summary

	SERVICE	NUMBER
Information and education	Website page visits	\$3.5 million
	Call centre contacts	153,158
	Hours of phone contact	12,447
	Enquiries received	81,483
	Businesses engaged with on trader walks	1,374
	Education and engagement activities (eg seminars, presentations, stalls)	1,523
	Number of attendees at education and engagement activities	18,065
Licensing and registrations	Occupational licence and registration certificate —applications processed	18,755
	Occupational licence and registration certificate —applications for renewal processed	60,302
	Number of occupational licence and certificate holders as at 30 June 2021	83,879
	Not-for-profit applications processed	977
	Not-for-profit annual returns processed	19,932
	Number of not-for-profits and other organisations registered as at 30 June 2021	28,633
Complaints and redress	Redress	\$13.93 million
	Complaints received	18,642
	Complaints finalised	18,794
Compliance	Entities monitored for compliance	9,545
	Investigations completed	2,157
Enforcement actions	Warnings issued	1,301
	Infringements issued	371
	Administrative disciplinary actions	755
	Civil penalty notices	11
	Disciplinary proceedings (QCAT)	2
	Enforceable undertakings	40
	Public naming	3
Court actions	61	
Staffing and budget	Staff full-time equivalent (FTE)	218.3
	Budget	\$26.5 million

Overview

Our role

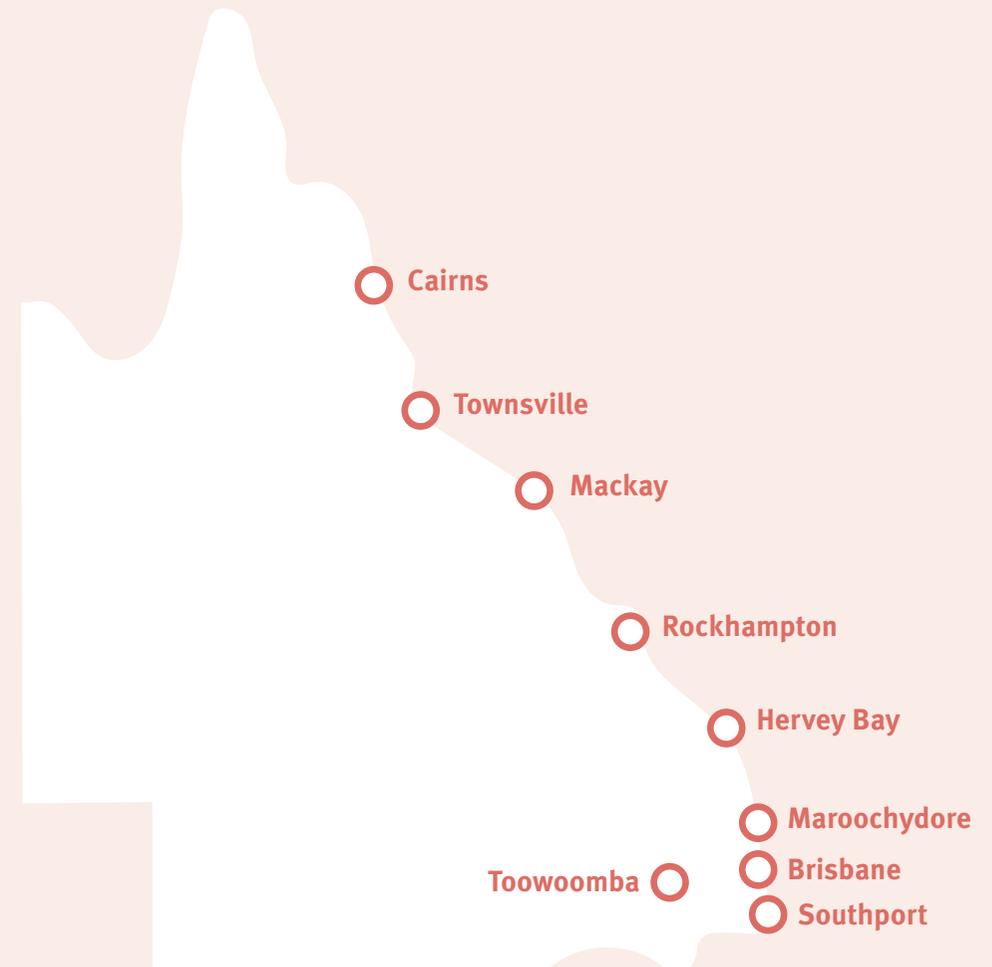
The OFT’s purpose is to improve safety and fairness for Queensland businesses and consumers.

Our work includes:

- providing information and advice to consumers, businesses and not-for-profit organisations
- delivering consumer and business education, engagement and awareness activities
- receiving and considering consumer complaints
- conciliating consumer matters, investigating fair trading issues, 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.

The OFT uses a proportionate, risk-based approach to compliance and enforcement which follows an escalation model. The OFT’s Compliance and Enforcement Policy (CEP) provides a framework covering risk management, case assessment, investigation and enforcement.

The OFT operates from offices in:



Our organisational structure is provided at

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 2018–22, the OFT seeks to:

 <p>Safe communities</p>	 <p>Fair communities</p>	 <p>Responsible communities</p>	 <p>Integrated services</p>
<ul style="list-style-type: none"> • Enable Queenslanders to live in a safe and harmonious society • Develop and enforce legislation to ensure rights and safety • Address offending and re-offending behaviour through proactive programs and initiatives 	<ul style="list-style-type: none"> • Resolve disputes and conflicts in a civil and peaceful manner • Apply lawful decision-making with ethics, transparency and integrity • Ensure a safe and equitable marketplace to protect business and consumers from unfair and unsafe products and services • Respect, protect and promote the human rights of Queenslanders when taking action and making decisions 	<ul style="list-style-type: none"> • Apply regulatory models that encourage business growth, build community confidence and minimise harm • Support the most vulnerable and disadvantaged • Enable access to information and resources to empower individuals, families, businesses and communities 	<ul style="list-style-type: none"> • Provide services to the people of Queensland that support criminal, civil and community justice outcomes • Work collectively and collaboratively with stakeholders to deliver government priorities and initiatives • Provide professional, high quality policy and legal services to the Queensland Government • Support service delivery through organisational excellence by providing timely, accessible, responsive services that are valued by the community

Our approach

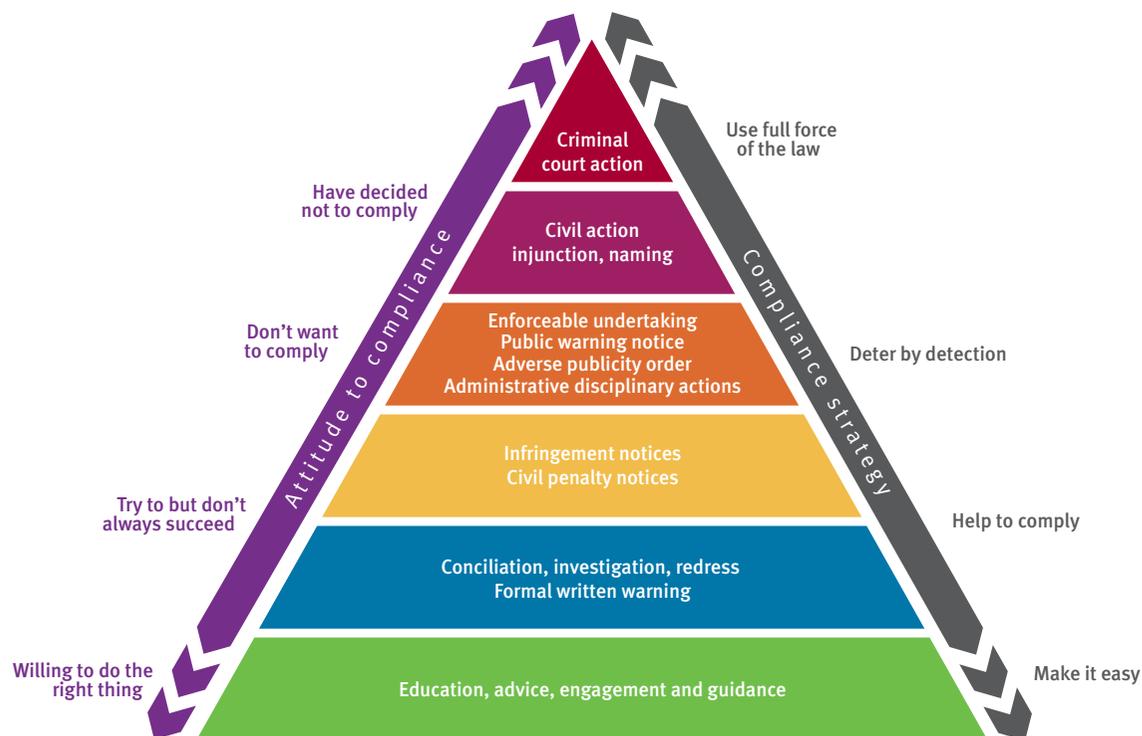
The OFT's goal is to achieve a fair and safe marketplace. We recognise that most businesses want to comply with the law and to facilitate this we follow an escalation model of education, compliance and enforcement. As a trader's attitude to compliance deteriorates, our regulatory response escalates.

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

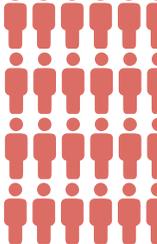
- encourage businesses to follow the law
- most effectively protect the rights of consumers and businesses
- maintain community confidence in a fair and safe marketplace.

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

- the provision of information and advice to businesses and consumers
- targeted education campaigns
- working with industry groups to promote good practices
- licensing or registering participants of some industries and not-for-profit sectors
- receiving and considering complaints
- a proactive, intelligence-driven compliance program targeting areas where consumers are most at risk
- taking appropriate enforcement action.



Staffing and budget

	FTEs 2020–21		BUDGET 2020–21
Office of Fair Trading	218.3		\$26,502,000
Office of the Executive Director	4.6		
Complaint and Program Coordination	36.6		
Investigations and Enforcement ⁴	34.5		
Industry Licensing and Registrations	66		
Regional Operations and Engagement ³	62		
LGFT Communications ³	14.6		
Policy support from the Office of Regulatory Policy	13		\$1,613,700
Office of the Deputy Director-General			\$5,780,550
Executive support	2.5		
ICT development and support	11		
Total	244.8¹		\$33,896,250²

Notes:

- FTEs do not include any department corporate services allocation.
- Does not include Departmental project funding such as OFT's system enhancement project.
- In January 2021 LGFT realigned communication services, combining the OFT and the OLGR communication team.
- In October 2020 the OFT's Financial Investigations Unit and Principal Trust Account Officer were realigned with the OFT's Major Investigation team.

COVID-19

The OFT continued to be significantly impacted by the social and economic factors associated with the novel coronavirus COVID-19 during 2020–21. The agency continued to adapt programs and provide advice for industries affected by restrictions imposed by the Chief Health Officer (CHO) regulated by the OFT to reduce the spread of the virus, particularly the Delta strain.

Proactive activities such as outreach, education and spot checks recommenced when and where appropriate including using technology for virtual meetings and delivering presentations, and conducting desktop compliance checks. Visits to discrete indigenous communities recommenced in 2021 but with reduced frequency.

Increased numbers of enquiries and consumer complaints continued as a result of the pandemic's impacts on the marketplace and restrictions placed on industries the OFT regulates. Consumer complaints received were 23% more than the 5-year average before COVID-19. Despite this increase the OFT continued to meet service delivery standards, satisfactorily resolving 83% of conciliated complaints, and finalising 84% within the target timeframe of 30 days.

Although there was a slight decrease in overall licence applications in 2020 as a result of COVID-19, from March 2021 the OFT began to see an increase in the number of licence applications received compared to previous years. The increase was due primarily to Queensland beginning to emerge from COVID-19 restrictions in business environments across all sectors, and significant growth in the property industry.

There was a 27% increase in the number of real estate agent and salesperson applications received in 2020–21 compared to the previous financial year. This impacted the OFT's ability to meet the usual processing timeframes from March 2021.

In 2020–21, the OFT:

- maintained COVID-19 information on the Fair Trading website which was viewed more than 20,973 times about issues such as cancellation of travel due to border closures, cancellation and postponement of events due to CHO capacity restrictions, excessive price increases, increased supply times for product delivery, miracle cures for coronavirus, scams, fake charities, cancellation of weddings due to CHO restrictions, pre-paid funerals impacted by reduction in number of mourners permitted to attend, and frustrated contracts
- sent 34,627 emails to real estate industry participants regarding the Queensland Real Estate COVID Safe Industry Plan
- issued 11 media statements covering COVID-19 matters with a potential reach of 442,265 people
- warned the community about itinerant traders and scams, issuing 12 media alerts and warnings
- published 19 social media posts about COVID-19 topics which reached 23,835 Queenslanders
- visited 260 hospitality venues, focusing on culturally and linguistically diverse communities, to provide information and advice about the CHO direction to use the Check In Qld App
- provided a 12 month deferral for security providers to undertake required ongoing training, as training organisations were unable to provide the courses due to social distancing requirements (licensees with training due between 1 March—30 September 2020)
- deferred the requirement for incorporated associations to hold annual general meetings, giving them an extension until 30 April 2021
- provided extensions to licensees who could not meet renewal dates because auditors could not travel to them to complete their reports.

Consumer complaints involving a COVID-19 impact

During 2020–21, the OFT received approximately 1,908 complaints directly attributed to the effects of the pandemic, with 53% of those about travel and holiday bookings.

Travel refunds

Most consumers who complained about travel and holiday bookings wanted a full refund. Unfortunately, this outcome is not always achievable due to complications such as:

- changing circumstances and travel advice
- complex terms and conditions for bookings
- the use of overseas booking agents
- third-party providers refusing refunds to agents
- frustrated contracts caused by CHO directions.

Other non-travel related concerns

Complaints were also received about issues such as gym memberships, events tickets, wedding bookings and delayed delivery of goods due to the disruption of supply chains.

Review of Australian Consumer Law

While the ACL has many consumer protections, it was not drafted with a pandemic environment in mind.

Australian consumer affairs officials are undertaking a review of how well the ACL dealt with the pandemic issues. This review is expected to be completed in 2021–22.

CASE STUDY



A consumer booked a number of international flights, with three different airlines, via a travel agent. The flights were subsequently cancelled by the airlines due to COVID-19.

The travel agent advised the fares would be refunded within 12 weeks. After 20 weeks, the consumer had not received any refunds and contacted the agent again. The travel agent told the consumer they would have to be patient and continue to wait.

The consumer lodged a complaint with the OFT for assistance. After the OFT's intervention, the consumer received a full refund for the flights of \$19,659.

CASE STUDY



A consumer purchased a European travel package from a travel agent, including a cruise and flights. The consumer lodged a complaint with the OFT seeking assistance to obtain a refund for the flights portion of the package and the OFT was able to negotiate a refund for her.

Several months later the consumer, who was elderly, contacted their travel agent seeking a refund of the cruise component of the package on compassionate grounds for health reasons. The travel agent was only willing to offer a credit and the consumer lodged a second complaint with the OFT.

The OFT took the matter up on the consumer's behalf, including obtaining medical documentation. As a result of OFT intervention the cruise company agreed to refund the consumer \$3,739. The consumer was delighted with the result as she believed she had lost all her money.



Results

Enquiries, information and advice	11
Consumer complaints and conciliation	12
Investigation and enforcement	12
Proactive compliance	21
Redress	26
Product safety	30
Occupational licensing	32
Not-for-profit and other registrations.....	35
Communication, education and engagement	37
Fair Trading Policy achievements	40

Enquiries, information and advice

The OFT's goal is to achieve a fair and safe marketplace. 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 the OFT's website, during calls to our call centre, by electronic newsletters and via our Facebook and Twitter accounts. The OFT also issues media statements.¹

The OFT provided information approximately 3.68 million times via these channels in 2020–21.

