

Office of Fair Trading

Outcomes Report

2018–19



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



Introduction

About us.....	5
About this report	5
Acronyms used in this report.....	5
Summary	6
Overview	8
Our role.....	8
Our strategy.....	9
Our approach	10
Staffing and budget.....	11



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 2018–19. 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	FTOG	Fair Trading Operations Group
ACL	Australian Consumer Law	ICAN	Indigenous Consumer Assistance Network
ASIC	Australian Securities and Investments Commission	MDCAA	<i>Motor Dealers and Chattel Auctioneers Act 2014</i>
AFAA	<i>Agents Financial Administration Act 2014</i>	NDIS	National Disability Insurance Scheme
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	ORP	Office of Regulatory Policy
CEP	Compliance and Enforcement Policy	POA	<i>Property Occupations Act 2014</i>
CPN	Civil penalty notice	PRAC	Policy and Research Advisory Committee
DJAG	Department of Justice and Attorney-General	PRIME	Proactive Regulation of Industry and Marketplace Entities
DNRME	Department of Natural Resources, Mines and Energy	PSOG	Product Safety Operations Group
EIAC	Education and Information Advisory Committee	QBCC	Queensland Building and Construction Commission
FBBA	<i>Funeral Benefit Business Act 1982</i>	QCAT	Queensland Civil and Administrative Tribunal
FTE	Full-time equivalent	RTA	Residential Tenancies Authority

Summary

	SERVICE	NUMBER
Information and education	Website visits	3.7 million
	Call centre contacts	168,117
	Hours of phone contact	13,118
	Enquiries received	80,977
	Businesses engaged with on trader walks	1,632
	Education and engagement activities (eg seminars, presentations, stalls)	2,499
	Number of attendees at education and engagement activities	32,295
Licensing and registrations	Occupational licence and registration certificate—applications processed	23,075
	Occupational licence and registration certificate— applications for renewal processed	60,365
	Number of occupational licence and certificate holders as at 30 June 2019	85,371
	Not-for-profit applications processed	1,057
	Not-for-profit annual returns processed	22,136
	Number of not-for-profits and other organisations registered as at 30 June 2019	27,713
Complaints and redress	Redress	\$7.6 million
	Complaints received	15,583
	Complaints finalised	15,639
Compliance	Entities monitored for compliance	9,248
	Investigations completed	3,022
Enforcement actions	Warnings issued	1,521
	Infringements issued	374
	Administrative disciplinary actions	1,369
	Civil penalty notices	5
	Disciplinary proceedings (QCAT)	20
	Public namings	2
	Court actions	74
Staffing and budget	Staff full-time equivalent (FTE)	225.3
	Budget	\$28.4 million



225.3
STAFF



\$28.4M
BUDGET



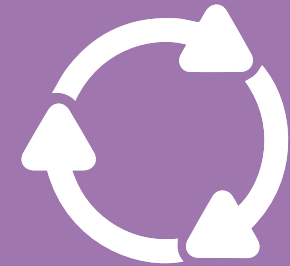
\$7.6m
IN REDRESS



3.7m
PAGE VIEWS



9,248
ENTITIES MONITORED



83,440
APPLICATIONS FOR LICENCES
AND RENEWALS



15,583
COMPLAINTS RECEIVED



1,369
ADMINISTRATIVE
DISCIPLINARY ACTIONS



27,713
NFP AND OTHERS
@ 30 JUNE 2019



15,639
COMPLAINTS FINALISED



32,295
ATTENDEES AT EDUCATION
AND ENGAGEMENT ACTIVITIES



74
COURT ACTIONS

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.

Marketplace integrity is achieved through:

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

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

Our strategy

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

Under the four key areas of the DJAG Strategic Plan 2018–22, the OFT seeks to:



Safe communities

- 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



Fair communities

- 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



Responsible communities

- 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



Integrated services

- 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

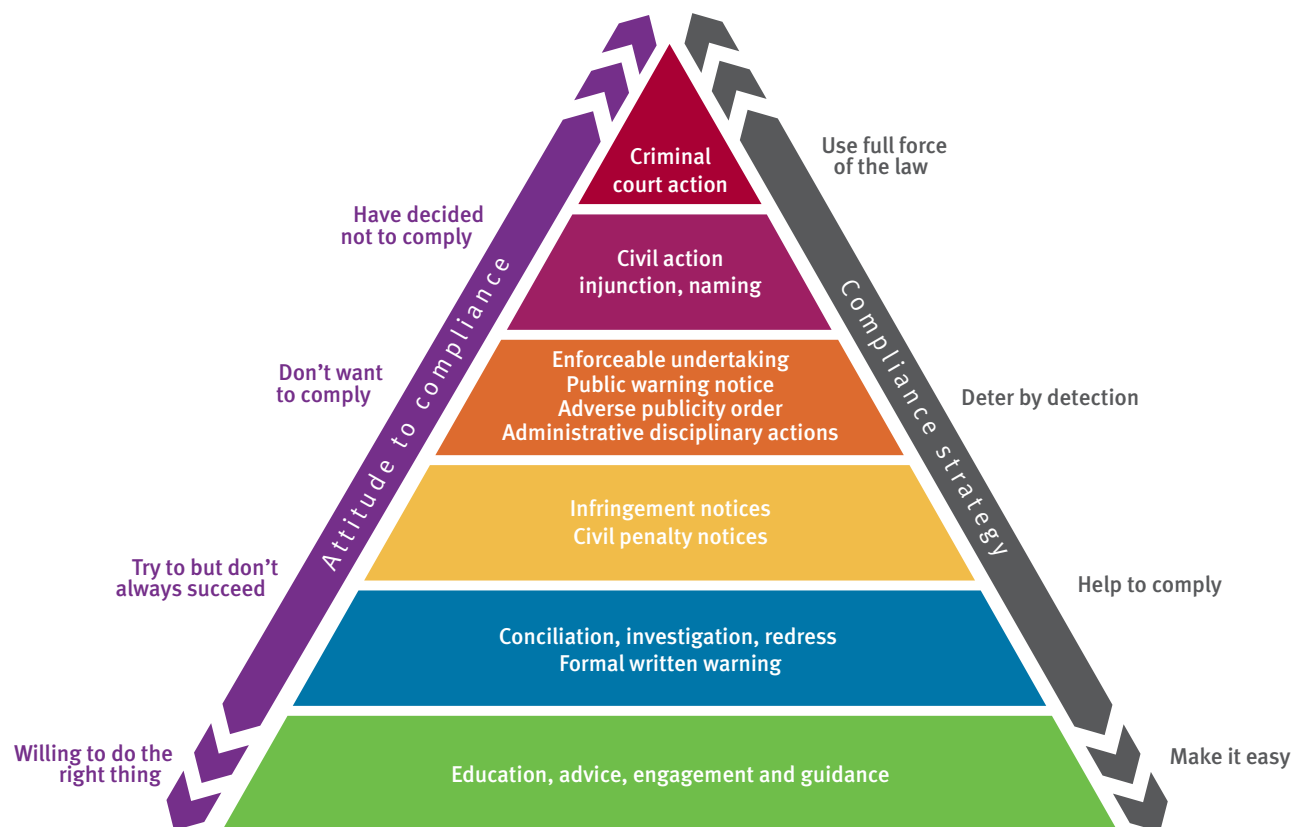
The OFT's goal is to achieve a fair and safe marketplace. We recognise that most businesses want to comply with the law and to facilitate this we follow an escalation model of education, compliance and enforcement. As a trader's attitude to compliance deteriorates, our regulatory response escalates.

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:

- 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
- taking appropriate enforcement action.



Staffing and budget

	FTEs 2018–19	BUDGET 2018–19
Office of Fair Trading	225.3	\$28,425,500
Office of the Executive Director	5	
Complaint and Program Coordination	34.6	
Investigations and Enforcement	36.9	
Industry Licensing and Registrations	70.6	
Regional Operations and Engagement	69.2	
Systems Support and Development	9	
Policy support from the Office of Regulatory Policy	13	\$1,560,500
Executive support from the Office of the Deputy Director-General	1.75	\$3,839,200
Total	240.05¹	\$33,825,200²

Notes:

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

The OFT operates from offices in:



Our organisational structure is provided at Appendix 2.



Results

Enquiries, information and advice.....	13
Consumer complaints and conciliation	14
Investigation and enforcement	15
Enforcement actions	16
Court actions.....	18
Public warnings and namings	20
Infringement notices and civil penalty notices.....	21
Proactive compliance	22
Operation outcomes	22
Non-scheduled spot checks.....	27
Redress	29
Product safety.....	32
Occupational licensing.....	35
Not-for-profit and other registrations	39
Communication, education and engagement.....	40
Product safety.....	41
<i>Buy Smart</i> Competition	41
Outreach program.....	41
<i>Do not knock</i> informed communities	42
Fair Trading Policy achievements.....	43



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 4 million times via these channels in 2018–19.

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

In 2018–19 OFT recorded more than 80,900 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 32,200 people through 2,499 activities in 2018–19.²

Notes:

1. For more information about OFT statements issued to the media during 2018–19 see Appendix 5.
2. For more details about OFT's communication, education and engagement activities during 2018–19 see page 40.

Provided information

4M times



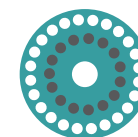
Enquiries

>80,900



Education and engagement

>32,200 people through 2,499 activities



Consumer complaints and conciliation

Under Queensland's *Fair Trading Act 1989*, the OFT receives and considers complaints. Where consumers are unable to resolve disputes with traders using the information and advice we make available, they are encouraged to lodge a formal complaint. Complaints can be lodged using an online form on our website, by email, by mail, or by completing a complaint form at one of our offices. In 2018–19 the OFT received 15,583 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 2018–19 the OFT conciliated 14,529 complaints.

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 2018–19 OFT achieved these targets, with 83% satisfactorily finalised and 88% 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.



14,529
complaints
conciliated

83%
satisfactorily
finalised

88%
finalised
in 30 days

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 such as media reports.

In 2018–19, the OFT:

- commenced 2,870 investigations
- finalised 3,022 investigations
- secured \$1.1 million in redress for consumers via investigations
- obtained over \$400,000 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 breach. Enforcement options include:

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



2,870

Investigations commenced



3,022

Investigations finalised



1.1 million

Redress for investigations

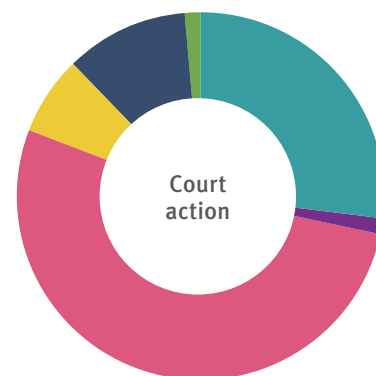
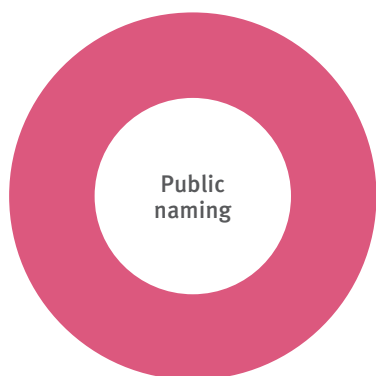
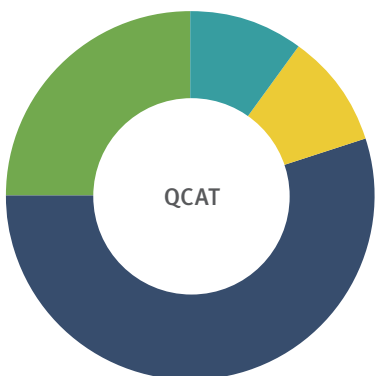
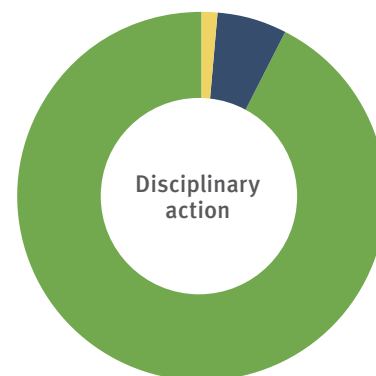
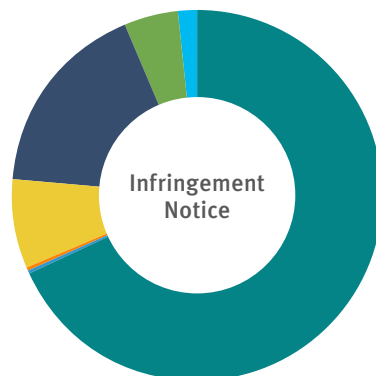
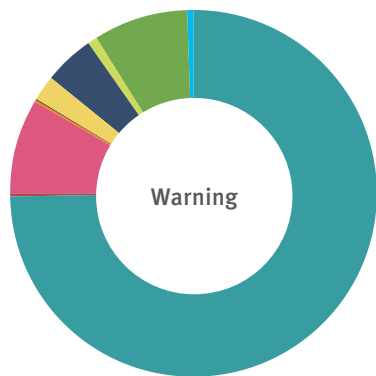
Enforcement actions

In 2018–19, the OFT initiated a total of 3,365 enforcement and disciplinary actions against traders and licensees. A breakdown by Act and action type is below.

Act	Warning	Infringement notice	Administrative disciplinary action	Civil Penalty Notice (CPN)	Disciplinary proceeding (QCAT)	Public naming	Court action
<i>Agents Financial Administration Act 2014</i>	1,139	255			2		20
<i>Collections Act 1966</i>	2						
<i>Criminal Code Act 1899</i>							1
<i>Debt Collectors (Field Agents and Collection Agents) Act 2014</i>		1					
<i>Fair Trading Act 1989</i> (incorporating the Australian Consumer Law)	130			5		2	39
<i>Fair Trading Inspectors Act 2014</i>	1	1					
<i>Funeral Benefit Business Act 1982</i>	1						
<i>Motor Dealers and Chattel Auctioneers Act 2014</i>	33	29	19		2		5
<i>Property Occupations Act 2014</i>	69	65	85		11		8
<i>Second-hand Dealers and Pawnbrokers Act 2003</i>	14						
<i>Security Providers Act 1993</i>	126	17	1,265		5		1
<i>Tattoo Industry Act 2013</i>	6	6					
Total	1,521	374	1,369²	5	20	2	74

Notes:

1. 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.
2. A trader may be subject to more than one type of enforcement or disciplinary action.
3. An action may involve one breach or several.



Court actions

In 2018–19, the OFT undertook action against 70 entities through the courts ⁽¹⁾. Of these:

- 26 were for wrongly accepting payment under the ACL
- 6 were for making false or misleading representations under the ACL
- 17 were for breaches of trust account provisions
- 4 were for unlicensed trading (real estate, motor dealing and security industries)
- 12 entities appealed against a licensing decision (real estate, motor dealing and security providers)
- 3 entities appealed against a court decision after being prosecuted
- 38 were 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



Dodgy motor dealers smashed with bill for over \$409,000

Andrew Fraser-Scott and Dylan Ackroyd-Laycock, AFS Corporation Pty Ltd trading as Brisbane Dealer Auctions and The Cartel Dealers

In 2017, the OFT began investigating AFS Corporation after receiving complaints from three consumers. Mr Fraser-Scott and AFS Corporation advertised that they could save consumers money by sourcing and buying suitable vehicles on their behalf from motor dealer auctions at wholesale prices.

However, once they secured a vehicle they added significant undisclosed charges to the wholesale price before selling it to the consumer. These charges always brought the price up to equal or close to the consumers' pre-stated maximum bid.

OFT's investigation also found Mr Fraser-Scott accepted payment for registration and transfers that he failed to complete, traded unlicensed and failed to maintain a business transaction register as required by law.

Mr Ackroyd-Laycock was found to have provided consumers misleading contract terms relating to services being provided and the licence status of the corporation.

On 27 May 2019, Mr Fraser-Scott pleaded guilty to 66 breaches of the ACL and 11 breaches of Queensland's *Motor Dealers and Chattel Auctioneers Act 2014* (MDCAA).

On 8 April 2019 Mr Ackroyd-Laycock pleaded guilty to 12 breaches of the ACL and one breach of MDCAA.

Mr Fraser-Scott was fined \$30,000 and Mr Ackroyd-Laycock \$2,500. AFS Corporation was fined \$20,000 and ordered to pay \$33,269 in compensation to affected consumers.

These amounts were in addition to \$108,476 in redress the trader had already agreed to pay as a result of OFT negotiations on behalf of consumers, and a further \$215,051 paid to consumers as a result of claims against the fund managed by the OFT under the *Agents Financial Administration Act 2014* (AFAA). In total, as at 1 September 2019, the bill for the motor dealers' actions was more than \$409,000.

CASE STUDIES



Auto parts supplier fined for non-delivery

Craig Anthony Wood, owner of Suzuki Performance and Racing

On 13 March 2019, Mr Wood, owner of Suzuki Performance and Racing, was found guilty of one count of accepting payment and failing to supply goods or services within a reasonable time under the ACL.

The court heard the OFT initiated an investigation into Mr Wood in August 2018, after receiving a complaint from a consumer who had paid Mr Wood \$9,295 for a car engine in February 2017, but had not yet received it.

The OFT told the court it had offered Mr Wood a number of opportunities to respond to the complainant's allegations, but Mr Wood had failed to do so.

In sentencing, the magistrate considered that Mr Wood's failure to appear for the court outcome demonstrated a complete lack of remorse towards the consumer, who had been out of pocket for more than two years as a result of the trader's actions.