The number of calls to the OFT seeking general information and advice in 2020–21 was consistent with previous years. Calls relate to matters spanning the breadth of the OFT's legislative responsibilities.² Categorized, the calls were also consistent with previous years and related to information and advice about:

- consumer rights—60% of calls
- licensing—29% of calls
- not-for-profit and registrations—11% of calls.

There were 153,158 calls to the OFT answered in 2020–21.³

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 the OFT's counters and enquiries by email and social media.

In 2020–21 the OFT recorded more than 81,400 enquiries handled.

Education and engagements are recorded contacts with consumers, not-for-profit organisations, licensees, businesses and industry associations to provide industry specific information. Examples of activities recorded include information sessions provided to community groups, 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 18,000 people through 1,523 education activities in 2020–21.⁴

Notes:

1. For more information about OFT statements issued to the media during 2020–21 see Appendix 5.
2. For more information about OFT legislation see Appendix 1.
3. For more information about calls to the OFT see Appendix 8.
4. For more details about OFT's information, education and engagement activities during 2020–21 see page 37.

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 2020–21 the OFT received 18,642 complaints.

All complaints are assessed. 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 2020–21 the OFT finalised 17,720 conciliations.

The service delivery standards the OFT aims for are 80% of conciliated consumer complaints finalised with a satisfactory outcome, and 80% finalised within 30 days. In 2020–21 the OFT achieved these targets, with 83% satisfactorily finalised and 84% finalised in 30 days.

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

In 2020–21, the OFT:

- received 17,619 conciliation complaints
- finalised 17,720 conciliation complaints
- obtained \$8,599,380 in redress for consumers through conciliation.

Investigation and enforcement

A key function of the OFT is to investigate alleged breaches of consumer protection laws. Investigations may commence based on complaints from consumers or businesses, information from intelligence sources, issues identified during proactive compliance, or through public information and media reports.

In 2020–21, the OFT:

- commenced 2,116 investigations
- finalised 2,157 investigations
- secured \$2.05M in redress for consumers via investigations
- obtained over \$1.77M for consumers through court-ordered compensation.

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 situation. Enforcement options include:

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

Enforcement actions

In 2020–21, the OFT initiated a total of 2,544 enforcement and disciplinary actions against traders and licensees. A breakdown by Act and action type is below.

Act	Warning	Infringement notice	Administrative disciplinary action ¹	Civil Penalty Notice (CPN)	Disciplinary proceeding (QCAT)	Public naming	Enforceable undertaking	Court action
<i>Agents Financial Administration Act 2014</i>	964	220			1		5	4
<i>Collections Act 1966</i>	3							
<i>Criminal Code Act 1899</i>								3
<i>Debt Collectors (Field Agents and Collection Agents) Act 2014</i>	2							
<i>Fair Trading Act 1989</i> (incorporating the Australian Consumer Law)	69			11		3	35	33
<i>Fair Trading Inspectors Act 2014</i>	1	5						2
<i>Motor Dealers and Chattel Auctioneers Act 2014</i>	93	71	8					8
<i>Property Occupations Act 2014</i>	62	62	58		1			9
<i>Second-hand Dealers and Pawnbrokers Act 2003</i>	29	5						
<i>Security Providers Act 1993</i>	66	8	689					2
<i>Tattoo Industry Act 2013</i>	12							
Total	1,301	371	755	11	2	3	40	61

Notes:

- Administrative disciplinary actions include all actions taken in the course of refusing, suspending or cancelling a licence or registration and 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.

Court actions

In 2020–21, the OFT undertook action against 49 entities through the courts¹. These actions involved:

- 31 for wrongly accepting payment under the ACL
- 5 for making false or misleading representations under the ACL
- 2 for making false and misleading representations regarding vehicle mileage
- 9 for breaches of trust account provisions
- 6 entities appealed against a licensing decision (real estate, motor dealing and security providers)
- 4 for unlicensed trading (real estate, motor dealing and security industries)
- 1 entity appealed against a court decision after being prosecuted
- 18 for other offences under consumer protection legislation.

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.

CASE STUDY



Gold Coast business failed to provide goods and services

Cameron Jeffrey Dowel

In September 2020, Cameron Jeffrey Dowel was ordered to pay more than \$64,000 in fines and compensation by the Southport Magistrates Court for accepting payment but failing to supply goods and services.

In August 2019, Mr Dowel agreed to supply and install a carport for a consumer in Yandaran, north of Bundaberg, and was paid \$9,182 as a deposit. By April 2020 the carport had still not been installed.

Additionally, in November 2019, Mr Dowel agreed to supply and install footpaths and patios at the home of a Pimpama consumer by 24 December 2019 and accepted a deposit of \$5,500. By 24 December 2019, the trader had not completed any of the work and had only supplied \$400 worth of materials.

The Magistrate noted that the trader took advantage of consumers who had to find additional funds to replace the goods and services that he failed to supply.

Mr Dowel was fined \$50,000 and ordered to pay a total of \$14,282 compensation to the consumers. He was also ordered to return \$1,000 worth of tools to a consumer. A conviction was recorded.

CASE STUDIES

Cairns letting agent jailed after misusing trust account and lying to owners**Stuart James Wright/Three Sista's Pty Ltd**

In October 2020, Stuart James Wright was convicted and jailed by the Cairns Magistrates Court after pleading guilty to 437 offences connected with the management of the Plaza Palms Resort in Manunda.

Three Sista's Pty Ltd ran the Plaza Palms Resort as a crisis and transitional accommodation centre for vulnerable consumers.

Between 1 January 2017 and 23 March 2018 Mr Wright made 406 unauthorised transfers from the trust account totalling \$292,393. Although the money was supposed to be held in trust, it was used for a number of other purposes including Mr Wright's personal electricity bills, rental of kitchen equipment and repayments of a business loan.

Mr Wright told unit owners in December 2017 that the front door locks for each unit needed to be replaced and charged them \$143 per unit. No payment was made to a locksmith and the locks were not changed.

The OFT instructed Mr Wright to refund each of the unit owners, and he advised that he did so in January 2018. However, checks by OFT investigators established Mr Wright had amended owners' ledgers to make it appear he had complied but he had not repaid the money to the trust account.

In December 2017, Three Sista's Pty Ltd entered into an enforceable undertaking with the OFT regarding the unauthorised use of trust money to pay the company's auditor. The undertaking required the company to repay the fees to the trust account and provide proof of that repayment to the OFT.

An OFT investigation revealed that no repayment had been made to the trust account as required. It also found Mr Wright had emailed a false bank statement to the OFT in February 2018 to portray that repayment had occurred.

The OFT investigation also established Mr Wright made 25 applications to a business for tenancy bond loans on behalf of tenants, the majority of whom had already lodged bonds for their tenancy. For 15 of those applications, Mr Wright applied for inflated bond amounts.

Bond amounts totalling \$26,150 were received into the trust account of the business and Mr Wright dishonestly converted those funds to use himself and for his business, and failed to lodge the bonds with the Residential Tenancies Authority.

The court heard that no repayment of trust funds had occurred between the commencement of the investigation and the date of sentence. The court also heard that while Mr Wright first appeared before the court on 12 November 2018 and was placed on bail, he continued to breach the law and was charged with three further offences on 19 March 2019.

Mr Wright was convicted and sentenced to two years in prison. Mr Wright was required to serve six months in prison. He has been banned for life from working in the real estate industry.



CASE STUDY



Dishonest motor dealer and speedo cheat in court

Ahmed Khodr Yahia

In January 2021, Ahmed Khodr Yahia was fined by the Holland Park Magistrates Court for misrepresenting the odometer reading on a motor vehicle and for not identifying himself as a motor dealer when selling a vehicle.

An OFT investigation found Mr Yahia bought a 2014 Isuzu D-Max from a dealer for \$13,094 in August 2018 with an odometer reading of 353,087km. Later that month he sold it for \$22,000 with an odometer reading of 62,152km, more than 287,000km less than the original reading.

The investigation also found Mr Yahia portrayed himself as a private seller despite holding a motor dealer licence. A motor dealer is required to provide the customer with a statutory warranty and cooling off period.

At the time of sentencing Mr Yahia was no longer licensed as a motor dealer and as a result of the court decision the OFT recorded his lack of suitability for licensing in the future.

Mr Yahia pleaded guilty to two charges for falsifying the odometer reading, and for not providing the consumer the guarantees of a motor dealer at the time of the sale. He was fined \$5,000.

Public warnings and namings

Public warnings and namings are serious actions. Before we take either action, the OFT will have:

- clear, persuasive information that a business is engaging in deliberate and widespread misconduct
- a strong reason to warn the public about the business or their conduct
- a belief that it is in the public interest to warn consumers about the business.

Publicly named businesses are listed on the OFT website. In 2020–21, the OFT publicly named three traders.

CASE STUDY



On 30 October 2020 the OFT and Queensland Police Service (QPS) warned consumers to avoid having dealings with notorious con-man Matthew Geoffrey Rixon and his fencing businesses. At the time, Mr Rixon was operating in the Wide Bay – Burnett area, particularly Maryborough, Bundaberg and Hervey Bay districts, as well as the Sunshine Coast and Brisbane.

Between May and October 2020, the OFT and QPS received more than 15 complaints from consumers who paid Mr Rixon for fencing and other residential building works. No work had been done and no refunds received.

The OFT had previously warning consumers about this trader when he was operating on the Gold Coast and in Brisbane.

Mr Rixon was jailed in March 2018 for breaching a New South Wales court order to stop performing residential building works and prosecuted by their fair trading agency in 2017.

CASE STUDIES

Public warned about ticket purchases

Viagogo

In October 2020, ticket reseller Viagogo AG was ordered by the Federal Court to pay a penalty of \$7 million for breaching the ACL by making false or misleading representations when reselling tickets for live music and sports event, in proceedings brought by the ACCC.

Consumers had raised concerns that tickets they purchased were provided with incorrect names, were fake, or not provided at all. Claims of hidden fees and charges were also common.

The OFT had previously warned Queensland consumers to be very cautious about buying event or concert tickets from ticket resale websites and in October 2020 this warning was re-issued.



Avoid dodgy furniture removalist—My Moovers

Ajanvi Pty Ltd, trading as My Moovers and Saka Qld Pty Ltd trading as My Moovers Qld

On 18 December 2020 the OFT issued a public warning to consumers to avoid engaging Ajanvi Pty Ltd, trading as My Moovers and Saka Qld Pty Ltd trading as My Moovers Qld and their associated websites:

- www.mymoovers.com.au
- www.mymoovers.com.au/removals/movers-brisbane
- www.mymoovers.com.au/removals/removalists-brisbane-northside
- www.mymoovers.com.au/removals/lease-cleaning

The warning specified that it related only to these specific business entities, and not to any other business with a similar sounding name.

Between September 2019 and the time of the warning, the OFT had received 68 complaints against the Melbourne-based trader from consumers in Queensland. Complaints related to the removalists arriving late or not arriving at all, damage to goods, untrained or inept contractors, the use of inadequately sized vehicles, demand for additional payment prior to the completion of the job, failing to complete the job, and overcharging.

Consumer Protection Western Australia also issued a public warning against Ajanvi Pty Ltd.

Court enforceable undertakings

In 2020–21, the OFT entered into 40 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:

- accept responsibility for their actions
- remedy the mischief
- 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.

CASE STUDIES



Vehicle transporter enters enforceable undertaking with the OFT

MV Transporters Pty Ltd and Vtrans Pty Ltd

In November 2020 Scott Ingram, director of MV Transporters Pty Ltd and Vtrans Pty Ltd, was the subject of an investigation by the OFT after issues were identified around unreasonable delays in the delivery of vehicles.

Previously, in April 2020, the OFT had issued a public warning to consumers to avoid using the services of Auto Transporters Pty Ltd, trading as All Australia Auto Transporters and AAA Transporters, operated by Director Snezana Mladenis.

Mr Ingram cooperated with the OFT and advised he was distancing himself and his companies from Auto Transporters Pty Ltd and all its directors and staff. The trader worked with the OFT to amend its terms and conditions and to implement a complaints handling process.

MV Transporters Pty Ltd and Vtrans Pty Ltd entered into an enforceable undertaking with the OFT which included \$6,316 being reimbursed to consumers and payment of a penalty of \$5,000.

Kouzoukas Pty Limited and Constantine Kouzoukas

The OFT commenced an investigation into the conduct of Kouzoukas Pty Limited after a proactive compliance spot check was conducted in December 2019 relating to the Takata Airbag recall notice.

The investigation found Kouzoukas Pty Limited sold a Mercedes-Benz Sprinter Van subject to the recall notice, without advising the buyer that the affected airbags were on a recall register.

Failure to comply with a safety recall is a serious offence however the investigation found this commercial vehicle was not advertised for sale at the time, was not drivable and was locked away in a building. It was sold in ‘as-is’ condition for wrecking or restoration after the buyer enquired about the vehicle. The vehicle had been towed to the buyer’s property for repairs, was subsequently towed back shortly after by the buyer where it was exchanged for another vehicle, and it had not been driven on the road.

Mr Kouzoukas agreed to audit all stock to identify and immediately remove affected vehicles from supply until rectified and to monitor the recalled vehicles list on the Product Safety Recalls Australia website. In this situation the OFT determined an enforceable undertaking was the most appropriate outcome.

On 4 November 2020, Mr Kouzoukas entered into an enforceable undertaking with the OFT.

CASE STUDY



Tour operator enters into undertaking

Top Deck Tours Pty Ltd

In March 2020, during the start of the COVID-19 pandemic, state, territory and federal consumer protection regulators around Australia began to receive complaints alleging Queensland-based Top Deck Tours Pty Ltd were not honouring the terms and conditions in place when their travel bookings were made. Investigation of this matter resulted in Top Deck agreeing to provide remedies to consumers and to amend its terms and conditions for future sales to align with the ACL regulators' [Best Practice Guidance for the travel industry](#).

In late 2020 the OFT began to receive further complaints about this trader. Investigation of the complaints found that between 17 November 2020 and 15 January 2021, Top Deck emailed 450 of its existing customers who had been provided travel credits for cancelled bookings.

The email advised customers they had a new 2021 Top Deck trip booked. The customers had received no prior communication about this trip until they received an email containing the new trip departure date, the cost of the trip, and when final payment was due.

Top Deck followed up the initial email with phone calls and additional emails. If no response was provided by consumers an email was sent confirming the booking Top Deck had made on the customers' behalf.

The investigation found that Top Deck may have made false or misleading representations that its terms and conditions allowed it to book consumers into future travel arrangements without their authority. The investigation also found that Top Deck may have made false or misleading representations to consumers that they had agreed to future travel bookings, when no such agreement had been obtained.

Top Deck acknowledged the OFT's concerns and cooperated with the investigation. It contacted each affected customer to ensure they were aware of their rights and entered into a court-enforceable undertaking with the OFT.

Top Deck undertook to:

- **review its future promotional activities to ensure they are consistent with all contractual terms and conditions and compliant with the ACL**
- **provide legally reviewed staff training abouts its ACL obligations**
- **report on its promotional activities to the OFT each year, for two years, confirming that each promotion was reviewed and found to be compliant with both the ACL and with the terms and conditions entered into with customers.**

Infringement notices and civil penalty notices

In 2020–21, the OFT issued 371 infringement notices and 11 civil penalty notices.

CASE STUDIES



Country of origin labelling

A consumer in Waterford purchased a bottle of Coles home brand tomato sauce online when grocery shopping. She noted the sauce was represented as being made using 90 per cent Australian ingredients.

When her groceries arrived, the tomato sauce bottle label stated the sauce was made with only 20% Australian ingredients. The consumer contacted Coles by email about the conflicting ingredient statements but did not receive a response and she made a further complaint at her local store. While she received a refund for the item, the problem with the labelling was not fixed.

During its investigation, the OFT established Coles knew that due to sourcing difficulties resulting from COVID-19 impacts, the ingredients for this product would temporarily change from at least 90% local ingredients to at least 20%. Although Coles took steps to change the product's specification in its online store, the update did not go live and the company's quality assurance processes did not pick it up.