Mr Wood was fined \$20,000 and ordered to pay \$9,295 in compensation to the consumer. A conviction was recorded.

Failure to see the signs —goods and service not supplied

Shaun Anthony Clarkson, Signman Says Pty Ltd

On 21 December 2018, Mr Clarkson and his company Signman Says Pty Ltd were found guilty of three counts of accepting payment and failing to supply goods and services under the ACL.

The court heard that between 22 January 2018 and 24 March 2018, Mr Clarkson and Signman Says Pty Ltd accepted deposits from three consumers for work, including the design and print of adhesive artwork and pull-up banners, and the repair of a display around a business's front window.

As a result of failing to supply the services within a reasonable time and failing to reply to consumers' requests for refunds, three consumers were left \$1,301 out of pocket.

The court noted that the company accepted funds from innocent and trusting members of the community and, despite numerous requests over a period of time, refused to honour its agreements.

Mr Clarkson and Signman Says Pty Ltd were fined \$15,000 and ordered to pay a total of \$1,301 to the three consumers.

Agent abuses trust

On 17 June 2019, Mark William Mergard, director of Realestate Now Pty Ltd, was fined \$18,000 in the Bundaberg Magistrates Court for breaching the *Property Occupations Act 2014* (POA) and the *Agents Financial Administration Act 2014*.

Mr Mergard pleaded guilty to the charges and no conviction was recorded.

The court heard that, in October 2016, Mr Mergard directed the buyer of a property to transfer a deposit of \$50,000 into his agency's general account rather than into the trust account as required by legislation. Mr Mergard then proceeded to make seven transactions from this deposit, applying the money to his own business purposes.

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.

Publically named businesses are listed on the [OFT website](#). In 2018–19, the OFT publically named two traders.

CASE STUDIES

Consumers warned about dodgy fencer working in South-East Queensland

Matthew Geoffrey Rixon, CDA Fencing Pty Ltd

On 5 April 2019, the OFT released a statement warning consumers not to deal with Mr Rixon of CDA Fencing Pty Ltd.

Mr Rixon was masquerading as a licensed builder, accepting payment for home maintenance, repairs and fence building services and then not performing the work. He had been the subject of a number of alerts and public warnings by consumer regulators across Australia.

Mr Rixon, who operates under many aliases including Matthew Douglas and Matt Douglas, had previously been prosecuted by the OFT in August 2017, when he was found guilty on five counts of wrongfully accepting payment under the ACL. He was ordered to pay \$29,141 in fines and restitution to five affected consumers, and he had a conviction recorded.

In March 2018, he was jailed in New South Wales for breaching a court order to stop performing residential building works. Within days of his release, Mr Rixon set up a company, bank accounts, and began advertising his Robina-based business in an attempt to again perpetrate his scam on unsuspecting Queenslanders, resulting in the OFT issuing this warning.

Mr Rixon remains on the OFT's 'businesses and traders to avoid' list.

Sun sets on skin cancer 'cure' product

Sun Beef Pty Ltd, trading as SunUltima, and director Colin Uebergang

On 12 July 2018, the OFT warned consumers to avoid purchasing SunUltima skin products which claimed to 'completely treat and cure 100 average-sized skin cancers,' after the company failed to substantiate the claims despite being ordered to do so by the Magistrates Court.

The OFT began investigating SunUltima after receiving a complaint about a newspaper advertisement which stated that 5ml of the product could cure skin cancers. The business website also featured testimonials from people who claimed the product had cured their cancer.

One of the claims that SunUltima made was that its product had succeeded in curing cancer in 95% of cases.

Director Colin Uebergang refused to comply with a request from OFT to provide evidence to substantiate the claims made on the website and identify the people who had made the testimonials.

SunUltima was fined \$10,000 by the Brisbane Magistrates Court on 13 June 2018 for failing to respond to the OFT's notice. The court also ordered the trader to supply the requested proof to the OFT but the trader failed to comply with the court order, which led to the warning issued by OFT.



Infringement notices and civil penalty notices

In 2018–19, the OFT issued 374 infringement notices and five civil penalty notices.

CASE STUDIES

Supré fined for misleading consumers on price

Supré Pty Ltd

In November 2018, the Supré Pty Ltd fashion company was fined \$12,600 by the OFT after an investigation found it had made misleading representations about the price of clothing at its Chermside store.

The \$12,600 civil penalty notice was issued following a spot check of the store as part of the OFT's 2018–19 proactive compliance program.

In August 2018, OFT officers visited the Chermside store and found two racks of clothing that had large signs advertising clothing for sale at '\$10 and under'. Officers checked items on the racks and found two of them scanned at \$15 rather than the advertised sale price.

Following the OFT's intervention, parent company Cotton On Group advised it would provide further education to its retail team about signage and product placement, re-engage with staff about escalation processes to ensure customers receive an answer in-store, and ensure their retail team members have authority to honour the lowest advertised price.

Unlicensed security provider cops a fine

In October 2018, the OFT received an anonymous tip off that a security provider was undertaking crowd control duties at two popular venues in Rockhampton despite his crowd controller licence having been cancelled as he had not completed certain mandatory training modules.

The OFT visited the two venues and checked their records, which confirmed the security officer in question had worked unlicensed on several occasions.

He was issued a \$1,958 penalty infringement notice.

Hotel and guard fined over poor event security arrangements

In October 2018, the OFT received a report from a regional police station that a licensee of a local hotel had hired an unlicensed person to act as a security provider for an event. OFT Cairns officers investigated the allegations and established the incident had occurred.

As a result of this investigation three infringement notices were issued for breaches of the *Security Providers Act 2008*, two to the hotel and one to the unlicensed security guard.



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 identified 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 ¹							
	No breach detected	Sent for investigation	No breach ³	Other	Enforcement actions ²					
					Warning issued	Infringement issued	CPN issued	Public naming	Enforceable undertaking	Court prosecution
DISCOUNT18/19 —focused on medium to large retailers looking at was/now pricing and product placement.	80	15	2	4	9		1			
COLLECTIONS18/19 —Brisbane only operation focusing on the behaviour of charity street collectors.	5	3		3						
FUNERAL19 —focused on obligations under ACL and <i>Funeral Benefit Business Act 1982</i> (FBBA).	33	8	1	5	1					
LOCKSMITH18/19 —desktop audit on locksmiths advertising security installation services and whether they are appropriately licensed.	82	4	2		2					
REA18/19 —checking real estate agent compliance with OFT's industry-specific legislation.	48	14		2	9	1				
REMOVAL18/19 —Targeted removalists visited during REMOVAL17/18 educational operation.	40	0								
RETAILONLINE18/19 —desktop audit focused on popular online retailers and compliance with the ACL.	73	1								
RLASCHOOLIES18 —focused on resident letting agents managing high rise apartments used by Schoolies, particularly those identified as lodging late audit reports.	25	1			1					
SCHOOLIES18 —focused on previously non-compliant security officers and security firms in designated Schoolies precincts.	34	4	1		3	1				
SHD18/19 —focused on traders selling and dealing in second-hand goods, checking appropriate licence held and meet requirements of OFT legislation.	24	41		3	3					
TATTOO18/19 —desktop audit of online advertising by tattoo industry.	18	69	2	65	3	1				
TRUST18/19 —focused on real estate agents and restricted letting agents who previously lodged late audit reports.	44	19		1	14	11				
UNLICENSEDMD18/19 —focused on unlicensed motor dealers (backyarders) and any licensed dealers attempting to sell vehicles as private to avoid their responsibilities under OFT's legislation.	48	16	3	4	8	3				
Total operations (13)	554	195	11	87	53	17	1	0	0	0

	Spot checks		Investigation outcomes ¹							
	No breach detected	Sent for investigation	No breach ³	Other	Enforcement actions ²					
					Warning issued	Infringement issued	CPN issued	Public naming	Enforceable undertaking	Court prosecution
Educational operation										
AUDITOR18/19 —educational visits with trust account auditors focusing on common compliance issues in real estate industry.	50	0								
FITNESS18/19 —educational visits to fitness providers advising of their obligations when completing client membership agreements.	58	0								
MOTORED18/19 —educational visits focused on newly licensed motor dealers or those OFT hasn't visited in previous 24 months.	57	0								
NDIS18/19 —educational visits to National Disability Insurance Scheme (NDIS) providers outlining ACL requirements.	56	0								
Total operations (4)	221	0								
GRAND TOTAL (19)	775	195	11	87	53	17	1	0	0	0

Notes:

1. Multiple enforcement actions can be taken against one entity and an investigation can involve multiple entities
2. Not all matters referred for investigation during a financial year may have been finalised in that financial year.
3. 'no breach' includes investigations outcomes where there was insufficient evidence of a breach.

970 SCHEDULED SPOT CHECKS



775
NO BREACH DETECTED



195
SENT FOR INVESTIGATION

CASE STUDIES



Operation TRUST18/19

In October and November 2018, the OFT conducted a proactive compliance operation focused on the property industry.

Under POA and AFAA, it is a requirement for real estate agents and resident letting agents to set up and maintain trust accounts for the purpose of receiving or collecting trust monies on behalf of vendors, landlords, tenants and prospective property buyers.

Sixty-three spot checks were conducted on real estate agents and resident lettings agents across Queensland that had lodged audit reports with the OFT later than required. As a result of these spot checks one compliance advice letter and 14 warnings were issued to licence holders, reminding them of the requirements around maintaining a trust account, and 11 infringement notices were issued for breaches of the legislation.

Operation UNLICENSEDMD18/19

In December 2018, the OFT undertook a Queensland wide compliance operation focused on unlicensed motor dealers, often referred to as backyarders, and licensed dealers attempting to sell vehicles privately to avoid their statutory responsibilities.

During the course of the operation, which involved 64 unannounced spot checks, a moderate level of non-compliance was identified across Queensland resulting in four compliance advice letters, eight warnings, and three infringements being issued.

Operation SHD18/19

During May and June 2019, the OFT conducted a compliance operation targeting traders dealing in second-hand goods without the appropriate licence. Over the course of the operation, OFT officers conducted 65 compliance checks across Queensland. A high level of possible non-compliance was identified during the spot checks with 41 traders referred for investigation. Of these three were closed after compliance advice, three warnings were issued and 35 investigations remained ongoing at 30 June 2019.

CASE STUDY



Operation FUNERAL18/19

Since 2012–13 the OFT has received an average of 10 complaints per year relating to the funeral services industry. To put this into perspective, over the same period OFT received around 15,000 complaints each year. The complaints relate to a variety of matters including allegations of excessive costs, the quality of services provided and memorialisation (plaques, headstones, and tombs).

In 2018–19 this trend continued with OFT receiving 11 complaints about funerals.

Although complaint numbers are relatively low, the OFT is aware of the potential impact of these issues on vulnerable consumers, and of ongoing community interest in the funeral industry. To this end, a three phase funeral industry project was included in the OFT's 2018–19 proactive compliance program. The three phases were:

- industry research and engagement with stakeholders
- provision of information and advice to businesses operating in the industry
- unannounced proactive compliance checks on industry participants.

The first phase of the project was undertaken from July to November 2018. It involved undertaking research and working with stakeholders and industry to develop and publish guidance material for funeral service businesses, outlining how to comply with the ACL and the FBBA.

The second phase was undertaken between January and March 2019. This phase involved providing funeral directors with information and advice about their obligations under the OFT's consumer protection legislation. The OFT visited 72 funeral businesses across Queensland and engaged with 97 people within the industry, providing one-on-one information and advice.

The OFT also presented information on requirements under the ACL and the FBBA to the Australian Funeral Directors Association and to other industry participants. This platform gave the OFT an opportunity to engage with 80 senior stakeholders in the funeral industry.

The third phase of the project was undertaken from April to June 2019 focusing on compliance. The OFT conducted 43 unannounced compliance spot checks resulting in eight matters being escalated to an investigation. Of the eight matters: one minor issue was rectified immediately by the trader, five matters were dealt with through an educative approach with the traders, one trader was issued an official warning and one investigation remained ongoing as at 30 June 2019.

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. (See Appendix 1 for a list of all OFT administered legislation).

276 NON-SCHEDULED SPOT CHECKS



233

NO BREACH DETECTED



43

SENT FOR INVESTIGATION

Legislation/industry	Spot checks		Investigation outcomes							
	No breach detected	Sent for investigation	No breach	Other	Enforcement actions ¹					
					Warning issued	Infringement issued	CPN issued	Public naming	Enforceable undertaking	Court prosecution
ACL (not related to national projects)	14	4	2	1	1					
Auctioneers	1									
Auditors	3									
Charities		1			1					
Motor dealers	14	5			1	1				
Real estate agents	95	14	2		8					
Second hand dealers ²	5	6		2	3					
Security providers ³	79	8	3		3					
Tattoo industry	8	2				3				
Festivals and events	14	3	1		1	2				
Total	233	43	8	3	18	6				

Notes:

1. Multiple enforcement actions can be taken against one entity.
2. The Queensland Police Service also undertakes compliance spot checks under the *Second-hand Dealers and Pawnbrokers Act 2003*.
3. The Queensland Police Service and Office of Liquor and Gaming Regulation also undertake compliance spot checks under the *Security Providers Act 1993*.

The statistics listed in this report relate only to those undertaken by the OFT.

Not all matters referred for investigation during a financial year may have been finalised in that financial year.

CASE STUDIES



Tattoo Industry

During 2018–19, OFT officers conducted spot checks on tattoo studios across Queensland. A total of 87 premises were checked. As a result, OFT wrote to 65 tattoo businesses reminding them of their legal obligations regarding advertising, including advertising on social media. Three warnings were issued to licensees for failing to complete a tattooing procedures log as prescribed and one infringement notice was issued to a licensee for employing an unlicensed body art tattooist.

In another operation undertaken in conjunction with a local council, an OFT officer visited a tattoo studio and identified a number of breaches including that the tattooist operator's licence had expired, the operator had not advised the OFT of a change of particulars, and documentation required by the legislation was not at the premises. The OFT issued three infringement notices to the operator.

Operation Bond

In the 2017–18 financial year, the OFT and the Residential Tenancies Authority (RTA) commenced a joint compliance operation targeting real estate agents. Intelligence suggested they may have been withholding tenants' bonds. This operation continued into 2018–19.

The operation was undertaken as a response to concerns that tenants' rights may not have been observed by some agents through a failure to lodge bond money with the RTA within required timeframes. Under OFT administered legislation, agents must place a tenant's bond money into their trust account. Under RTA administered legislation, bond monies must then be transferred to the RTA within a legislated period of time.

The OFT issued 54 statutory notices to real estate agencies across the state and requested agents provide their rent roll information to the OFT. The rent rolls were then compared against bonds held with the RTA to identify any potential bond money discrepancies.

Of the 54 statutory notices issued:

- 21 agencies were deemed compliant with no discrepancies identified by the OFT or the RTA
- 9 agencies required further follow up investigation by the RTA
- 20 agencies featured discrepancies between their rent rolls and the RTA register of lodged bonds and required further investigation by both the OFT and the RTA
- 4 agencies required further follow up investigation by the OFT.

From an OFT perspective, the compliance operation led to investigations against 13 agents for possible non-compliance with OFT administered legislation, including mis-application of trust monies. These matters are ongoing.

The operation demonstrated the value of data sharing between agencies to ensure statutory requirements are upheld. Some of the agencies identified as being non-compliant had failed to lodge upwards of 60 bonds.

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 2018–19, the OFT achieved \$7.6m in redress for consumers.

Conciliation	\$5,450,527
Investigations	\$1,134,623
Claims paid to consumers	\$650,867
Court-ordered compensation orders	\$401,151
Total	\$7,637,168



CASE STUDIES



Case study

An elderly consumer with vision impairment purchased a mobile phone on the basis the font size displayed could be enlarged. After the purchase the consumer discovered the phone could not be altered to provide them a readable font and they requested a refund from the trader. The trader refused a refund and recommended the consumer purchase another phone.

After OFT intervention the trader agreed to refund the consumer the full cost of the phone.

Case study

A consumer ordered a caravan from a trader, paid a deposit and supplied items to the trader for installation into the caravan. The trader later informed the consumer it was experiencing delays of up to seven months in the caravan manufacturing process. The consumer requested a refund and the additional items returned. The trader refused the consumers' request.

As a result of OFT intervention the trader returned the items to the consumer and provided them a full refund of \$55,000.

Case study

A consumer on holiday purchased a tour of the Great Barrier Reef for \$5,240. The tour was postponed due to bad weather and a shorter tour was arranged at a reduced cost. The consumer could not use the remainder of the monies paid to the trader as they were due to depart the area.

After intervention by the OFT the trader provided the consumer a refund of \$4,188.

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 compensation to consumers who have been left out-of-pocket by the trader's offending.

In 2018–19, the OFT secured court-ordered compensation orders totalling \$401,151.



\$401,151

Court-ordered
compensation orders

CASE STUDY



Ali Faraj

Between October 2017 and February 2018, Mr Faraj used a fake Queensland Building and Construction Commission (QBCC) builder's licence number in advertisements for his services. Between October 2017 and May 2018, he accepted payments totalling \$204,000 from three consumers for renovation work. An estimated \$193,500 of this work was not completed. Additionally, some of the tradespeople Mr Faraj had subcontracted to do the work removed materials they had installed because they had not received payment from Mr Faraj.

On 14 January 2019, Mr Faraj, who used the aliases Ali Mousselmani, Kamil Kassem and Kamil Mousselmani, was found guilty in the Gold Coast Magistrates Court of breaches of the ACL.