Coles fully cooperated with the investigation and removed this item from its online store until the issue could be addressed.

The product supplier indicated the product would soon return to 90% locally sourced ingredients. To ensure no other consumers were affected, Coles confirmed that the product would not return to its online store until all of the 20% bottles cleared the supply chain.

After an investigation by the OFT, Coles Limited was issued a civil penalty notice under the ACL for \$13,320 for the misrepresentation of the country of origin of the ingredients in the sauce.

Wrongly accepting payment

The OFT investigated a complaint about a Gold Coast based trader who accepted payment to repair and replace a retaining wall but did not complete the job.

The investigation revealed that in June 2020 the trader attended the consumers' residence and quoted \$4,050 to complete the work. The trader requested \$3,000 upfront to purchase materials, which the consumers paid but the work did not commence.

The consumers attempted to contact the trader without success and while the trader initially cooperated with the OFT they ceased to respond.

The trader subsequently paid a civil penalty notice issued by the OFT under the ACL for \$2,664.

False and misleading representations

In August 2020, the OFT received information from a member of the public about a trader advertising motor vehicles for sale through an online classified website without a statutory warranty.

The investigation identified advertisements claiming that all wholesale cars were sold "as-is, where is", unregistered, with clear title, and for restoration, wrecking, or parts purposes only.

The OFT conducted an unannounced compliance spot check at the premises and obtained evidence some customers were given forms indicating the Class A and Class B statutory warranties under the MDCAA did not apply.

The OFT issued the trader a civil penalty notice under the ACL for \$13,320 for making false or misleading representations regarding a warranty, guarantee, right or remedy.

Proactive compliance

The OFT plans its proactive compliance activities on an annual basis under the Proactive Regulation of Industry and Marketplace Entities program (PRIME).

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

The PRIME program includes:

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

PRIME PROGRAM



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 PRIME reporting purposes these are broken down into:

- no breach, meaning no evidence of breach or 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 formal 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.

PRIME scheduled operations

Operation	Spot checks		Investigation outcomes								
	No breach detected	Sent for investigation	No breach ¹	Other	Enforcement actions						
					Warning issued	Infringement issued	CPN issued	Public naming	Enforceable undertaking	Court prosecution	
COLLECTIONS20/21 —check fundraising street collectors ⁴	4	1		1							
MD20/21 —focused on newly licensed motor dealers or those OFT hasn't visited in previous 24 months.	84	74		21	32	19					
NICSMD20/21 —proactive compliance program focusing on indigenous consumers' experiences across the motor vehicle industry, including repair and servicing ⁴	25	13		2	10	6					
REA20/21 —focused on newly licensed agents not subject to an OFT visit within previous 24 months.	217	59		8	39	11					
SCHOOLIES20 —check security officers to ensure they are licensed, focusing on designated Schoolies' precincts	31	1		1	1						
TEWS20/21 —proactively identify non-compliance in trust accounts to limit potential issues that may lead to defalcation	36	58		3	20	18					
Educational operation											
EDACL20/21 —educational visits to retailers	8										
EDAUDITOR20/21 —educational visits to auditors	36										
EDCOLLECTIONS20/21 —educational visits to fundraising street collectors ⁴	16										
EDFITNESS20/21 —educational visits to fitness providers	12										
EDMD20/21 —educational visits to motor dealers	22										
EDNICSMD20/21 —proactive compliance program focusing on indigenous consumers' experiences across the motor vehicle industry, including repair and servicing ⁴	17										
EDREA20/21 —educational visits to real estate agents	13										
EDRLA20/21 —educational visits to resident letting agents	16										
EDSECOND20/21 —educational visits to second-hand dealers	4										
EDSECURITY20/21 —educational visits to security providers	22										
EDTATTOO20/21 —educational visits to tattoo licensees	1										
Total operations (17)	564	206	0	36	102	54	0	0	0	0	0

- Notes: 1. 'No breach' includes investigations outcomes where there was insufficient evidence of a breach.
2. Multiple enforcement actions can be taken against one entity and an investigation can involve multiple entities
3. Not all matters referred for investigation during a financial year may have been finalised in that financial year.
4. These were 'end-to-end' operations, starting with education visits to provide information and advice, followed by unannounced spot checks several months later to confirm compliance.

CASE STUDIES

**TEWS20/21**

The Trust Account Early Warning System (TEWS) was developed to proactively identify non-compliance in trust accounts to limit potential issues that may lead to defalcation. This intelligence data provided higher risk targets for spot checks.

One case resulting from this was a sole trader who had been the holder of a resident letting agent principal license which was suspended in 2019 for failing to submit audit reports.

The spot check and subsequent investigation established the trader managed 25 apartments without holding the appropriate licence and multiple audit reports had not been lodged.

The investigation also identified over \$50,000 held in the trust account. The resident letting agent admitted to trading while unlicensed.

In October 2020, the OFT appointed a receiver over the trust property. The unlicensed resident letting agent ceased operating and the OFT issued them three infringement notices totalling \$4,135 under the POA and AFAA.

MD20/21

This operation focused on newly licensed motor dealers or those the OFT hadn't visited in the previous 24 months. The operation identified a high level of non-compliance, resulting in 32 warnings and 19 infringement notices being issued.

At one of the motor dealers visited the OFT identified several issues. The motor dealer had employed an unlicensed salesperson, an unlicensed motor dealer was in charge of a second location, a salesperson was unable to produce a copy of their certificate upon request (although registered) and had failed to ensure that a statement from a seller was completed.

Vehicles acquired by a motor dealer must come with appropriate information disclosure from the seller so appropriate checks are undertaken before being on-sold. Breaches like these impact the community's trust in the industry.

The OFT issued the motor dealer an infringement notice for \$1,334 and a warning under the (MDCAA). A further two infringement notices and a compliance advice letter were issued to the salespeople in breach.

COLLECTIONS20/21

The OFT often receives information that there are concerns in the community around the conduct of fundraising street collectors, sometimes called 'chuggers', however complaints are rarely lodged.

To review the work of this sector the OFT scheduled an 'end to end' operation in 2020–21—research, attending locations where chuggers operate to monitor their activity, undertaking educational visits to provide information and advice about the requirements of the *Collections Act 1966* and the ACL, and completing follow up compliance spot checks. No breaches of the legislation were identified in the street collection activity.

Associated research checks undertaken identified the website of an organisation whose collection approval had been revoked was still live. This organisation was issued a compliance advice letter.

Non-scheduled spot checks

Non-scheduled spot checks are generally conducted where the OFT believes there may be evidence to suggest non-compliance with consumer protection legislation. 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.

Legislation/industry	Spot checks		Investigation outcomes								
	No breach detected	Sent for investigation	No breach ¹	Other	Enforcement actions						
					Warning issued	Infringement issued	CPN issued	Public naming	Enforceable undertaking	Court prosecution	
ACL ²	139	3		1							
Chattel auctioneers	1										
Auditors	16										
Caravans	15	2			2						
Second-hand dealers ³	25	18			20	3					
Security providers ⁴	58	9		3	4						
Tattoo industry	25	25		7	12						
Festivals and events	5										
TEWS	9	7			3	11					
Unlicensed (across industries)	12	1			1						
COVID-19 ⁵	48										
Total^{6, 7 & 8}	353	65	0	11	42	14	0	0	0	0	0

Notes:

1. 'No breach' includes investigations outcomes where there was insufficient evidence of a breach
2. Not related to national projects.
3. The Queensland Police Service also undertakes compliance spot checks under the *Second-hand Dealers and Pawnbrokers Act 2003*.
4. The Queensland Police Service and OLGR also undertake compliance spot checks under the *Security Providers Act 1993*.
5. OFT officers assisted OLGR with a COVID-19 related operation undertaken to support the roll out of the mandatory use of the Check In Qld app in certain industries to help prevent the spread of COVID-19.
6. The statistics listed in this report relate only to those undertaken by the OFT.
7. Multiple enforcement actions can be taken against one entity.
8. Not all matters referred for investigation during a financial year may have been finalised in that financial year.

CASE STUDY



Unlicensed security providers

The OFT received intelligence that a group of unlicensed locksmiths was performing out of hours work, advertising their services through online platforms.

After data analysis and preliminary inquiries, an operational order was developed and executed. OFT investigators undertook covert operations, intercepted and identified persons of interest and obtained evidence of unlicensed activity.

One operator was issued an infringement and one an official warning. The OFT received evidence that three other operators left Queensland shortly after the compliance operation. No further complaints have been received.

CASE STUDY



During 2020-21 the OFT conducted a non-scheduled compliance operation targeting second-hand dealers. This involved unannounced compliance spot checks at 43 locations across the state with 18 entities subsequently referred for investigation.

The offences identified during these checks included operating as a second-hand dealer while unlicensed and incomplete transaction registers.

Transaction registers are an important element of the regulatory framework for second-hand dealers as it reduces the likelihood of stolen property entering the supply chain and unsuspecting consumers being left out of pocket.

As a result of the spot checks, 20 warnings and 3 infringement notices were issued.

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 2020–21, the OFT achieved \$13.93M in redress for consumers.

Conciliation	\$8,599,380
Investigations	\$2,054,219
Claims paid to consumers	\$1,503,275
Court-ordered compensation orders	\$1,774,047
Total	\$13,930,923

CASE STUDIES



Case study

A consumer bought a car from a motor dealer and after three weeks the consumer started to experience problems with the car.

The consumer asked the dealer to fix the car under the statutory warranty but the dealer delayed accepting the issue for six weeks. After the dealer finally had the repairs completed the consumer still experienced problems and asked the dealer for a refund as they were not able to work without a reliable car.

The dealer refused the request for a refund and the consumer lodged a complaint with the OFT seeking assistance.

After the OFT's intervention the dealer refunded the consumer.

Case study

A consumer bought a new mattress to help with a sore back. Despite the trader saying the mattress used memory foam it did not retain its shape, it started to 'sag' within a few months, and the consumer found the mattress made their back worse.

The consumer attempted to resolve the issue with the trader without success and lodged a complaint with the OFT.

After the OFT's intervention the trader collected the mattress and provided a full refund.



\$13.93M

Redress for consumers

CASE STUDIES



Case study

A consumer booked a face-to-face training course as part of their industry professional development requirements. The day before the course was due to start the trader cancelled the course and advised they would issue refunds to participants.

Over several months the consumer contacted the trader to advise they had not received a refund, but was only able to leave messages. The consumer lodged a complaint with the OFT seeking assistance.

After the OFT's intervention the trader provided a full refund.

Case study

A retiree bought a hearing aid from a trader. After 17 months the hearing aid stopped working and the consumer returned it to the trader for repair under warranty.

The trader advised the issue was caused by battery corrosion and it was not a failure of the unit. The trader explained that in this situation the manufacturer would not cover the cost of repairs. The consumer lodged a complaint with the OFT seeking assistance.

After the OFT's intervention the hearing aid was repaired free of charge.

Case study

A consumer booked a tour in 2019 to visit the Queensland Outback in July 2020 but the tour was rescheduled to August. The consumer became aware that the rescheduled tour had some itinerary changes and sought clarification and confirmation before requesting a refund.

Over several months the consumer was unable to obtain a satisfactory response from the trader and lodged a complaint with the OFT.

After the OFT's intervention the trader refunded the consumer.

Court ordered compensation

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

In 2020–21, the OFT secured court-ordered compensation orders totalling \$1,774,047.

CASE STUDY



Gold Coast company fined and ordered to pay compensation

Graham Scarrott and Key to Australia

In May 2021, Graham Scarrott and Key to Australia were fined and ordered to refund \$1,573,601.98 to affected consumers in the Southport Magistrates Court for breaches of the ACL.

Between 9 May 2018 and 12 June 2020, Mr Scarrott and Key to Australia marketed residential housing lots located in Pimpama Village, Queensland, as investment opportunities for people in New Zealand and Victoria.

These consumers were told that the lots had City of Gold Coast council approval to be subdivided into three, on which three separate townhouses could be built.

Consumers were also told they would make between 150% and 300% profit on their initial investment, and that they would be able to sell their newly zoned lots as three separate lots long before they would have to settle the full amount of their initial purchase.

The consumers were also guaranteed that, should the investment scheme not proceed as promised, they would receive their deposit back in full.

Despite telling the consumers he had, or would shortly be receiving, council approval, at no time prior to or after he commenced marketing the lots did Mr Scarrott or his company have approval for them to be subdivided. When he finally sought approval to subdivide the lots, the request was rejected, on several occasions, by the Council.

Although the affected consumers who had invested in this scheme had been guaranteed a refund of their deposit if it fell through, Mr Scarrott and Key to Australia were unable to fulfill this promise.

Mr Scarrott and Key to Australia had used a total of \$1,712,244 of the consumers' deposits for their own personal use and for business expenses respectively, expenses that were not related to Pimpama Village.

Mr Scarrott and Key to Australia were jointly charged and ordered to pay \$1,573,601.98 in compensation to the 18 affected consumers and were fined \$250,000.

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 8,300 trust accounts are held across 13 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 2020–21, \$1,503,275 was paid from the claim fund to 99 consumers who had been the victim of dishonest acts by agents and motor dealers. A further \$545,230 was used to fund receiverships over agents' trust accounts.

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 2020–21, \$329,596 was recovered.

CASE STUDY



Case study

A consumer was paid \$4,491 from the claim fund after a motor dealer misled them about the odometer reading on the vehicle they purchased. This incorrect odometer reading meant the vehicle was not worth as much as they had paid.

The OFT prosecuted the motor dealer who was found guilty and fined \$5,000 by the court. The motor dealer is no longer licensed and the OFT has recorded his lack of suitability for licensing into the future.

Case study

The OFT received a number of complaints from consumers about their dealings with a Brisbane-based motor dealer.

The consumers complaints were varied. Some complaints were not about claimable matters such as the quality of the vehicles or the poor service provided by the trader. Others were about claimable matters such as not receiving the vehicles they paid for.

The OFT's inquiries into this matter also found misapplication by the dealer of consumers money which ought to have been held on trust and which represents a potential claim against the fund.

After progressing the matters through the claims fund process, in 2020–21 the OFT paid out a total of \$115,260 to eight consumers for the relevant claimable events.

Product safety

The ACL includes national consumer product safety laws, which are administered jointly by the ACCC and state and territory fair trading agencies. These laws cover consumer goods—things intended for personal, domestic or household use, or which are likely to be applied to personal, domestic or household uses.

Each year in Queensland around 40,000 hospital admissions and 200,000 emergency department presentations relate to injury and many involve everyday consumer products.

The ultimate goal of Queensland’s product safety program is to minimise the risk of product related injury to consumers. To contribute to this the OFT:

- promotes safety in the supply and use of consumer products
- ensures certain goods supplied in Queensland meet prescribed standards
- undertakes a proactive compliance program to help identify issues in the marketplace.

During 2020–21, a number of high-risk areas were assessed including importers and internet traders. Importers were targeted to prevent unsafe and banned products from entering the supply chain. It was found that, on average, an importer supplies over 100 retailers nationally.

Under the ACL, manufacturers and importers have the ultimate responsibility to ensure the supply of safe goods to consumers and to ensure that products comply with mandatory standards.

Consumer goods that do not comply with mandatory standards or permanent bans can pose a serious threat to the health and safety of consumers, especially to young children. The buying and selling of goods via the internet continues to pose significant safety risks for consumers and challenges for consumer product safety regulators throughout Australia.

As a result of product safety investigations undertaken in 2020–21:

- 32 warnings were issued for breaches of mandatory standards and permanent bans
- seven debt recovery orders were issued to recoup testing costs to establish that goods do not comply with a mandatory safety standard
- 13 enforceable undertakings were entered into.

In 2020–21, the OFT also conducted 566 product safety spot checks state-wide, including:

- 525 as part of compliance operations
- 41 as targeted non-scheduled inspections.

CASE STUDY



Operation Safe Christmas

In the lead-up to Christmas 2020, the OFT inspected over 5,600 toy lines across 266 retailers including shops and pop-up stores across Queensland.

Officers identified six unsafe toys including:

- two plush toys
- a wooden alphabet puzzle
- a wooden number puzzle
- a magnetic number puzzle
- a rainbow circle stacker.

The toys were removed from shelves after they were deemed to be a choking hazard for young children.

During 2020–21 the OFT continued to remind consumers when choosing toys and gifts for children to beware of potential choking hazards, the potential danger of button batteries, and that certain high-powered magnets are subject to a permanent ban in Australia.

Scheduled product safety operations

The following product safety proactive compliance operations were undertaken in 2020–21.

Operation	Spot checks			Investigation outcomes									
	No breach detected	Breach rectified immediately ¹	Sent for investigation	No breach ²	Other	Product withdrawn by trader	Warning label added/ modified	Enforcement actions					
								Warning issued	Civil Penalty Notice issued	Public naming	Enforceable undertaking	Court prosecution	
EKKA20 —show bag safety checks and compliance audits of stall holders at the Brisbane Ekka.	14		3										
MARKETS21 —Increase compliance and to reduce the supply of non-compliant unsafe products to the marketplace.	14		5					2					
ONLINE20/21 —Increase compliance online retailers and to reduce the supply of non-compliant unsafe products to the marketplace.	60		13			5		3					
QUAD20/21 —a national education and surveillance program enforcing compliance in relation to the new quad bike safety standard.	60	2	2					1					
SAFECHRISTMAS20 —Increase compliance in the retail and import industries and to reduce the supply of non-compliant unsafe products to the marketplace.	260	1	5					5					
STANDARDS20 —focus on compliance in the retail sector to reduce the supply of unsafe products to the marketplace.	82	1	3					1					
Total scheduled (6)	490	4	31			5		12					
Other non-scheduled spot checks	33		8				1	2					
Total non-scheduled	33		8				1	2					

Notes:

1. Breach rectified immediately is an outcome only available for product safety matters. It can include removal of non-compliant products or attaching a warning label at the time of the spot check. No further investigation is required.
2. 'No breach' includes investigations outcomes where there was insufficient evidence of a breach.
3. One spot check can result in an investigation of more than one entity. Multiple enforcement actions can be taken against one entity.
4. Not all matters referred for investigation during a financial year may have been finalised in that financial year.

Occupational licensing

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

In 2020–21, the OFT processed 18,755 applications for new licences and certificates, and 60,302 applications for renewals¹.

Act	New licences and certificates issued ²	Licences and certificates renewed ³
<i>Property Occupations Act 2014</i>	6,599	20,750
<i>Motor Dealers and Chattel Auctioneers Act 2014</i>	1,134	4,285
<i>Debt Collectors (Field Agents and Collection Agents) Act 2014</i>	61	221
<i>Security Providers Act 1993</i>	3,933	12,130
<i>Second-hand Dealers and Pawnbrokers Act 2003</i>	252	658
<i>Tattoo Parlours Act 2013</i>	417	553
<i>Introduction Agents Act 2001</i>	3	5
<i>Tourism Services Act 2003</i>	3	25
Total	12,402	38,627

Notes:

1. 2. 3. Caution should be applied when considering these figures as applications and licences are not the same. The structures and requirements for each Act are different and OFT issues licences in accordance with those requirements. For example

- a person's application to hold a security provider licence with the classes of crowd controller and bodyguard, is processed as two separate applications. It results in one licence being issued.
- a person's application to hold a security provider licence with the class of private investigator and application to be licensed as a debt collector are processed as two separate applications and result in two licences.

As at 30 June 2021, the following number of entities were licensed to perform these OFT-licensed occupations.

Occupational function	Number licensed or registered	
Security industry	Security provider—Class 1 (unrestricted)	18,372
	Security provider—Class 1 (restricted)	9
	Security provider—Class 2	4,915
	Security firm	1,478
Real estate industry	Real estate (individual)	15,082
	Resident letting agent (individual)	1,519
	Real estate salesperson	19,621
	Real estate (corporation)	7,431
	Resident letting agent (corporation)	971
Motor industry	Motor dealer (individual)	3,580
	Motor salesperson	2,970
	Motor dealer (corporation)	1,422
Auctioneering	Auctioneer (individual)	1,359
	Chattel auctioneer (individual)	947
	Auctioneer (corporation)	563
	Chattel auctioneer (corporation)	392
Debt collection	Field agent (individual)	215
	Field sub-agent	134
	Field agent (corporation)	97
Tattoo industry	Tattooist	1,073
	Tattoo parlour operator	362
	Visiting permit	0
Second-hand dealing and pawnbroking	Second-hand dealer	1,108
	Pawnbroker	9
	Second-hand dealer and pawnbroker	169
Introduction agent	12	
Inbound tour operator	65	
Total	83,879	

Administrative and disciplinary action against occupational licensees—suspensions and cancellations in 2020–21

Property Occupations Act 2014 licences suspended

Licence suspension reason	Number
Failure to supply audit report	3
Total	3

Security Providers Act 1993 licences suspended

Licence suspension reason	Number
Administration of Justice	1
Assault	21
Breaches of the peace	2
Domestic violence	1
Drugs related offences	30
Endangering life or health	11
Morality/sexual offences	16
Offences against liberty	3
Other	4
Public interest	2
Stealing and like offences	16
Weapons offences	6
Total	113

Property Occupations Act 2014 licences cancelled

Licence cancellation reason	Number
Administration of Justice/public authority	1
Bankruptcy	4
Corporation deregistered	10
Drugs related offences	1
Morality/Sexual Offences	1
Stealing and like offences	2
Total	19

Motor Dealers and Chattel Auctioneers Act 2014 licences cancelled

Licence cancellation reason	Number
Insolvency	1
Corporation deregistered	1
Total	2

Security Providers Act 1993 licences cancelled

Licence cancellation reason	Number
Assault	3
Drugs related offences	11
Endangering life or health	5
Indecent treatment of child under 16	3
Mandatory association membership	10
Morality/sexual offences	1
NZ Criminal History not provided ⁴	9
Public interest	1
Stealing and like offences	3
Triennial training	105
Weapons offences	4
Wilful damage	2
Total	157

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.
4. During 2019-20 COVID-19 prevented applicants required to supply a New Zealand Criminal History Check (NZCHC) from doing so as the New Zealand Ministry of Justice were unable to process the checks during their lockdowns. OFT granted the licences with a condition they be supplied within 6 months. Where this was not met the licence was cancelled.

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 and determines whether an application will be granted or refused.

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

Administrative disciplinary actions include all actions taken by the OFT in the course of refusing, suspending or cancelling a licence or registration. It also includes show cause notices regarding possible disciplinary action.

The majority of administrative and disciplinary decisions made by the OFT are subject to review by QCAT. The OFT appears in QCAT to defend any decision made.

In 2020–21, a total of 755 administrative disciplinary actions were taken by the OFT against licensees, with five of those licensees seeking a review in QCAT of the OFT's decision. At the time of writing this report, those five reviews were still pending.

CASE STUDIES



Resident letting agent disqualified

Ms Horton was a resident letting agent and a director of Wilton Resort Management Pty Ltd.

In late October 2019 another director of Wilton Resort Management noticed some irregular transactions from the trust account and appointed an accountant to conduct an audit. Irregularities were identified and Wilton Resort Management Pty Ltd notified the OFT.

An OFT investigation found that between 2 January 2019 and 31 October 2019 Ms Horton dishonestly converted almost \$294,450 from the corporation's trust account. The money had been transferred from the trust account to the business bank account and Ms Horton's personal account.

The money was subsequently reimbursed into the trust account and disbursed to the owners.

In April 2021 Ms Horton pleaded guilty to dishonestly converting trust money to her own use. She was convicted and sentenced to six months imprisonment wholly suspended for two years. **She is disqualified from holding a real estate licence.**

Real estate industry training package review

In December 2020, the OFT approved new training requirements for people wanting to enter the real estate industry.

The training units were developed after an independent review of the national property services training package by Artibus Innovation and approved by the Federal Minister for Education and Training in March 2019.

The OFT consulted on the potential impact of the new package with a range of industry bodies and stakeholders including the Real Estate Institute of Queensland, Australian Resident Accommodation Managers Association, and the Australian Livestock and Property Agents Association.

The changes ensure qualifications for licence requirements are contemporary, and meet industry needs and real estate customer expectations. The new training requirements only affect people wishing to apply for a new licence or registration. Existing licence holders were not impacted by the change.

A transition period for applicants with qualifications under the previous training package has been implemented until December 2021.

Not-for-profit and other registrations

The OFT helps support the Queensland community through a framework that provides simple and inexpensive mechanisms for the registration of certain not-for-profit groups, such as incorporated associations and charities as well as other trading arrangements such as co-operatives and limited liability partnerships.

In 2020–21, 977 new organisations were registered and 19,932 organisations had their registrations renewed.

Act	New registration applications	Annual returns
<i>Associations Incorporation Act 1981</i>	755	16,470
<i>Collections Act 1966</i>	214	3,350
<i>Cooperatives National Law Act 2020</i>	2	112
<i>Partnership Act 1891</i>	6	
Total	977	19,932

As at 30 June 2021, the following number of organisations were registered.

Organisation type	Number registered
Incorporated associations	23,283
Charities and community purpose	4,851
Cooperatives	139
Limited liability partnerships	360
Total	28,633

COVID-19 Response

The ability of associations to hold a meeting during COVID-19 was severely restricted due to physical distancing requirements. The OFT provided associations with additional time to hold their Annual General Meeting, and to lodge their annual returns.

Engaging with incorporated associations

In June 2020, amendments to the *Associations Incorporation Act 1981* were passed to reduce red tape and strengthen the internal governance of incorporated associations.

Throughout 2020–21 the OFT engaged with associations about the changes, providing information and advice. Engagement included delivering presentations, in person and online, which incorporated the opportunity to ask questions. Examples include:

- In October 2020, the OFT delivered an information session at a workshop conducted by the Ethnic Communities Council of Queensland and the Refugee and Immigration Legal Service.
- In May 2021, the OFT participated in a local council-run initiative to deliver an information session to local not-for-profit groups. Due to COVID-19 restrictions at the time and the number of vulnerable community members wanting to attend, the event was held online.

It is anticipated consultation on new regulations to accompany these amendments will be undertaken during 2021–22.

Door-to-door collections and street appeals

The OFT via the *Collections Act 1966* plays an important role in regulating charitable fundraising in Queensland. This includes the approval of agreements between charities and commercial organisations who undertake fundraising on behalf of charities and the issuing of assignments to fundraisers who undertake collections on Queensland streets and by going door to door.

In 2020–21 requests to the OFT for these approvals increased significantly compared to the previous year. The OFT approved 234 fundraising agreements, 22% more than in 2019–20, and issued 1,415 street and door assignments, 41% more than in 2019–20.

Administrative decision making

The OFT receives applications for the registration of organisations under the legislation it administers. Following an assessment of the application and supporting evidence, consideration is given as to whether an organisation’s application should be granted.

When the OFT receives adverse information on any of its existing registered or approved organisations which may render the organisation, or its office bearers, ineligible to retain registration or approval, the OFT may investigate the matter. Information can be received from a variety of sources, including financial reports, other regulatory agencies, from consumer complaints, and from public information and media reports.

Investigations may include the issuing of show cause notices. Where there is sufficient evidence and it is in the public interest to do so, we will commence action to cancel the registration or approval.

In 2020–21, 1,333 notices were issued to entities registered under the *Associations Incorporation Act 1981*, *Collections Act 1966*, *Co-operatives National Law Act 2020* or the *Partnership Act 1891* requiring them to show cause why their registration should not be cancelled. The majority of these notices were issued for non-lodgement of the required annual reporting documentation. The registration of 456 organisations was cancelled.

The majority of the OFTs administrative decisions are subject to review by QCAT. The OFT appears in QCAT to defend any decision made. In October 2019, a review of one not-for-profit matter was commenced and remains in progress at the time of this report.

Communication, 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
- 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 PRIME 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 2020–21, the OFT:

- had website content accessed over 3.53 million times by over 1.04 million users
- had 153,158 phone interactions at the Queensland Government call centre, involving 12,447 hours of direct telephone talk time
- responded to 81,483 enquiries seeking information or advice (for example, emails, visits to OFT counters and social media)
- visited 1,374 traders to provide one-on-one education and advice at their business premises
- gave 357 presentations and information sessions attended by 10,050 people including
 - 332 presentations that were attended by approximately 9,722 people including youth, seniors, Aboriginal and Torres Strait Islander consumers and consumers from culturally and linguistically diverse backgrounds
 - 25 trader presentations attended by approximately 328 business and industry attendees
- delivered the state-wide school Buy Smart 2020 program with visits to 54 schools, speaking with more than 6,100 students about their consumer rights including refunds, online shopping and budgeting
- produced 18 electronic newsletters (six editions of Smart Business Bulletin, six editions of Consumer Connection, four editions of SafetyZone and two editions of Security Buzz) for around 23,224 subscribers.
- continued to engage with consumers and traders through our Facebook, Twitter and YouTube accounts. OFT channels continue to attract viewers with over 4,700 people following or subscribing to OFT's accounts.

Product safety

Providing information and advice to businesses and consumers about the safe purchase, supply and use of products helps prevent injuries and enables Queenslanders to make the safest decisions. Product safety industry and consumer education activities undertaken by the OFT in 2020–21 included:

- compliance audits to educate traders about the ACL requirements to meet consumer product standards and how to develop compliance plans.
- participation in national education campaigns
- proactively providing education presentations to
 - targeted high-risk industry sectors and
 - at risk consumer groups including low socio-economic communities, culturally and linguistically diverse consumers and early intervention parenting programs.

During 2020–21 the OFT continued to distribute product safety brochures at presentations and events to help educate consumers about the safe use of consumer products, particularly those containing button batteries and magnets.

The OFT also used the Easter long weekend to distribute ladder safety stickers, reminding DIY consumers that of around 5,000 Australians hospitalised each year falling from a ladder, approximately 80% are the result of accidents at home.

Outreach program

The OFT aims to deliver a high standard of service to all Queenslanders. Our outreach program takes fair trading services into rural and remote 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
- undertake compliance checks on industry sectors we regulate and licence
- take complaints from consumers.

Due to COVID-19 restrictions and to reduce the spread of the virus to rural and remote communities, outreach activities were paused for much of 2020–21. However, the OFT was able to conduct three outreaches, visiting the following towns:

- Moranbah, Clermont, Coppabella, Capella, Dysart, Middlemount
- Woorabinda, Baralaba, Moura, Theodore, Springsure
- Normanton, Doomadgee and Mornington Island.

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.

Buy Smart is a multifaceted 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 v's wants) and then design a creative entry outlining the issue and potential solutions.

The COVID-19 pandemic continued to affect Buy Smart in 2020–21. As a community engagement program, Buy Smart was susceptible to impacts such as lockdowns and restrictions on gatherings. In particular the Delta variant of COVID, which proved more virulent among children and young people, impacted schools more actively than previous waves of the pandemic.

Schools responded positively to the suite of Buy Smart Online digital content produced by the OFT in 2020 which included video adaptations of selected Buy Smart school presentations. The OFT also delivered classroom presentations via video conferencing where requested but, nevertheless, lockdowns and restrictions impacted the number of students reached due to cancelled presentations.

As part of the 2020 Buy Smart program the OFT spoke to over 6,100 students across Queensland about consumer rights, scams, budgeting, product safety, and many other topics, resulting in entries from over 840 students.

The winning entries came from:

- Queensland Education's Home Education Unit student from Coomera
- Aspley State High School
- Faith Lutheran College, Redlands
- Gympie State High School
- Kedron State School
- Marymount College, Burleigh Waters
- Parklands Christian College, Park Ridge
- St Aidan's Anglican Girls School, Corinda
- Wavell State High School.

In 2020, the Commissioner's School Champion prize was awarded to Parklands Christian College, located in Logan. This award is a special commendation for one school or organisation to recognise enthusiasm and effort in being involved in the Buy Smart program.