The charges included one count of making false representations about holding a QBCC builders licence and three counts of accepting payment and failing to supply goods and services within a reasonable time.

In addition to a fine of \$60,000 for the offences, the court ordered Mr Faraj pay a total of \$193,500 in compensation to three affected consumers.

Claims

Established under the 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 the 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 8,400 AFAA trust accounts are held across 14 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 2018–19, \$650,867 was paid from the claim fund to 125 consumers who had been the victim of dishonest acts by agents and motor dealers. A further \$408,292 was used to fund receiverships over trust properties.

Under the 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 involved often lack the financial capacity to repay the debt and recovery rates are relatively low. In 2018–19, \$242,844 was recovered.

CASE STUDY



OFT claim fund pays over \$61,000 after letting agent steals trust monies

In September 2018, the OFT's AFAA claim fund paid \$61,831 to 14 unit owners after a Surfers Paradise resident letting agent and his business misappropriated rental monies.

In January 2018, the OFT began investigating Gary Anthony Wyeth and his company Wyeth Management Services Pty Ltd, after consumers complained they were not receiving their monthly rental statements or their rental income.

Mr Wyeth provided OFT inspectors with 33 months worth of misleading information in an effort to hide his actions.

In April 2018, the OFT froze the company trust account and appointed receivers over the trust property portfolio of Wyeth Management Services Pty Ltd. The receivers found a shortfall in the trust monies held by the company and referred the claims to the OFT for consideration.

The OFT's investigation established breaches of the POA for providing false documents to an official, and for wrongful conversion and false accounts. Mr Wyeth and his company were conjointly charged and the matter was heard in the Southport Magistrates Court on 13 May 2019.

Mr Wyeth pleaded guilty and was ordered to pay \$65,000 in fines. Convictions were recorded.

Product safety

The ACL contains legislative provisions to promote the safety of consumer goods and these provisions are administered jointly by the ACCC and state and territory fair trading agencies.

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

During 2018–19, 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.

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 in 2018–19:

- 5 debt recovery orders worth a total of \$4,846 were issued to recoup testing costs and \$1,727 was recovered as part of a court order
- 90 warnings were issued for breaches of mandatory standards and permanent bans
- 2 court prosecutions were completed resulting in total penalties of \$175,700 and convictions recorded.

In 2018–19, the OFT also conducted 814 product safety spot checks state-wide, including:

- 634 as part of compliance operations
- 180 as targeted non-scheduled inspections.

CASE STUDY



Importer fined for selling unsafe toys and banned magnets

Xibo Zhu, sole director of Sunrise Imports Pty Ltd

In September 2017, an OFT inspector purchased two magnet products from Sunrise Imports Pty Ltd which laboratory tests confirmed did not comply with the permanent ban on small high powered magnets. The OFT subsequently seized a children's toy during the execution of a search warrant at Mr Zhu's Browns Plains warehouse in October 2017. Tests confirmed that small parts could break off the toy and create a choking hazard for children younger than three.

On 14 November 2018, Mr Zhu and his company pleaded guilty in the Brisbane Magistrates Court to four counts of supplying and possessing consumer goods that had been permanently banned or did not meet mandatory safety standards under the ACL.

In sentencing, the magistrate said the penalty should act as a deterrent to businesses recklessly supplying items that pose a significant risk to young children.

The court ordered fines totalling \$175,000 and also ordered the company to pay the OFT \$1,727 for the cost of testing the products. Convictions were recorded against Mr Zhu and Sunrise Imports Pty Ltd.

Scheduled product safety operations

The following product safety proactive compliance operations were undertaken in 2018–19.

Operation	Spot checks			Investigation outcomes								
				No breach	Other	Product withdrawn by trader	Warning label added/ modified	Enforcement actions				
	No breach detected	Breach rectified immediately	Sent for investigation					Warning issued	Civil Penalty Notice issued	Public naming	Enforceable undertaking	Court prosecution
BUNKBEDS18/19—increase compliance in the short-term rental accommodation provider industry and to reduce the supply of non-compliant unsafe bunk beds to the marketplace.	37	1	15					9				
EKKA18—show bag safety checks and compliance audits of stall holders at the Brisbane Ekka.	13	8	3			3						
IMPORTER18/19—increase compliance in the importer industry and to reduce the supply of non-compliant unsafe products to the marketplace.	14		9		4							
MARKETS19—increase compliance in the market stall holder supply demographic and to reduce the supply of non-compliant unsafe products to the marketplace.	24		8					3				
ONLINE18/19—increase compliance online and to reduce the supply of non-compliant unsafe products to the marketplace which was primarily a desktop compliance audit operation.	81		16		10	1		5				
SAFECHRISTMAS18—increase compliance in the retail and import industries and to reduce the supply of non-compliant unsafe products to the marketplace. This was a state wide joint operation involving the Consumer Product Safety Unit, Marketplace and Financial Investigations and regional offices.	295		4					4				
STANDARDS19—focus on compliance in the retail sector to reduce the supply of unsafe products to the marketplace.	53	1	4					4				
TIPSHOPS18/19—educate and increase compliance in the second hand recycled goods industry and to reduce the supply of noncompliant, unsafe products to the marketplace.	18	2	4			1		3				
BABYWALKERS18/19—educate and increase compliance in the retail and import industries and to reduce the supply of non-compliant unsafe products to the marketplace. Part of a national project.	6		1					1				
FURNITURESTABILITY18/19—determine whether furniture and television suppliers were adopting recommendations made in the Best Practice Guide for Furniture and Television Tip-Over Prevention. Part of a national project.	7	1	9		2	2		5				
Total scheduled (6)	548	13	73		16	7		34				

Operation	Spot checks			Investigation outcomes								
				No breach	Other	Product withdrawn by trader	Warning label added/ modified	Enforcement actions				
	No breach detected	Breach rectified immediately	Sent for investigation					Warning issued	Civil Penalty Notice issued	Public naming	Enforceable undertaking	Court prosecution
BUNKBEDS18/19	2	4										
BUTTONBATTERIES 18/19			1		1							
STANDARDS18/19		1										
Other non-scheduled spot checks	129	5	38		6	3	3	28				
Total non-scheduled	131	10	39		7	3	3	28				

Notes:

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

814 SPOT CHECKS



634
COMPLIANCE CHECKS



180
NON-SCHEDULED INSPECTIONS

Occupational licensing

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

In 2018–19, the OFT processed 23,075 applications for new licences and certificates, and 60,365 applications for renewals.¹

Act	New licences and certificates issued ²	Licences and certificates renewed ³
<i>Property Occupations Act 2014</i>	6,757	20,348
<i>Motor Dealers and Chattel Auctioneers Act 2014</i>	1,208	4,176
<i>Debt Collectors (Field Agents and Collection Agents) Act 2014</i>	77	241
<i>Security Providers Act 1993</i>	5,086	12,231
<i>Second-hand Dealers and Pawnbrokers Act 2003</i>	244	610
<i>Tattoo Parlours Act 2013</i>	293	405
<i>Introduction Agents Act 2001</i>	2	5
<i>Tourism Services Act 2003</i>	21	48
Total	13,688	38,064

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 body guard, is processed as two separate applications. It results in one licence being issued.
 - a person's application to hold a security providers 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 2019, the following number of entities were licensed to perform the OFT-licensed occupations.

Occupational function ¹	Number licensed or registered
Security industry 25,919	Security provider—Class 1 (unrestricted) 19,950 Security provider—Class 1 (restricted) 7 Security provider—Class 2 4,535 Security firm 1,427
Real estate industry 44,857	Real estate (individual) 14,403 Resident letting agent (individual) 1,685 Real estate salesperson 20,740 Real estate (corporation) 7,048 Resident letting agent (corporation) 981
Motor industry 8,084	Motor dealer (individual) 3,549 Motor salesperson 3,171 Motor dealer (corporation) 1,364
Auctioneering 3,454	Auctioneer (individual) 1,430 Chattel auctioneer (individual) 1,020 Auctioneer (corporation) 584 Chattel auctioneer (corporation) 420
Debt collection 489	Field agent (individual) 219 Field sub-agent 172 Field agent (corporation) 98
Tattoo industry 1,177	Tattooist 854 Tattoo parlour operator 321 Mobile Tattoo 2 Visiting permit 0
Second-hand dealing and pawnbroking 1,285	Second-hand dealer 1,097 Pawnbroker 11 Second-hand dealer and pawnbroker 177
Introduction agent 11	
Inbound tour operator 95	
Total 85,371	

Significant administrative and disciplinary action against occupational licensees—suspensions and cancellations 2018–19

Property Occupations Act 2014 licences suspended

Licence suspension reason	Number
Failure to supply audit report	16
Receiver appointed	1
Total	17

Motor Dealers and Chattel Auctioneers Act 2014 licences suspended

Licence suspension reason	Number
Failure to supply audit report	2
Public interest	6
Total	8