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 2020–21, ORP completed policy and legislative work resulting in:

- the *Co-operatives National Law Act 2020* and the *Co-operatives National Law Regulation 2020* (commenced 1 December 2020), which modernise and improve the regulatory framework for co-operatives in Queensland through nationally harmonised co-operatives legislation and aim to ensure the co-operative structure continues to be a viable, alternative business model
- a range of policy and legislation responses to support businesses, individuals and the community during the global health pandemic, including:
 - fee waivers on inbound tour operator renewal applications expiring between 1 February 2020 and 31 January 2021
 - modified financial management arrangements and requirements to provide bodies corporate with increased flexibility to respond to financial stress being experienced by unit owners within community titles schemes
 - flexibility for bodies corporate to adopt modified arrangements for meetings, inspection of documents, and the use of common property and body corporate assets
 - increased flexibility for the Office of the Commissioner for Body Corporate and Community Management to ensure public access to dispute resolution documents is conducted in a COVID-19 safe way, and to waive certain dispute-resolution fees where a person is experiencing financial hardship
- four new regulation modules and an amendment regulation under the *Body Corporate and Community Management Act 1997* (commenced 1 March 2021) which implement many of the recommendations for modernising and streamlining administrative and procedural processes for bodies corporate arising out of a review of Queensland's property laws by the Queensland University of Technology (QUT)

- the Justice Legislation (Fees, Allowances and Other Amounts) Amendment Regulation 2021 (commenced 1 July 2021), to index regulated fees, charges, allowances and remuneration across the Justice Portfolio for 2021–22.

In 2020–21, ORP also:

- supported the Attorney-General's representation of Queensland as a member of the then Ministerial Legislative and Governance Forum on Consumer Affairs, which oversees the administration of the ACL
- worked collaboratively with officials from the Commonwealth, states and territories to progress outcomes of the national review of the ACL and in relation to other consumer policy matters being considered by the then Legislative and Governance Forum on Consumer Affairs
- undertook policy analysis and development in relation to the Government's election commitment to, subject to the results of continued consultation with key stakeholders and the results of a regulatory impact statement (RIS), legislate to implement mandatory continuing professional development (CPD) for property agents, including detailed consultation with the Office of Best Practice Regulation on development of a Consultation RIS
- established the Community Titles Legislation Working Group, comprising key stakeholder representatives to provide advice to Government on a range of important issues for the community titles sector
- undertook targeted stakeholder consultation with the Community Titles Legislation Working Group, including about recommendations arising out of a review of Queensland's property laws by QUT about the termination of community titles schemes, and seller disclosure relating to community titles schemes.



National activities

National activities 41

EIAC.....42

EIAC and CEN cyclical activities.....43

National Indigenous Consumer Strategy
national projects.....45

National activities

National activities—new governance architecture and operating arrangements

Throughout 2020 the OFT was an active participant in the Legislative and Governance Forum on Consumer Affairs (CAF) and Consumer Affairs Australia and New Zealand (CAANZ) as well as committees, operations groups and a reference group including:

- The Policy and Research Advisory Committee (PRAC)
- The Education and Information Advisory Committee (EIAC)
- The Compliance and Dispute Resolution Advisory Committee (CDRAC)
- The Fair Trading Operations Group (FTOG)
- The Product Safety Operations Group (PSOG)
- The National Indigenous Consumer Strategy (NICS).

In May 2020 the Prime Minister announced the Council of Australian Governments (COAG) would cease and that a National Federation Reform Council would be formed, with a National Cabinet made up of all Premiers and the Prime Minister.

In June 2020 National Cabinet agreed to a review of the COAG Councils and Ministerial Forums with a view to rationalising and resetting the structure and work programs.

In October 2020 National Cabinet accepted the Conran Review’s recommendations that reduced the number of ministerial forums including the disbanding of CAF.

Senior officials support consumer affairs ministers to ensure a consistent and coordinated national approach to the development of and implementation of consumer policy.

Ongoing collaboration between jurisdictions is supported by networks that replace committees and operations groups.

The OFT is an active participant of Consumer Senior Officials and its networks. They are:

- Consumer Policy Network (led by Commonwealth Treasury)—consumer law policy development, enabling visibility of policy issues and consistency in regulatory reform
- Regulatory Compliance Network (led by New South Wales)—collaborates on consumer law regulatory compliance
- Product Safety Officials Network (led by Queensland)—collaborates on consumer product safety issues of national significance
- Consumer Education Network (led by Victoria)—collaborates on and undertakes coordinated consumer information and education campaigns
- National Indigenous Consumer Strategy (led by the ACCC)—enables members to collaborate on consumer protection issues of significance to Indigenous Australians.

The operations of FTOG continue.

Throughout 2020–21 the former committees and new networks conducted national projects on topics of interest to the community or on areas of concern.

EIAC

Unit pricing

With many Australians facing financial hardship due to the impacts of the COVID-19 pandemic, the 2020 unit pricing education campaign aimed to increase consumer awareness and understanding of the benefits of unit pricing.

The campaign was led by the OFT with working group members from the ACCC and Consumer Affairs Victoria and was in market for six weeks from 21 September to 30 October 2020.

The campaign highlighted the ways consumers could use unit pricing to make price comparisons to save money and included messages on an introduction to unit pricing, pack sizes, fresh vs frozen, packaging and specials.

Messages were promoted via media, social media, newsletters, factsheets (including translated factsheets) and stakeholder engagement.

The national campaign sought a total reach of 205,000 and achieved a reach of more than 870,000 people nationally.

The campaign received very positive feedback from peak consumer groups.



EIAC and CEN cyclical activities

Each year Australian consumer regulators agree to undertake a nationally coordinated approach to delivering education and awareness activities on common themes and topics. Jurisdictions share lead agency responsibilities. This approach reduces resource impacts on individual jurisdictions while at the same time amplifying consistent messaging.

The key messages for the cyclical campaigns were promoted through agency websites, gifs, social media channels, media and newsletters.

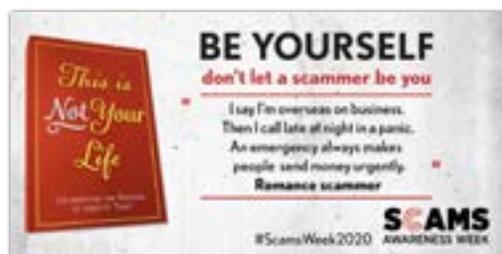
During 2020–21 the OFT participated in the following cyclical campaigns.

Scams Awareness Week

Led by the ACCC, Scams Awareness Week ran from 17 to 21 August 2020. It was part of a national campaign by the Scams Awareness Network of which the OFT is a member.

The 2020 theme focused on personal information and identity crime, with the slogan ‘Be yourself. Don’t let a scammer be you.’ The campaign focused on a different scam category for each day of the week and included phishing, online shopping and classified scams, dating and romance scams, social media, hacking and malware, business compromise scams and remote access scams.

The campaign aimed to educate and empower consumers to protect their personal and financial information in an increasingly digital environment. The campaign also aimed to raise awareness about identifying, avoiding and reporting scams.



Safe Summer

As the weather heats up and Australians look forward to getting outside, some of our favourite activities can cause serious injuries. The safe summer campaign aimed to increase consumer understanding and awareness of the safety issues related to the holiday season—products bought for Christmas and the activities frequently undertaken during summer.

The NSW led campaign ran for two weeks from 16 to 27 November 2020 and included messages on button batteries, magnetic toys, trampolines, aquatic toys and flotation devices, and life jackets.

Portable pools—Don’t duck out, make it SAFE

Drowning is the leading cause of accidental death for children aged five years and younger in Australia. Every year, at least one child drowns in a portable swimming pool and many more children are hospitalised.

To coincide with summer, ACL regulators reminded parents and care givers to *Don’t duck out, make it SAFE* (supervise, act, fence, empty).

Now in its third year, the Western Australia led campaign was in market throughout November 2020 to January 2021. The campaign aimed to increase consumer awareness of portable pool safety and provide safe use advice to as many consumers as possible.



January sales and gym memberships

Due to governmental transition arrangements, Queensland created their own campaign for the 2021 January sales and gym memberships campaign. With Boxing Day and January being peak retail time, the January sales campaign reminded consumers and businesses of consumer guarantees.

The gym memberships campaign encouraged consumers to carefully consider what they wanted out of a gym or fitness provider. It also encouraged consumers to understand their rights and responsibilities before joining a gym or fitness program.



Romance scams



Each year in the lead-up to Valentine's Day on 14 February, ACL regulators run a campaign to warn consumers about romance scams. As ACL regulators were transitioning to new governance arrangements, Queensland created their own campaign for 2021 to remind consumers to be wary when it comes to dating. Romance scams are still one of the leading causes of fraud affecting Queenslanders.

The campaign ran for two weeks from 1 to 14 February 2021 and aimed to make consumers more alert to the signs of romance scams and targeted consumers who use dating apps and websites. The social media campaign featured messages including:

- Too much, too soon? If in doubt, swipe left.
- Alarm bells ringing? If in doubt, swipe left.
- Searching for love? Know the warning signs!
- Looking for a Valentine? Don't become a statistic.

Mother's Day

Mother's Day provides an opportunity to educate consumers and businesses about the ACL and raise awareness of consumer issues. As ACL regulators were transitioning to new governance arrangements, a national Mother's Day campaign was not implemented for 2021 and instead Queensland developed its own campaign.



The campaign ran from 23 April to 9 May 2021 and aimed to build awareness and education on:

- online shopping including:
 - delivery timeframes
 - online shopping scams
 - online shopping safety
- buying and selling gift cards
- refund rights and responsibilities.

The target audiences for the campaign included businesses that sell gift cards and consumers purchasing gifts—both instore and online.

Well winter

The well winter safety campaign encouraged consumers to stay safe in winter. The campaign led by South Australia launched nationally on 1 June 2021 and ran until mid-July 2021. The campaign aimed to increase consumer understanding and awareness of the safety issues related to specific products that are likely to be used in the cooler months of the year. The campaign provided reminders and tips for the safe use of products such as children's sleepwear, hot water bottles, heat and wheat packs and heaters.



National Indigenous Consumer Strategy

national projects

Each year the NICS reference group focuses on a priority issue. In 2020, presented with the challenges of COVID-19, NICS members were conscious of ongoing harms and risks to Indigenous consumers from a range of circumstances which had arisen such as travel restrictions, social distancing and reliance on digital transactions. NICS agreed to develop and implement an education campaign to help raise awareness of consumer issues with respect to scams.

It was determined that due to COVID-19 restrictions, the campaign would be undertaken digitally.

A NICS working group was formed with members from the ASIC and the Queensland OFT. A campaign was developed with the focus of educating and communicating messages to people about scams and how consumers can protect themselves, family and community.

The campaign was launched on 17 August 2020 and ran for six weeks until 27 September 2020.

Key messages for this campaign focused on the top scams identified in the [ACCC's Targeting Scams Report 2019](#) affecting Indigenous communities and included:

- What is a scam?
- Phishing scams
- Investment scams
- Romance scams
- Online shopping scams
- False billing scams.

ASIC also developed an infographic highlighting scams impacting Indigenous consumers and arranged information by losses, types of scams, top contact methods, gender and age.

Communication materials also featured a campaign hashtag. #AlertYourMob encouraged Indigenous consumers to speak up about scams and reduce the risk of themselves and others being scammed.

Activities undertaken in Queensland included media (radio and print), social media, newsletter articles and website content.

The campaign achieved a total reach of more than 462,000 people nationally.



Priorities

Priorities 46

Priorities

Each year we conduct a coordinated program of:

- **educational activities**—informing businesses about their responsibilities under the law.
- **compliance monitoring**—making sure businesses are following the law
- **enforcement activities**—taking action when businesses don't follow the law
- participation in **national projects** with our ACL partners.

Our approach is cyclical. Each compliance operation gives us a chance to better understand trader behaviour and industry issues, which in turn helps develop strategies to encourage and monitor compliance with the law. We target our resources based on identified risks and analysis of the marketplace. We focus our efforts on industry sectors, licensees and traders most likely to cause harm, and consumers most at risk.

In the 2021–22 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 2021–22:

- ACL—price scanning, was/now claims, price drop marketing, drip pricing
- real estate agents (including auctioneers) and resident letting agents
- trust account auditors
- motor dealers
- chattel and livestock auctions
- removalists
- caravan industry
- security providers, including at events and festivals
- product safety across import, online, market and retail industries
- new standards relating to quad bikes and button batteries
- annual pre-Christmas and EKKA show bag checks.

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



Appendices

Appendix 1—List of OFT legislation.....	47
Appendix 2—OFT organisational structure.....	48
Appendix 3—National consumer protection governance overview.....	49
Appendix 4—List of impacts.....	50
Appendix 5—Queensland Office of Fair Trading media statements.....	51
Appendix 6—Regulator Performance Framework report.....	55
Appendix 7—Five year summary.....	65
Appendix 8—Incoming call topics.....	67

Appendix 1—List of OFT legislation

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

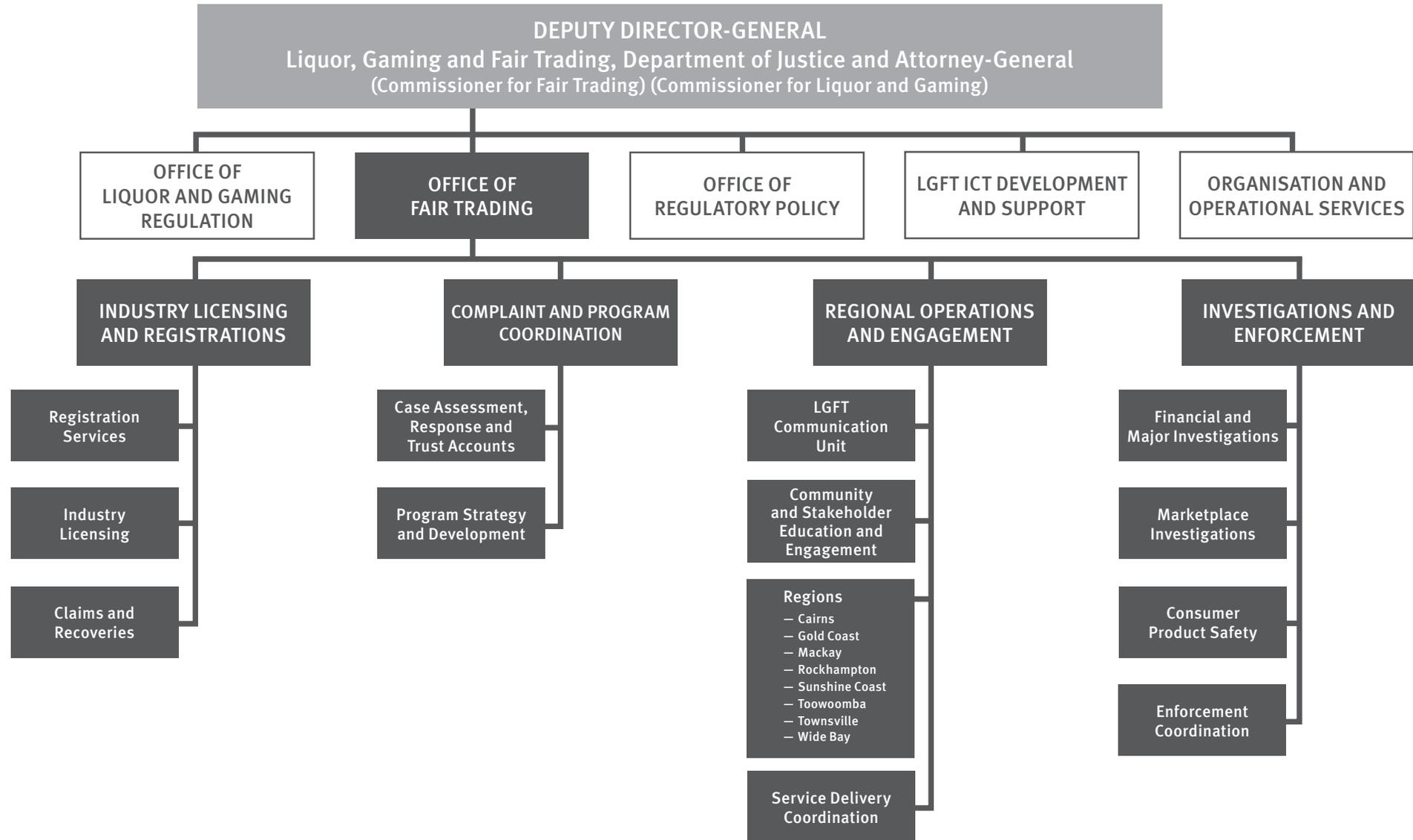
- *Agents Financial Administration Act 2014*
- *Associations Incorporation Act 1981*
- *Collections Act 1966 and Charitable Funds Act 1958*
- *Co-operatives National Law Act 2020*
- *Debt Collectors (Field Agents and Collection Agents) Act 2014*
- *Disposal of Uncollected Goods Act 1967*
- *Fair Trading Act 1989* incorporating the Australian Consumer Law Qld
- Fair Trading (Code of Practice—Fitness Industry) Regulation 2003
- Fair Trading (Fuel Price Board) Regulation 2017
- Fair Trading (Fuel Price Reporting) Regulation 2018
- *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 Parlours 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:

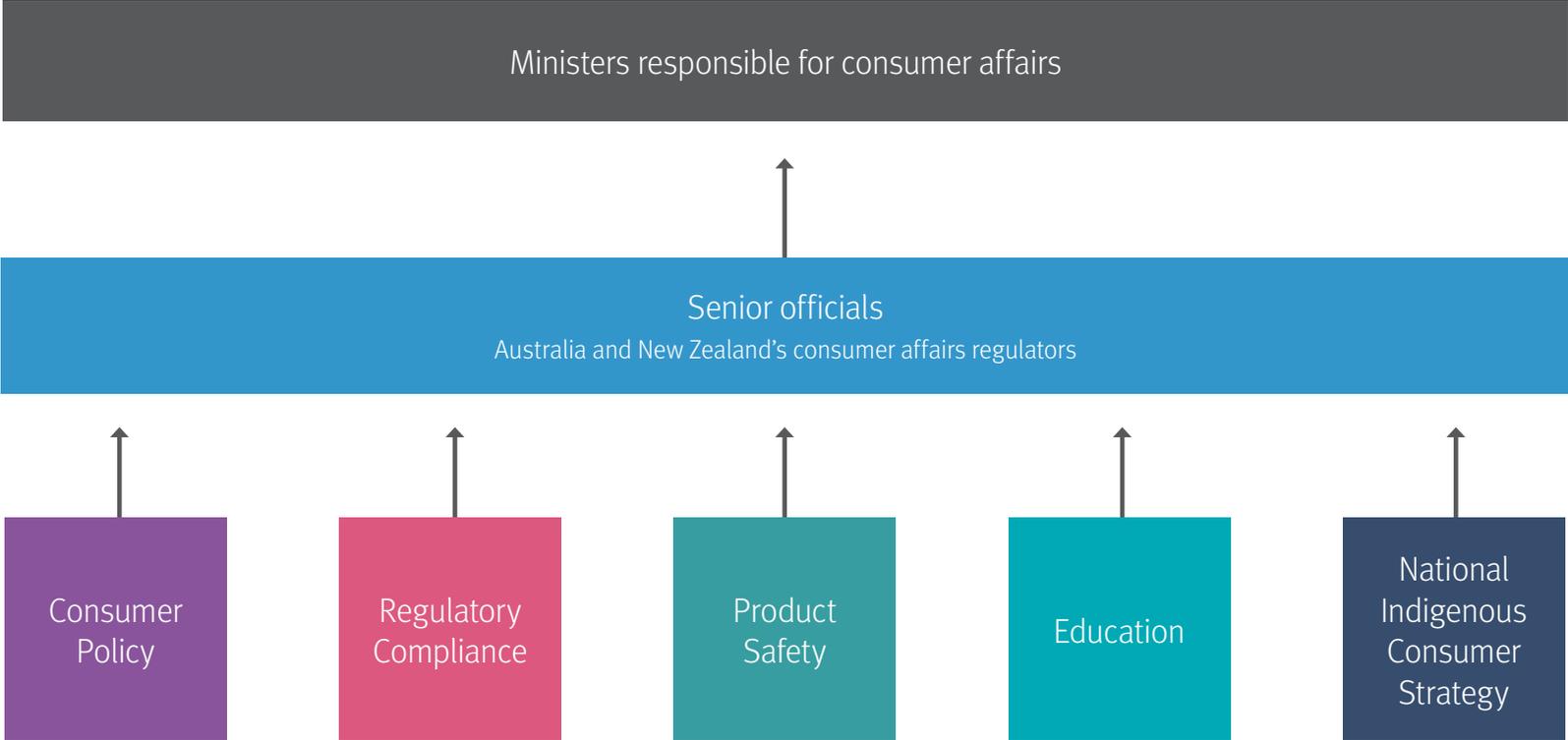
- residential tenancy
- caravan and residential parks
- building and construction regulation
- body corporate management
- motor vehicle repairer licensing
- electrical safety
- tradesperson occupational licensing
- liquor industry regulation
- prostitution licensing
- competition law
- price surveillance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

Appendix 2—OFT organisational structure



Note: In January 2021, LGFT realigned communication services, combining the OFT and the OLGR communication teams.

Appendix 3—National consumer protection governance overview



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 2020–21, included:

- The restrictions implemented to reduce the impact of COVID-19 continued to impact on consumers, business, not-for-profit organisations and the OFT during 2020–21. See page 8 for more details.
- The OFT commenced decommissioning its database used for the processing of association, charity, co-operative and partnership documents (BACHCO), transitioning the data and functionality for associations and charities into MACS.
- The *Co-operatives National Law Act 2020* and the *Co-operatives National Law Regulation 2020* commenced 1 December 2020, modernising and improving the regulatory framework for co-operatives in Queensland through a nationally harmonised law.
- On 6 October 2020 the Queensland Parliament was dissolved and the Queensland Government entered a caretaker period. The election was held on 31 October 2020 and the Ministry was sworn in on 12 November 2020.
- The Qld Government’s Savings and Debt Plan brought a focus to establishment management in 2020–21. This impacted timeframes to fill vacant positions, resulting in application processing delays. Subsequent application to the Public Service Commission resulted in the majority of OFT positions being declared ‘front-line’, reducing this impact.
- As a result of the Conran Review a new national framework for ACL regulators commenced in February 2021.

Appendix 5—Queensland Office of Fair Trading media statements JULY 2020 TO JUNE 2021

Queensland Office of Fair Trading media statements July 2020 to June 2021		
Date	Action	Description
13/07/2020	Consumer awareness	<u>The Office of Fair Trading is advising consumers who may be cash-strapped as a result of COVID-19 that lay-bys can be a good option.</u>
13/07/2020	Court outcome	<u>An Ormeau concreter has been ordered to pay \$13,400 in fines and compensation for failing to lay a driveway for a consumer.</u>
13/07/2020	Court outcome	<u>A Robina motor dealer has been ordered to pay \$5,000 after being taken to court on numerous charges including lying about the age of vehicles he was selling.</u>
17/07/2020	Consumer awareness	<u>The Office of Fair Trading has been providing vital assistance to hundreds of thousands of Queenslanders with advice on issues that have arisen during the pandemic.</u>
21/07/2020	Court outcome	<u>A Hope Island real estate agency has been ordered to pay \$1,044 for failing to lodge an audit report on time with the Office of Fair Trading.</u>
31/07/2020	Court outcome	<u>A Springfield Lakes real estate agent and his company have been fined \$2,500 for taking money from a trust account they were not entitled to.</u>
12/08/2020	Court outcome	<u>The Office of Fair Trading has taken a Bayview Heights man to court for four charges of failing to supply goods and services within a reasonable time.</u>
17/08/2020	Consumer awareness	<u>The Office of Fair Trading is using Scams Awareness Week to remind Queenslanders of the importance of protecting their personal information.</u>

Queensland Office of Fair Trading media statements July 2020 to June 2021		
Date	Action	Description
18/08/2020	Consumer awareness	<u>Queensland's Office of Fair Trading is appealing to seniors to become anti-scam ambassadors during Queensland Seniors Week, which runs from 15–23 August 2020.</u>
20/08/2020	Court outcome	<u>An asphalt contractor and his company have been ordered to pay \$12,000 in fines after charges were laid for breaches of the Australian Consumer Law.</u>
21/08/2020	Court outcome	<u>A Brisbane couple were ordered to pay a total of \$37,987 after leaving a string of consumers with half-finished home renovation projects across South East Queensland.</u>
27/08/2020	Consumer awareness	<u>Businesses and consumers in Townsville are being warned to beware of itinerant bitumen traders offering driveway repairs and bitumen laying services.</u>
28/08/2020	Consumer awareness	<u>Queensland's Office of Fair Trading is advising Aboriginal and Torres Strait Islander consumers to protect themselves after it was revealed they had lost millions of dollars to scammers.</u>
02/09/2020	Consumer awareness	<u>With Year 12 students advised that Schoolies will not take place in its usual form this year, the Office of Fair Trading is offering teenagers some advice about their bookings.</u>
03/09/2020	Consumer awareness	<u>Attorney-General and Minister for Justice Yvette D'Ath said consumers should brush up on their refund rights before making a purchase this Father's Day.*</u>

Queensland Office of Fair Trading media statements July 2020 to June 2021

Date	Action	Description
03/09/2020	Court outcome	<u>An asphalt contractor and his company have been ordered to pay \$50,000 in fines for breaches of the Australian Consumer Law.</u>
15/09/2020	Court outcome	<u>A Gold Coast trader has been ordered to pay more than \$64,000 in fines and compensation following charges laid by the Office of Fair Trading.</u>
18/09/2020	Consumer awareness	<u>Consumers in north Brisbane are being warned to beware of itinerant bitumen traders offering driveway repairs and bitumen laying services.</u>
21/09/2020	Consumer awareness	<u>The Office of Fair Trading is reminding consumers they can check and compare unit prices when shopping to save money as part of a national awareness campaign.*</u>
12/10/2020	Court outcome	<u>A Pimpama businessman has been ordered to pay \$116,000 after leaving a string of disappointed consumers across South East Queensland and northern New South Wales.</u>
23/10/2020	Court outcome	<u>A Cairns resident letting agent has been convicted and sentenced to two years in prison after being prosecuted by the Office of Fair Trading.</u>
30/10/2020	Public warning	<u>The Office of Fair Trading and Queensland Police Service are warning consumers to avoid dealing with notorious con-man Matthew Geoffrey Rixon and his fencing businesses.</u>
04/11/2020	Court outcome	<u>A Cairns man has been fined \$1,000 after being investigated by the Office of Fair Trading for making false representations about a motor vehicle.</u>

Queensland Office of Fair Trading media statements July 2020 to June 2021

Date	Action	Description
06/11/2020	Court outcome	<u>A Bundaberg businessman has been ordered to pay \$7,860 after he failed to transport vehicles for consumers who had paid for his services.</u>
10/11/2020	Court outcome	<u>A Burleigh Waters business trainer has been taken to court by the Office of Fair Trading for accepting payment for training but failing to provide it.</u>
10/11/2020	Court outcome	<u>A Gold Coast fletcher has been ordered to pay \$16,000 after prosecution by the Office of Fair Trading for leaving a consumer without their new floor.</u>
11/11/2020	Court outcome	<u>A Runaway Bay motor dealer has been ordered to pay \$15,000 in fines for misleading car buyers and failing to supply the vehicles.</u>
12/11/2020	Consumer awareness	<u>Queensland students who took part in a competition to identify consumer awareness issues have been awarded a share of \$15,000 as part of the 2020 Buy Smart Program.</u>
20/11/2020	Court outcome	<u>A Queensland Office of Fair Trading investigation has seen a vehicle transportation business enter into an enforceable undertaking for breaches of the Australian Consumer Law.</u>
20/11/2020	Consumer awareness	<u>The Office of Fair Trading welcomes a guide to assist Aboriginal and Torres Strait Islanders receiving payments from the Government's stolen wages settlement scheme.</u>

Queensland Office of Fair Trading media statements July 2020 to June 2021		
Date	Action	Description
28/11/2020	Public warning	<u>Parents are warned to be alert when shopping for gifts, with a number of toys landing on Santa’s unsafe list during the Office of Fair Trading’s Operation Safe Christmas campaign.*</u>
01/12/2020	Business awareness	<u>New laws adopt national approach and simplify financial and reporting requirements for Queensland’s small co-operatives.</u>
01/12/2020	Consumer awareness	<u>A very 2020 Christmas message on consumer rights.</u>
05/12/2020	Consumer awareness	<u>With Christmas just around the corner the Office of Fair Trading is warning online shoppers to not get caught out when shopping online for Christmas gifts.*</u>
15/12/2020	Business awareness	<u>The Office of Fair Trading has approved new training requirements for people wanting to enter the real estate industry.</u>
17/12/2020	Court outcome	<u>A builder was ordered to pay \$25,500 in compensation for not completing work he had charged for, following an investigation by the Office of Fair Trading.*</u>
17/12/2020	Consumer awareness	<u>Stuck with an unwanted gift? The Office of Fair Trading has some tips when looking to return purchases during the festive season.*</u>
18/12/2020	Public warning	<u>The Office of Fair Trading has issued a public warning to consumers to avoid using a Melbourne-based furniture removalist who operates nationally.</u>

Queensland Office of Fair Trading media statements July 2020 to June 2021		
Date	Action	Description
23/12/2020	Business awareness	<u>New mandatory safety and information standards around the supply of button batteries and consumer goods containing them came into effect on 22 December 2020.</u>
29/12/2020	Consumer awareness	<u>Queensland online shoppers are being warned about the number of vehicle scams being carried out on social media trading platforms.*</u>
01/01/2021	Consumer awareness	<u>Acting Attorney-General Mick de Brenni said Queenslanders can seek help before signing up to a gym or sports club so they don’t get caught out with costly fees and contracts.*</u>
06/01/2021	Consumer awareness	<u>Acting Attorney-General Mick de Brenni said more than 20,000 vehicles were checked which found 105 vehicles fitted with the faulty Takata airbags.*</u>
18/01/2021	Court outcome	<u>A Calamvale man has appeared in court for misrepresenting the odometer reading on a motor vehicle and for not identifying himself as a motor dealer when selling a vehicle.</u>
20/01/2021	Court outcome	<u>A Kallangur landscaper has been ordered to pay \$21,348 by the Brisbane Magistrates court after charges were laid for breaches of the Australian Consumer Law.</u>
02/02/2021	Consumer awareness	<u>A large number of consumer complaints were resolved in 2020 which saw more than \$12 million returned to Queenslanders thanks to the Office of Fair Trading.*</u>

Queensland Office of Fair Trading media statements July 2020 to June 2021		
Date	Action	Description
11/02/2021	Court outcome	<u>The Office of Fair Trading has taken a Labrador motor dealer back to court for advertising cars online after his motor dealer’s licence had been suspended.</u>
11/02/2021	Consumer awareness	<u>Students are encouraged to show their shop smarts by taking part in the 2021 Buy Smart campaign to raise awareness about consumer rights for young shoppers.*</u>
12/02/2021	Consumer awareness	<u>Single Queenslanders have been cautioned to be wary this Valentine’s Day as romance scams are still one of the leading causes of financial loss affecting the community.*</u>
10/03/2021	Court outcome	<u>The Office of Fair Trading has taken a Labrador woman back to court for advertising cars for sale online without the appropriate licence.</u>
01/04/2021	Consumer awareness	<u>The Easter long weekend is traditionally a time for Queenslanders to get stuck into projects around the house, but there are potential hazards.</u>
22/04/2021	Court outcome	<u>A former Noosa resident letting agent was sentenced in the Brisbane Magistrates Court after charges were brought by the Office of Fair Trading for wrongfully using trust money.</u>
23/04/2021	Court outcome	<u>A Peregian Beach man has been taken to court by the Office of Fair Trading for failing to supply goods and services within a reasonable time under the Australian Consumer Law.</u>

Queensland Office of Fair Trading media statements July 2020 to June 2021		
Date	Action	Description
06/05/2021	Consumer awareness	<u>The Office of Fair Trading is reminding consumers of their rights to help them avoid dilemmas over Mother’s Day presents this year.</u>
13/05/2021	Court outcome	<u>A Labrador motor dealer who sought a re-hearing after being found guilty and fined in February 2021, has again been found guilty by the court.</u>
14/05/2021	Court outcome	<u>A Calamvale electrician has been ordered to pay more than \$11,000 in fines and compensation following an investigation into breaches of the Australian Consumer Law.</u>
25/05/2021	Court outcome	<u>A Gold Coast company who scammed 18 consumers in a dodgy property scheme was ordered to pay \$1.5 million by the Southport Magistrates Court this month.*</u>
07/06/2021	Consumer awareness	<u>Queenslanders lost more than \$32 million to scammers in 2020, according to the latest Targeting Scams Report from the Australian Competition and Consumer Commission.*</u>
16/06/2021	Court outcome	<u>A Broadbeach Waters bicycle retailer has been taken to court by the for failing to supply goods within a reasonable time under the Australian Consumer Law.</u>
18/06/2021	Court outcome	<u>A motor dealer has been ordered to pay \$16,500 after being charged for unlicensed motor dealing and making false representations about the distance vehicles have travelled.</u>

The statements made by the Attorney-General and Minister for Justice are marked with an asterisk.

Appendix 6—Regulator Performance Framework report

The Queensland Government’s Better Regulation Strategy recognises that the actions and performance of regulators in implementing, administering and enforcing regulations play a significant role in achieving the policy objectives of the regulations, as well as reducing the regulatory burden on businesses, including small business, and the community.

Regulators are required to report annually under a Regulator Performance Framework the extent to which they are meeting the model practices.

There are five model practices against which regulators are required to report:



1

Ensure regulatory activity is proportionate to risk and minimises unnecessary burden



Supporting principles:

- a proportionate approach is applied to compliance activities, engagement and regulatory enforcement actions
- regulations do not unnecessarily impose on regulated entities
- regulatory approaches are updated and informed by intelligence gathering so that effort is focused towards risk.

Our Compliance and Enforcement Policy (CEP) outlines our approach to promoting confident consumer participation in the marketplace and maintaining, encouraging and enforcing trader compliance with the laws we administer.

We obtain information about possible breaches of consumer laws from a range of sources including consumer complaints, other government agencies, proactive compliance activity, intelligence analysis, industry associations, and from the media.

Our Proactive Regulation of Industry and Marketplace Entities (PRIME) program is developed and conducted each year based upon identified risks and marketplace analysis. Higher risk industry sectors and traders receive greater focus, with the aim of maximising compliance and industry education outcomes.

We use a range of activities and powers to achieve 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 the not-for-profit sector
- receiving and considering complaints
- undertaking investigations and compliance activities, and
- taking appropriate enforcement action.

We ensure our approach to possible breaches of fair trading laws is proportional to the risk involved. Generally, traders will comply, or seek to comply with their obligations. Where genuine attempts at compliance are being made, we focus on educating and informing traders. Where there is evidence of serious non-compliance or systemic or recidivous breaches, we will impose the full force of the law.

The impact on consumers and the marketplace, the compliance history of the trader, the seriousness of the offence, and the sufficiency of admissible evidence are key considerations in determining the appropriate enforcement action.

We continue to work closely with other Australian consumer protection regulators to administer the Australian Consumer Law (ACL) under the ‘one law multi-regulator’ model, ensuring a consistent application of the law across the country, providing certainty to traders about their obligations while reducing their risks and compliance costs.

On 1 December 2020, new laws simplifying the function and operation of Queensland co-operatives came into effect. Queensland adopted a nationally consistent approach by replacing the state-based *Cooperatives Act 1997* with the *Co-operatives National Law Act 2020*.

1

Ensure regulatory activity is proportionate to risk and minimises unnecessary burden



The new laws reduce financial reporting and audit requirements for small co-operatives and introduce new ways for all cooperatives to fundraise. Co-operatives no longer need to register and pay a fee in each state and territory in which they operate as the national law provides for mutual recognition without requiring separate state recognition.

The impacts of COVID-19 continued to be felt during 2020–21. We assisted industry and community groups manage the impacts of COVID-19 restrictions by:

- providing a 12-month deferral for security providers to undertake required ongoing training as training organisations were unable to provide the courses due to social distancing requirements (licensees with training due between 1 March and 30 September 2021)
- deferring the requirement for incorporated associations to hold their annual general meetings due to the difficulty of accessing large enough venues to enable social distancing and, as many members were unable to travel during lockdowns, giving them an extension until 30 April 2021; and
- providing extensions to licensees who could not meet renewal dates because auditors could not travel to them to complete their reports.

We developed a new system for detecting possible non-compliance in the operation of trust accounts. The system analyses data on historical cases of non-compliance to help develop a profile of behaviour. This data analysis enables us to focus our investigations on areas of highest risk to detect trust account misuse at the earliest stage.

In 2020–21 we undertook projects to improve compliance awareness and consumer confidence in the motor dealing and real estate industries. These projects aimed to identify areas of concern to licensees within each industry and to the marketplace. We did this by consulting with licensees and industry bodies to identify issues and worked with industry to improve compliance. We also undertook a compliance and education program focusing on the experiences of Indigenous consumers when dealing with the motor dealer and vehicle repair sectors.

In 2021–22, we will continue to focus on consumer issues related to the COVID-19 pandemic, educating new licensees on their obligations, and improving motor dealer and real estate industry compliance.

2

Consult and engage meaningfully with stakeholders



Supporting principles:

- **formal and informal consultation and engagement mechanisms are in place to allow for the full range of stakeholder input and Government decision-making circumstances**
- **engagement is undertaken in ways that help regulators develop a genuine understanding of the operating environment of regulated entities**
- **cooperative and collaborative relationships are established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework.**

We actively engage with our stakeholders including consumers, traders, regulated entities, and representative organisations. Throughout the year we undertake a range of stakeholder engagement activities including speaking at forums and events, presentations, stalls, meetings, and visiting traders at their premises to provide one-on-one information and advice.

We include Queenslanders living in rural and remote areas in our engagement activities through our annual outreach program. Our officers take OFT services on the road, giving information sessions to schools, community groups and service organisations, visiting local businesses, and meeting with organisations and service providers to discuss issues within the local area.

We meet with key industry stakeholder groups on a regular basis to maintain cooperative and collaborative relationships. Examples of the groups we meet with regularly include the Real Estate Institute of Queensland, Motor Trades Association of Queensland, Australian Resident Accommodation Managers Association, Queensland Consumers Association, Indigenous Consumer Assistance Network and approved security industry associations.

We liaise extensively with consumer protection regulators in other Australian jurisdictions on current and emerging risks and opportunities. We also liaise with other Queensland regulators where matters raised fall outside our jurisdiction, or where jurisdictions intersect, to achieve the most appropriate outcomes for both consumers and traders.

Where formal arrangements are required by legislation, we enter into Memoranda of Understanding or Information Sharing Agreements with other parties. These agreements provide a framework for cooperation between the parties to facilitate information exchange, general administration and compliance activities relating to common areas of interest.

We also participate in a variety of interagency committees to share information and provide advice. These include the Queensland Building and Construction Commission Services Trade Council, Queensland Law Society Competition and Consumer Law Committee, Australasian Consumer Fraud Taskforce, Security Industry Regulators Forum, North Queensland Consumer Taskforce, Smart Service Queensland Client Board, and the Smoke Alarms Interdepartmental Committee.

2

Consult and engage meaningfully with stakeholders



Information about changes to industries regulated by the OFT is posted on our website and promoted via social media, with updates provided to sectors such as real estate, security providers, tattooists, charities and incorporated associations, as well as general information for retailers.

COVID-19 continued to impact consumers, businesses, licensees and not-for-profit associations during 2020–21. Information on our website was viewed more than 20,900 times by Queenslanders accessing information about cancelled travel and events, scams, availability of ordered products, fake charities, frustrated contracts and rights, and industry specific advice for OFT regulated industries.

In 2020–21, in conjunction with other agencies, we helped to encourage adoption of the Check In Qld app. We visited 260 hospitality venues, focusing on culturally and linguistically diverse communities to provide information and advice about the Chief Health Officer direction to use the app.

In 2021–22 we will consult industry and consumers about funeral price transparency and whether additional regulation is required to ensure consumers receive easy to understand, upfront price information from funeral providers.

3

Provide appropriate information and support to assist compliance



Supporting principles:

- clear and timely guidance and support is accessible to stakeholders and tailored to meet the needs of the target audience
- advice is consistent and, where appropriate, decisions are communicated in a manner that clearly articulates what is required to achieve compliance
- where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden particular stakeholders (e.g. small business) or require specialist advice.

We provide up-to-date and timely information to consumers and traders via the Queensland Government call centre, the OFT website and social media channels, media releases, and through consumer and trader awareness campaigns and forums.

We publish guidance on the consumer protection legislation we administer to assist traders to comply. Our [website](#) also hosts a number of general and industry specific guides, checklists and advice for consumers and traders about their rights and responsibilities. All communication materials are written in plain English. We also provide fact sheets in other languages for non-English speaking clients.

We produce a series of regular newsletters including Smart Business Bulletin, Safetyzone, Security Buzz and Consumer Connection. We use these newsletters to communicate emerging issues and legislative change to target audiences. Consumers and traders can subscribe to these newsletters via our website or by contacting us by phone or email.

We do not make ad hoc decisions and commit to giving businesses certainty by assessing, investigating and enforcing the law consistently across comparable situations, including considering any national implications and the circumstances involved.

Our compliance framework includes policies, procedures and practices which ensure we target conduct, rather than a particular type of business.

Our education program recognises smaller traders may not be able to leave their businesses to attend forums and presentations, and accordingly it includes ‘trader walks’. These involve fair trading officers visiting businesses at their retail premises to provide information and advice about consumer protection laws specific to their situation.

3

Provide appropriate information and support to assist compliance



We also administer several industry specific laws and we are committed to assisting businesses operating in those sectors to comply with their regulatory obligations. We deliver targeted compliance-focused education visits which may include the provision of supporting materials or information about resources available to assist traders. The aim of these education visits is to provide an opportunity for OFT officers to discuss a trader's business practices, the requirements of relevant legislation and to provide guidance and advice to assist traders achieve compliance.

Our compliance program is planned and coordinated. Each year we develop a compliance calendar based on identified risks and analysis of the marketplace. We focus our compliance efforts on industry sectors, licensees and traders most likely to cause harm, and where consumers are most at risk. We publish our compliance calendar each year on our website so that industries are aware and can take steps to voluntarily comply.

4

Commit to continuous improvement



Supporting principles:

- **regular review of the approach to regulatory activities, collaboration with stakeholders and other regulators to ensure it is appropriately risk based, leverages technological innovation and remains the best approach to achieving policy outcomes**
- **to the extent possible, reform of regulatory activities is prioritised on the basis of impact on stakeholders and the community**
- **staff have the necessary training and support to effectively, efficiently and consistently perform their duties.**

We are committed to the continuous improvement and development of our processes, staff and systems to improve safety and fairness for Queensland businesses and consumers.

We develop an annual training program for our staff based on needs identified in individual performance agreements and whole of organisation priorities. A suite of online training modules is available to our staff and we use external providers to provide specialist training as required. We participate in a job rotation program where an officer temporarily transfers into a different position to learn new skills and gain new knowledge to take back to their permanent role. Key staff attend forums such as those run by the Society of Consumer Affairs Professionals (SOCAP) which provide an opportunity to share best practice methodologies and to enhance relationships with other regulators.

Our procedures, guidelines, website information and call centre scripting are reviewed annually or following legislative or procedural changes to ensure they remain relevant and accurate.

We use in-field devices for staff conducting compliance operations. The devices have real-time access to up-to-date data, assisting officers to make informed decisions. Devices update data using centralised systems without officers having to return to the office.

Our officers use an online platform for collaboration and networking with consumer protection regulators across Australia. The platform provides a secure, digital environment where information can be shared amongst regulators including requests for data, matters currently under investigation or being considered for investigation and enforcement outcomes. Use of this platform reduces duplication, increases productivity, and drives consistent outcomes across the country. It also helps to ensure that we are targeting our finite resources appropriately.

We continue to enhance the digital services we make available to consumers and licensees. Clients can create a whole-of-Government account and access pre-filled online forms following an approved authentication and authorisation process. The account allows clients to go online to check the status of their service with the OFT at any time, without having to contact a Queensland Government Call Centre. This functionality saves time and decreases frustration for clients. It also reduces processing times for applications and increases the accuracy of data held by us. As the online system is available 24/7, small business owners who may not have time to complete their statutory obligations with us during regular office hours can undertake these activities at a time convenient to them.

4

Commit to continuous improvement



Online service transactions continue to increase each year with 54,843 online transactions processed in 2020–21, a 25.3% increase on the previous financial year. In 2020–21 licence renewal applications received online averaged nine days from lodgement to approval compared to 36 days for the same licence classes received through a non-digital channel. 70.6% of licence renewals received online were processed within one day.

We continue to expand the services offered online and in 2021–22 we will deliver a new online client portal which will enable applicants to upload documents, receive notifications, complete outstanding actions, view transaction histories and obtain reprints of documents and receipts.

The COVID-19 pandemic has caused significant disruption to consumers, especially to their travel and holiday plans. We have continued to assist consumers resolve their disputes with traders and to provide information about the options available to them. While the Australian Consumer Law has many consumer protections, it was not drafted with a pandemic environment in mind. Australian consumer affairs officials, including the Queensland OFT, are undertaking a review of how well the Australian Consumer Law dealt with the pandemic issues. The review is expected to be completed in late 2021.

5

Be transparent and accountable in actions



Supporting principles:

- where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders
- decisions are provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions
- indicators of regulator performance are publicly available.

We deal with consumers and traders in an open and transparent manner to ensure service delivery standards and expectations are maintained. Decisions made by us can be reviewed through a range of avenues including tribunals, courts, the department's Client Complaint Management process, and the Queensland Ombudsman.

Key datasets, policies and reports are publicly available on the [Queensland Government website](#) or the [Open Data Portal](#). This includes our [Compliance and Enforcement Policy \(CEP\)](#), [Proactive Regulation of Industry and Marketplace Entities \(PRIME\)](#) program and compliance calendar, and our business plans.

Members of the public are able to check an entity operating in an industry regulated by the OFT is appropriately licensed or that a charity or incorporated association is registered through a free [online search](#). A register of enforceable undertakings is also available on the [Queensland Government website](#).

We issue [media releases](#) to report the outcome of court and tribunal matters we have initiated and, where available, include comments explaining the decision and penalty made by the presiding Tribunal Member, Magistrate or Judge. We use social media channels to provide timely alerts to information and to raise awareness of where to find published details.

Target timeframes for completion are provided on our complaint forms and licence and registration application forms.

We ensure investigations are conducted as efficiently as possible to avoid uncertainty for business. We categorise investigation files by taking into consideration the complexity and priority of a matter and other factors such as the consumers affected and the extent of the misconduct. Target timeframes for completion of investigations are provided in the CEP. During lengthy investigations, we provide regular updates to the parties to keep them informed of progress.

Our officers conduct self-reviews throughout the consumer complaint management process with a supervisor or manager also reviewing their actions. We also conduct an annual review of 5% of finalised investigation case files. These reviews allow for examination of our case management practices ensuring investigative performance is maintained, and that enforcement action is appropriate and is being applied consistently.