Security Providers Act 1993 licences suspended

Licence suspension reason	Number
Administration of justice/public authority	1
Assault	26
Breaches of the peace	1
Drugs related offences	68
Endangering life or health	19
Homicide	2
Morality/sexual offences	25
Offences against liberty	1
Public interest	3
Stealing and like offences	27
Unlawful stalking	1
Weapons offences	9
Total	183

Property Occupations Act 2014 licences cancelled

Licence cancellation reason	Number
Bankruptcy	10
Corporation deregistered	12
Endangering life or health	1
Misconduct in relation to public office	1
Morality/sexual offences	1
Stealing and like offences	2
Total	27

Motor Dealers and Chattel Auctioneers Act 2014 licences cancelled

Licence cancellation reason	Number
Bankruptcy	4
Corporation deregistered	1
Endangering life or health	1
Stealing and like offences	3
Total	9

Security Providers Act 1993 licences cancelled

Licence cancellation reason	Number
Administration of justice/public authority	1
Assault	9
Breaches of the peace	1
Drugs related offences	12
Endangering life or health	5
False declaration	1
Investigative information	2
Mandatory association membership	13
Morality/sexual offences	2
Public interest	1
Stalking	1
Stealing and like offences	9
Triennial training	285
Weapons offences	2
Wilful damage	4
Total	348

Notes:

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

Decision making and disciplinary action

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

When the OFT receives adverse information on any of its existing licensed or registered entities 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 and from members of the public.

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 2018–19, a total of 1,369 administrative disciplinary actions were taken by the OFT against licensees, with 11 of those licensees seeking a review in QCAT of the OFT's decision. In all 11 matters the OFT's decision was successfully retained.



CASE STUDY



Web of deceit catches up with real estate licence applicant

In February 2018, Cameron John Howarth attempted to apply for a certificate of registration which would allow him to work as a salesperson for a real estate agent.

The OFT asked him to provide evidence to support his application and to confirm the registration fee had been paid. Mr Howarth provided a falsified bank document which suggested the payment had been deducted from his account and provided to the OFT in January 2018.

However, the OFT found no payment was ever received from Mr Howarth, and his banking institution confirmed that the payment was never made.

Mr Howarth also falsely stated he held the necessary qualifications required to hold a real estate salesperson's registration certificate at the time of his application, which subsequent investigations revealed was not the case.

When Mr Howarth was made aware of the various inconsistencies identified by the OFT during the application process, he was unable to provide a satisfactory response to the issues raised.

Even after appropriate warnings were provided to him, he continued to make further false statements until he eventually withdrew his application.

On 19 July 2019, in the Brisbane Magistrates Court, Mr Howarth was found guilty of seven counts of making false or misleading statements and two counts of providing false or misleading documents to the OFT. He was fined \$3,500.

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, charities and cooperatives.

In 2018–19 over 1,000 new organisations were registered and over 22,000 organisations had their registrations renewed.

Act	New registration applications	Annual returns
<i>Associations Incorporation Act 1981</i>	836	18,282
<i>Collections Act 1966</i>	221	3,747
<i>Cooperatives Act 1997</i>	0	107
Total	1,057	22,136

As at 30 June 2019, the following number of organisations were registered.

Organisation type	Number registered
Incorporated associations	22,637
Charities and community purpose	4,568
Cooperatives	164
Limited liability partnerships	344
Total	27,713



Administrative decision making

The OFT receives applications for 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, and from members of the public.

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.

The majority of the OFTs administrative decisions are subject to review by QCAT. The OFT appears in QCAT to defend any decision made. In 2018–19, the review of one not-for-profit matter was finalised with the application for review being dismissed and the Chief Executive's decision being confirmed.

CASE STUDY



In 2018–19, the OFT helped to secure the long term future of a community hall. The Grange Progress Association, which was established in 1913 as the Newmarket Progress Association, built the hall approximately 100 years ago in Newmarket for the benefit of the local community. The hall has been used by a variety of community and sporting groups over the decades.

Following cessation of the association, the OFT was charged with finding a new owner for the hall, which was in need of significant repairs and restoration work. After considering a number of options the OFT facilitated the transfer of ownership of the building to the Brisbane City Council, which had agreed to undertake the necessary repairs to return the hall to its former glory.

The hall will be made available for the use of the Brisbane community once the repairs are complete.

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 presentations to school classes
- educational visits by our inspectors, as part of our PRIME program
- outreach program, taking fair trading information and advice to rural and remote Queensland
- social media channels including Facebook, Twitter and YouTube
- statements to the media and industry organisations
- electronic newsletters.

In 2018–19, the OFT:

- had website content accessed over 3,723,800 times by over 1,048,700 users
- had 168,117 phone interactions at the Queensland Government call centre, involving 13,118 hours of direct telephone talk time
- responded to 80,977 enquires received seeking information or advice
- visited 1,632 traders to provide one-on-one education and advice at their business premises
- gave 494 presentations and information sessions attended by 18,766 people including
 - 425 presentations that were attended by approximately 16,509 people including youth, seniors, Aboriginal and Torres Strait Islander consumers and consumers with non-English speaking backgrounds
 - 69 trader presentations attended by approximately 2,257 business and industry attendees
- delivered the state-wide school Buy Smart program with visits to 906 schools, speaking with more than 12,000 students about their consumer rights including refunds, online shopping, and budgeting
- produced 17 electronic newsletters (six editions of Smart Business Bulletin, five editions of Consumer Connection, four editions of SafetyZone and three editions of Security Buzz) for around 23,000 subscribers
- continued to engage with consumers and traders through our Facebook, Twitter and YouTube accounts. OFT channels continue to attract followers and subscribers and 'Fair Trading Queensland' on Facebook now has 2,822 followers, 'Fair Trading Qld' on Twitter has 2,244 followers and 'FairTradingQLD' on YouTube has 303 subscribers. During 2018–19 OFT responded to 103 queries received via Facebook with consumer advice.



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 OFT in 2018–19 included:

- participation in the national *Don't duck out, make it safe* education campaign
- participation in the national *Safe Summer* and *Well Winter* 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
- scheduled visits to childcare centres and medical centres to share information and advice on the importance of product safety
- compliance audits to educate traders about the ACL requirements to meet consumer product standards and how to develop compliance plans.

During 2018–19 **over 33,000** of our product safety brochures were distributed, educating consumers about the safe use of consumer products including prams, cots, bunk beds, trampolines, pool toys, treadmills and furniture stability.

Buy Smart Competition

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

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

As part of the 2018 Buy Smart program, the OFT spoke to over 7,100 students across Queensland about consumer rights, scams, budgeting, product safety, and many other topics, resulting in entries from over 700 students.

The winning entries came from:

- St Aidan's Anglican Girls' School, Corinda
- Loreto College, Coorparoo
- St Paul's Lutheran Primary School, Caboolture.

In 2018, the Commissioner's School Champion prize was awarded to Bullyard State School, located just outside Gin Gin. This award is a special commendation for one school or organisation to recognise enthusiasm and effort in being involved in the Buy Smart program.

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 license
- take complaints from consumers.

In 2018–19, the OFT conducted eight outreaches to:

- Flinders—Mt Isa, Cloncurry, Richmond and Julia Creek
- Isaac—Moranbah, Clermont, Middelmount, Dysart and Nebo
- Toolara—Gympie, Tin Can Bay and Rainbow Beach
- Cape York—Hopevale, Wujal Wujal and Cooktown
- Thursday Island—Thursday Island, Seisia, Bamaga, New Mapoon, Injinoo, Umaagico
- Burnett—Kingaroy, Mundubbera, Gayndah, Murgon, Proston and Nanango
- Emerald—Emerald, Springsure, Alpha, Sapphire and Capella
- Winton—Barcaldine, Aramac, Muttaborra, Winton.

Do not knock informed communities

In May 2019, the Cherbourg Aboriginal Shire community became the sixth community to join in the *Do Not Knock* informed program.

Now in its third year, this program is designed to deter unscrupulous door-to-door traders from targeting Indigenous communities and to empower consumers in those communities to use their consumer rights.

The *Do Not Knock* informed communities program is a joint initiative of the OFT, the ACCC, local Aboriginal Shire Councils, and not-for-profit community groups.

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

The program does not ban door-to-door trading, rather it puts the power to choose in the hands of consumers. Under the ACL if a consumer puts up a *Do Not Knock* sticker a trader must not approach the residence.

The program involves erecting prominent roadside signage to remind traders of their legal obligations including that they must give a 10 day cooling off period, that they must supply documents, and that they must only door knock during approved hours. Most importantly it reminds traders that approaching residences displaying *Do Not Knock* notices is an offence.

The roll out of the initiative in Cherbourg included community information days where OFT officers talked about consumer rights in door-to-door trading situations. *Do Not Knock* stickers were distributed for residents to place on their front doors or mail boxes.

Companies can face fines of up to \$10 million for breaches of the ACL.

CASE STUDY



In November 2018 the Indigenous Consumer Assistance Network (ICAN) reported that Wujal Wujal had noticed significant positive change two years after becoming Australia's first *Do not knock* informed community. Desmond Tayley, Wujal Wujal Shire Council Mayor said, 'We have witnessed a noticeable reduction in shonky traders selling goods door-to-door in our community, the town signs coupled with greater awareness around consumer rights has really made a difference.'

Like any other town, door-to-door trading is just one of many consumer and financial issues that arise and OFT continues to visit the community and provide assistance and advice.



OFT attends a Community Council meeting at Wujal Wujal

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 2018–19, ORP completed policy and legislative work resulting in:

- amendments to the *Fair Trading Act 1989* to increase protections for consumers who purchase both new and used motor vehicles. Under this reform the Queensland Civil and Administrative Tribunal (QCAT) can hear disputes about motor vehicles for amounts up to \$100,000, up from \$25,000, providing consumers with a less expensive avenue for resolving disputes with motor dealers
- amendments to the *Motor Dealers and Chattel Auctioneers Act 2014* to re-introduce statutory warranties for older used vehicles
- the Introduction Agents Regulation 2018, which replaced the expiring Introduction Agents Regulation 2002, and supports the effective operation of occupational licensing and consumer protection provisions of the *Introduction Agents Act 2001*
- the Storage Liens Regulation 2018, which replaced the expiring Storage Liens Regulation 2008, and supports the effective operation of the *Storage Liens Act 1973* in determining rights and responsibilities relating to the storage of goods.

In 2018–19 ORP also worked with colleagues in the Department of Natural Resources, Mines and Energy to develop the Fair Trading (Fuel Price Reporting) Regulation 2018, establishing a two year trial of mandatory fuel price reporting in Queensland which commenced in December 2018.

At a national level, ORP continued to work 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 Legislative and Governance Forum on Consumer Affairs.

ORP's work during the year resulted in Queensland endorsing a number of proposals to improve the ACL, including:

- to clarify the consumer guarantee provisions to make it clear a number of minor failures equal a major failure
- to provide a minimum three year expiry period for gift cards, to introduce a requirement that the expiry date be disclosed on gift cards, and to ban certain post-supply fees such as fees to check gift card balances.

In 2018–19, ORP also:

- undertook policy analysis and development in relation to the Government's commitment to implement a mandatory continuing professional development (CPD) scheme for property agents
- continued a review of not-for-profit legislation with a view to modernising the legislation governing the sector and reducing regulatory burden.





National activities

National activities	45
Babywalkers	46
Baby walkers falling over on safety standards	46
Charity collections.....	46
Furniture stability	47
Consumer directed care.....	47
Peer-to-peer sharing economy	47
Motor vehicle sales and repairs guide.....	48
Portable pools	48
Consumers with disability	49
Warranties against defects	49
EIAC cyclical activities.....	50
Product safety national investigation	51
NICS national project.....	51



National activities

All Australian and New Zealand Ministers responsible for fair trading and consumer protection laws are members of the Legislative and Governance Forum on Consumer Affairs (CAF). CAF's role is to consider national fair trading issues and, where possible, develop a consistent approach to those issues. Ministers meet once a year, and there are also several official level committees that meet throughout the year to discuss specific aspects of consumer protection. Communication from CAF meetings can be found at www.consumerlaw.gov.au

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

The OFT is an active participant in CAANZ and its supporting committees. The supporting committees often conduct national projects on topics of interest to the community or on areas of concern which are:

- The Policy and Research Advisory Committee (PRAC) focuses on the development of common policy approaches to national consumer issues, particularly as they relate to the ACL, and coordinates the development of any amendments to the ACL. The PRAC also conducts national consumer policy research.
- The Education and Information Advisory Committee (EIAC) focuses on national cooperation and coordination for education and information activities relating to the ACL and consumer issues more generally.
- The Compliance and Dispute Resolution Advisory Committee (CDRAC) focuses on national cooperation and coordination for compliance, dispute resolution and enforcement activities relating to the ACL and consumer issues more generally. CDRAC also operates two working groups:
 - the Fair Trading Operations Group (FTOG), which deals with day to day liaison on compliance and enforcement issues
 - the Product Safety Operations Group (PSOG).
- The National Indigenous Consumer Strategy (NICS) Reference Group leads implementation of the NICS Action Plan, which is designed to improve marketplace outcomes and reduce disadvantages for Indigenous consumers across Australia.

Babywalkers

Baby walkers falling over on safety standards

It is estimated that over 100 Australian children are taken to hospital emergency departments annually as a result of baby walker incidents, with 13% of these resulting in hospital admissions. Admissions are mainly due to head or facial injuries caused by falls.

Falling down stairs and tip overs are a key safety hazard associated with baby walkers, as well as children accessing hazardous objects as a result of their increased mobility and reach.

Baby walkers are devices that:

- are a frame on wheels
- support a child, who has not yet learned to walk, inside the frame with its feet touching the ground
- are propelled by the movement of the child.

These walkers are subject to a mandatory standard under the ACL and prescribed by a consumer protection notice. The standard requires baby walkers to be stable and to have a braking mechanism to help prevent falling down stairs. The baby walker must also carry consumer warnings to ensure children are always attended while using them and advice to keep children away from hazards such as hot liquids, heaters and stairs.

Nationally, consumer protection regulators identified baby walkers as a consumer product with high levels of non-compliance, particularly those devices available online, with the potential to cause serious injuries to children.

In July 2018, a national integrated product safety strategy commenced to educate and increase compliance around baby walkers in the retail and import industries and to reduce the supply of non-compliant, unsafe products available for purchase. This campaign was an opportunity for the ACCC and state and territory product safety regulators to collaborate strategically on addressing this safety issue with the aim of increasing market compliance and consumer safety. Work on this campaign continued into 2019–20.

Charity collections

Street collectors in the spotlight during national charity compliance campaign

In September 2018, OFT undertook a review of the conduct and behaviour of street collectors including targeted spot checks to ensure collectors held the appropriate authorities. The purpose of the project was to assess the level of compliance with the ACL in the fundraising sector as part of a national campaign under which different jurisdictions focused on various areas of the sector. Queensland's focus included the evaluation of commercial fundraisers undertaking face-to-face fundraising.

Commercial fundraisers are for-profit companies which provide services, under contract for a fee, to not-for-profit charities. The services involved can include seeking donations from the public, often via telephone cold calling and face to face street collecting, on behalf of the charity.

The OFT conducted eight covert compliance checks involving six different charities, four commercial fundraisers with direct contracts to the charities and a further four to third-party, direct marketing companies who have agreements with the four commercial fundraisers.

As a result of findings from the covert spot checks, the OFT sent three substantiation notices to charities and commercial fundraisers requiring the provision of information. One detailed response received included training material which demonstrated commercial fundraising staff had not been trained adequately on the ACL and had not been provided with a clear breakdown of the fundraiser's fee structure.

Queensland OFT also identified that some commercial fundraisers have adopted complex business structures, often further outsourcing the employment and training of the more junior or temporary staff to other companies.

Furniture stability

Furniture and TV suppliers under scrutiny over toppling risks

Between September and November 2018, a series of inspections were carried out to determine whether furniture and television suppliers were adopting recommendations made in the Best Practice Guide for Furniture and Television Tip-Over Prevention. The guide was developed in response to a number of deaths that had occurred as a result of furniture or televisions that had fallen onto children.

The guide recommends furniture and television suppliers adopt a number of initiatives including the provision of anchoring kits with products susceptible to toppling, and communicating to consumers the hazards presented by toppling furniture.

These checks were conducted as part of the ongoing National Toppling Furniture and Television Safety Strategy.

Consumer directed care

Recent reforms in aged care give more choice to older consumers who wish to remain in their homes. Since February 2017, all government funded home care packages have been provided to individual consumers rather than allocated to approved providers. This new model of consumer directed care allows older consumers more flexibility and choice in their care arrangements.

The national consumer directed care campaign was led by the ACCC and launched in July 2018. The campaign aimed to promote and disseminate sector specific ACL resources to the aged care sector.

The move to consumer directed care meant home care recipients and their families could choose their own provider, and needed to be aware of the protections in place.

The ACL applies to goods and services purchased under these care packages and it provides protections against businesses making high-pressure door-to-door or telephone sales, giving false or misleading information or having unfair terms in their contracts.

The main activities for this project included new [ACL resources](#), social media, media, web content and newsletter articles.

Peer-to-peer sharing economy

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

Following on from the successful campaign launched in November 2017, fair trading agencies across Australia, noting the continuing growth of this sector, agreed to re-run elements of the campaign in July and September 2018. The re-run, led by NSW, was aimed at reminding consumers and businesses of their rights and responsibilities when using these platforms. The project included an e-newsletter article and digital promotion of key messages and videos via Facebook, Twitter and YouTube.