We provide a statement of reasons for decisions made about claims lodged against the *Agents Financial Administration Act 2014* Claim Fund, when we decline an application for an occupational licence and following any other significant administrative decision involving review rights.

We publicly report on our performance as a regulator in a number of ways including in Service Delivery Statements and departmental Annual Reports. We also produce and publish an annual [Outcomes Report](#) which provides details of our activities and achievements, statistics and case studies. This report is forwarded to our stakeholders and posted to our website. We also promote the publication of the report via our social media accounts and through our newsletters to ensure wide awareness of its release.

Appendix 7—Five year summary

This data is provided for information purposes only. OFT's systems are case management systems and are designed to enable records to be updated as information becomes available. As a result, the information provided here is only a snapshot of data at a point in time and it cannot be relied upon as an official record. For details of OFTs reported data see information provided in Departmental Annual Reports.

Service	2016–17	2017–18	2018–19	2019–20	2020–21
Information and Education					
Website page views	4M	3.8M	3.7M	3.3M	3.5M
Website visitors	1.3M	1M	1.04M	929,867	1.04M
Call centre contacts	145,981	140,600 approx	168,117 ¹	162,084	153,158
Hours of phone contact	14,979	13,047	13,118	12,293	12,447
Enquiries received	71,693	80,729	80,977	83,963 ⁴	81,483 ⁵
Businesses engaged with on trader walks	2,002	1,574	1,632	915 ⁴	1,374 ⁵
Education, engagement activities (eg seminars, presentations, stalls)	2,110	2,221	2,499	1,040 ⁴	1,523 ⁵
Number of attendees at education and engagement activities	32,064	27,028	32,295	23,560 ⁴	18,065 ⁵
Licensing and registrations					
Occupational licence and registration certificate—applications processed ²	23,996	32,199	23,075	21,606	18,755
Occupational licence and registration certificate—applications for renewal processed ²	54,226	57,133	60,365	62,115	60,302
Number of occupational licence and certificate holders as at 30 June 2020	86,768	86,598	85,371	84,264	83,879
Not-for-profit applications processed	1,208	1,150	1,057	929	977
Not-for-profit annual returns processed	19,795	20,796	22,136	20,391	19,932
Number of not-for-profits and other organisations registered as at 30 June 2020	26,981	27,481	27,713	28,195	28,633
Complaints and redress					
Redress	\$5.6M	\$8.14M	\$7.6M	\$9.4 million ⁴	\$13.93 million ⁵
Complaints received	15,145	15,433	15,583	17,482 ⁴	18,642 ⁵
Complaints finalised	15,381	15,230	15,639	17,321 ⁴	18,794 ⁵

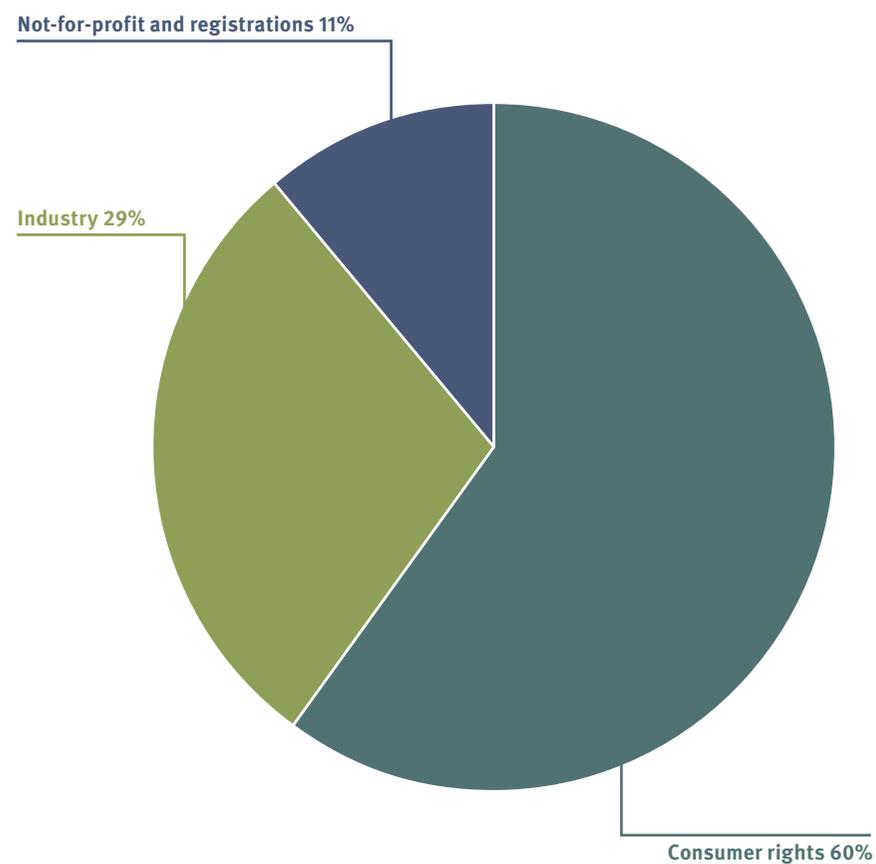
Service	2016–17	2017–18	2018–19	2019–20	2020–21
Compliance					
Entities monitored for compliance	8,747	9,898	9,248	9,137	9,545
Investigations completed	3,786	3,433	3,022	2,344	2,157
Enforcement actions					
Warnings issued	794	1,016	1,521	1,396	1,301
Infringements issued	460	385	374	274	371
Administrative disciplinary actions	1121	1224	1,365	831 ⁴	755 ⁵
Civil penalty notices	11	9	5	3	11
Disciplinary proceedings (QCAT)	4	3	20	20	2
Public naming	2	4	2	4	3
Enforceable undertakings	26	24	0	5	40
Court actions	81	73	74	50	61
Staffing and budget					
Staff full-time equivalent (FTE)	225.3	225.3	225.3	212.3 ³	218.3 ⁶
Budget	\$28.9M	\$27.8M	\$29M	\$27.1 million	\$26.5 million

Notes:

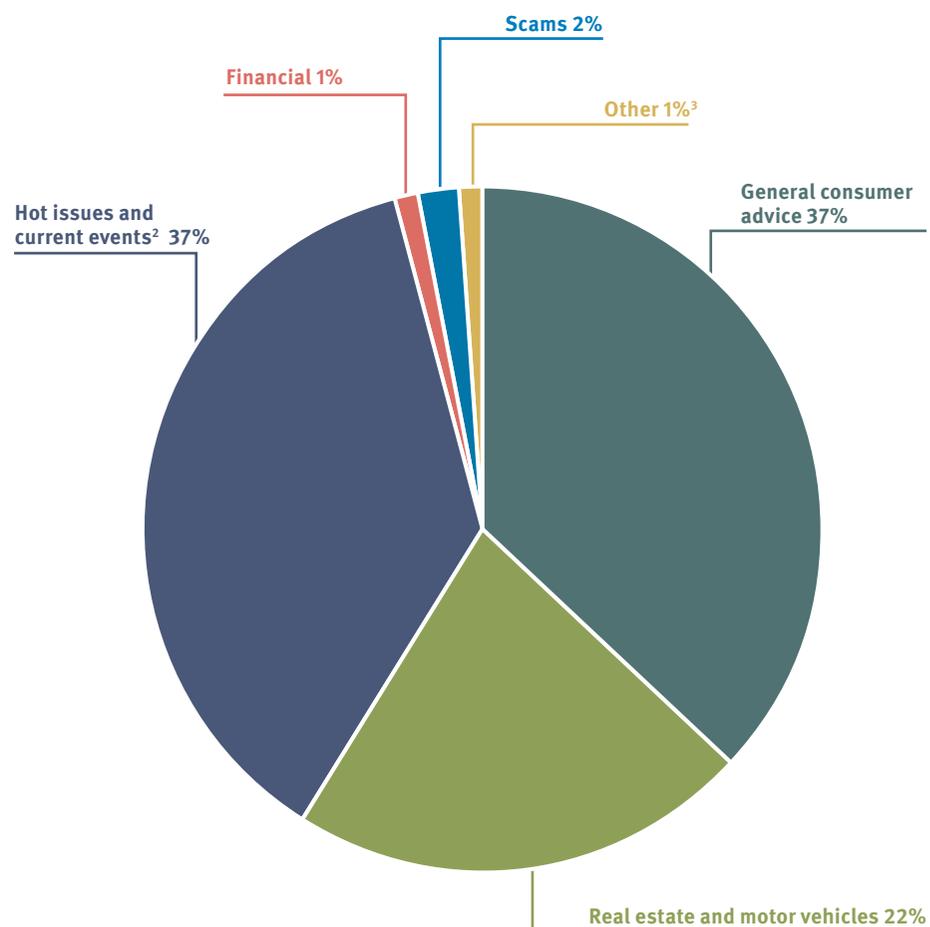
1. The Queensland Government call centre transitioned to a new scripting and reporting system late 2017–18 with 2018–19 its first full year of operation.
2. Caution should be applied when considering these figures as applications and licences are not the same. The structures and requirements for each Act are different and OFT issues licences in accordance with those requirements. For more information see page 32.
3. In January 2020, the OFT's Systems Support and Development division realigned its services, incorporated teams from OLGR and reported directly to the Deputy Director-General as a LGFT ICT development and support team.
4. OFT continued to operate during the COVID-19. Proactive activities (education, spot checks) in particular were reduced due to the restrictions imposed by the CHO to reduce the spread of the virus. However, impacts on the marketplace, such as the cancellation of travel and events, and restrictions placed on industries regulated by the OFT, the number of enquiries and consumer complaints received increased.
5. In 2020–21 COVID-19 continued to impact OFT. The OFT continued to operate but proactive activities in particular remained impacted due to the restrictions imposed by the CHO to reduce the spread of the virus. Impacts on the marketplace, such as the cancellation of travel and events, and restrictions placed on industries regulated by the OFT, saw continued increase in the number of consumer complaints received. While there was a decline in licence applications in 2020 as a result of COVID-19, from March 2021 significant growth in the housing market saw a marked increase in applications for licensing in the real estate sector.
6. In January 2021, OFT's Communication Team realigned its services, incorporating OFT and OLGR teams to form the LGFT Communication Team.

Appendix 8—Incoming call topics

Total call enquiries breakdown 2020–21¹



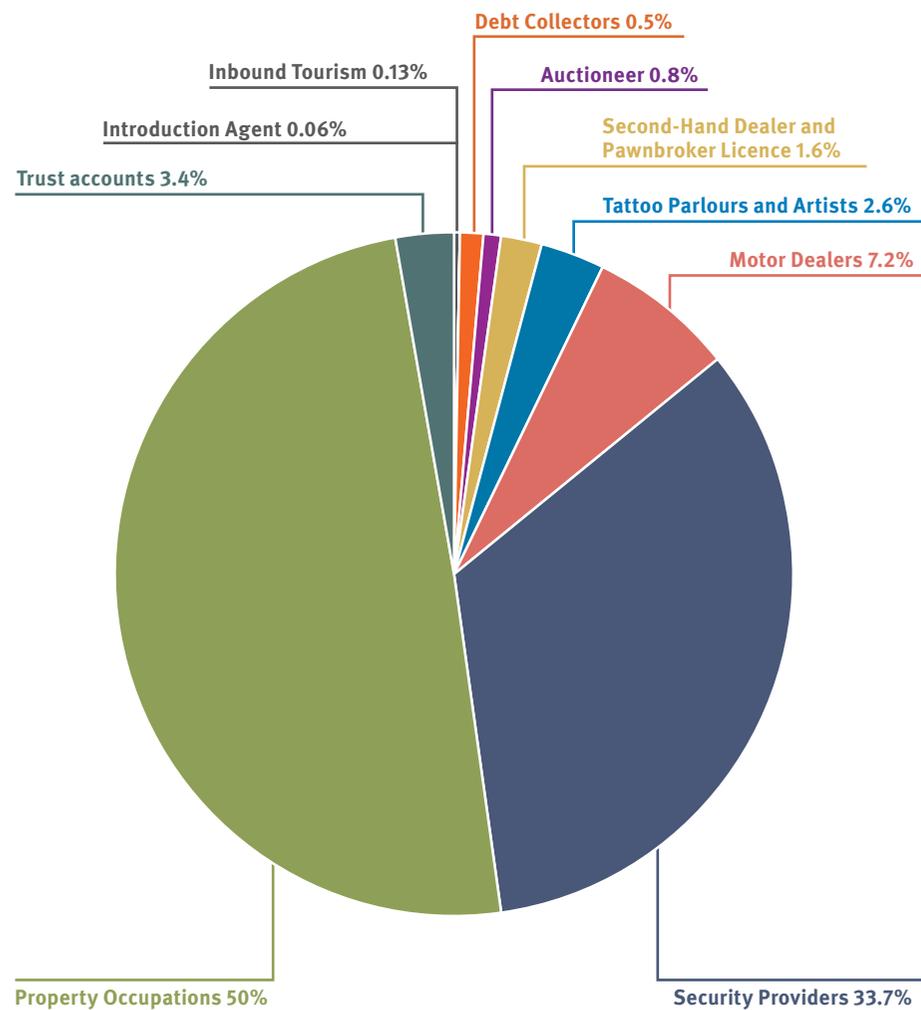
Call enquiries breakdown – Consumer¹



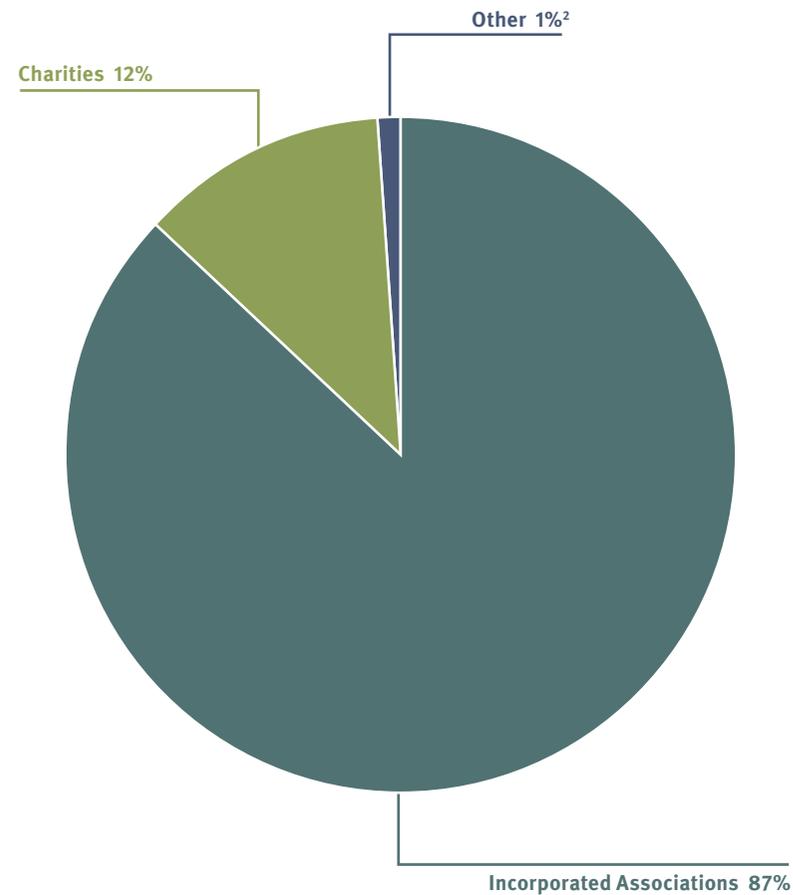
Notes:

1. Breakdown based on information sought by the caller.
2. For example, COVID-19 related issues, liquidations, high profile matters.
3. For example, how to lodge a complaint, product safety, storage liens, fitness code, Buy Smart.

Call enquiries breakdown – Industry¹



Call enquiries breakdown – Not-for-profit and registrations¹



Notes:

1. Breakdown based on information sought by the caller.
2. Other includes Co-operatives, Limited Partnerships, Land Sales and Funeral Benefits.