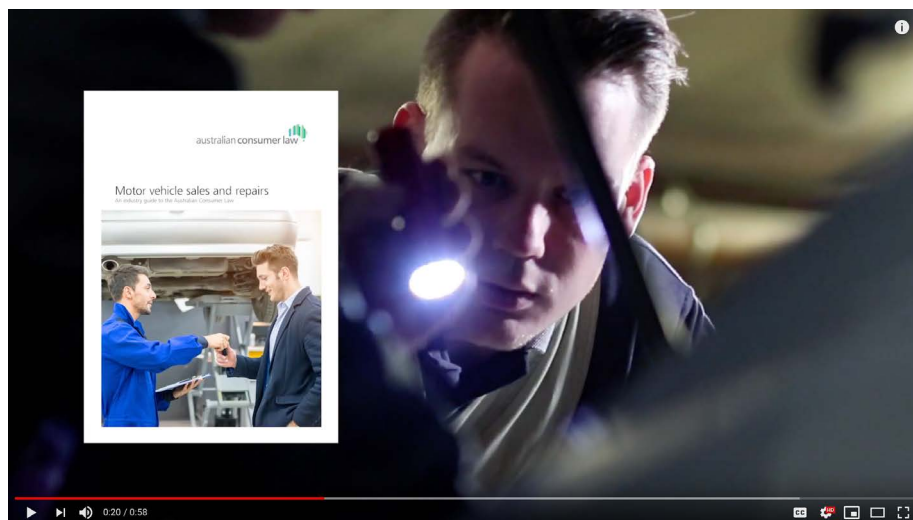


Motor vehicle sales and repairs guide

The [Motor vehicle sales and repairs guide](#) provides targeted information and advice about the ACL to businesses that sell or repair motor vehicles.

Originally released in 2013, the guide was updated and re-published in September 2018. Updates included information about which industry bodies had requested more detailed guidance and to cover issues which consumers had reported to consumer protection agencies. The guide was also updated to include examples of enforcement actions and court decisions relevant to these industries.

As part of this ACCC led project, the OFT developed a short video and social media messages to promote the updated guide.



Portable pools

Don't duck out, make it safe campaign

Consumer education regarding drowning risks associated with portable pools is often on fair trading regulators education calendars over summer and a major national campaign was run in 2014–15.

Western Australia led the [Don't duck out, make it SAFE](#) initiative in partnership with the Royal Life Saving Society and with the support of the ACCC and state and territory consumer law regulators.

The objective of the campaign was to raise awareness of the drowning risks associated with portable pools, potential fencing requirements for portable pools, and the need for these products to have warning labels. The campaign also aimed to ensure the products were used safely by consumers in backyards across Australia during the 2018–19 summer.

The campaign launched on 15 November 2018 with a media event in Western Australia with the Royal Life Saving society. It ran until the end of February 2019. The *Don't duck out, make it SAFE* key messages were promoted and shared by the OFT through social media including Twitter, Facebook and YouTube, web content, e-newsletter articles and media. Promotional material featuring the key messages included toy rubber ducks, magnets and stickers.



Consumers with disability

Australia's consumer law regulators undertook a national campaign to educate consumers with disability and participants in the NDIS about their rights and obligations under the ACL. The national campaign was launched by the ACCC in mid-April and ran until June 2019. The campaign built on two similar campaigns undertaken in December 2016 and December 2017.

The project included media, web content, social media, newsletter articles, stakeholder education and promotion of publications and videos including a new factsheet Consumers with disability—Where to go for advice or complaints.

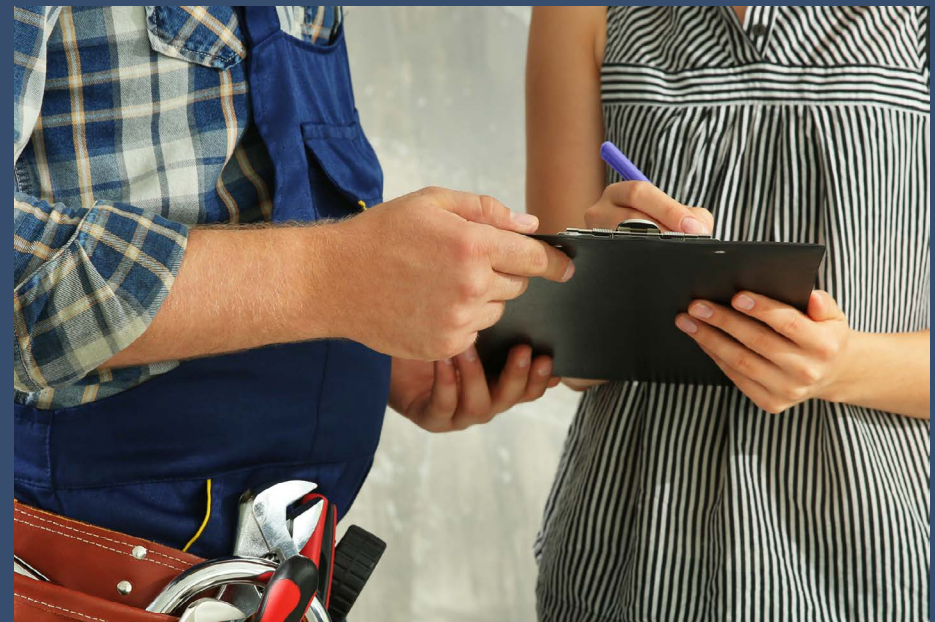


Warranties against defects

From 9 June 2019, minor amendments to Regulation 90 of the ACL updated the prescribed text for warranties against defects. The change involved new additional mandatory wording required to be used on any warranties against defects offered by traders for:

- services, including service-related products and
- goods and services sold or bundled together.

To communicate the change, fair trading agencies across Australia undertook an organic social media campaign aimed at businesses and consumers. The campaign was led by Victoria and ran during June 2019. Noting the environmental and marketplace requirements of Queensland, the OFT undertook an additional Queensland focused campaign building on the national activities. Activities included an e-newsletter article, web content, call centre scripting, an electronic alert to industry associations and electronic direct mail to licensees.



EIAC 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.

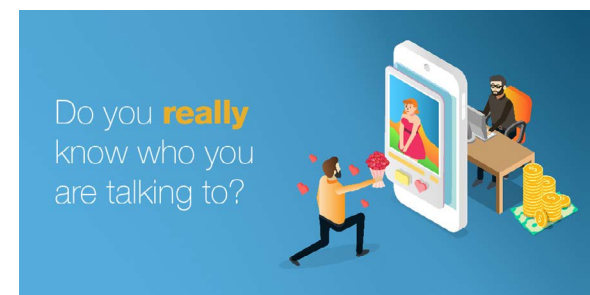
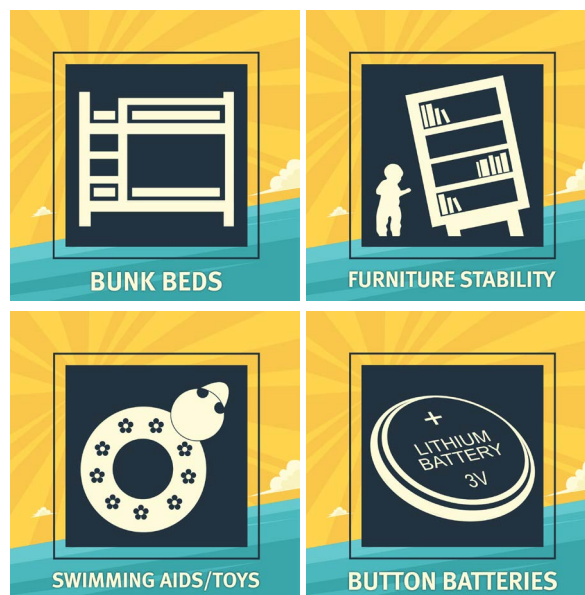
The key messages for the cyclical campaigns were promoted through the [Consumer Law website](#), agency websites, gifts, social media channels including Facebook, Twitter and YouTube, media and newsletters. During 2018–19 OFT participated in the following cyclical campaigns:

Well Winter

During the winter months, consumers take steps to deal with the colder weather. They often buy new products and get out heating and other items from storage to stay warm. The June 2019 ‘Well Winter’ campaign led by New South Wales, aimed to increase consumer understanding and awareness of safety issues relating to winter products. Topics included children’s clothing, electric blankets, hot water bottles, wheat/heat packs, candles, smoke alarms and heaters.

Safe summer

The Western Australia led campaign aimed to encourage consumers to have a #safesummer as they geared up for summer and the holiday season. Targeted communication messages were disseminated in December 2018 to increase consumer understanding and awareness of the safety issues related to the holiday season—in particular, the products likely to be bought and used over the Christmas shopping period and the activities frequently undertaken by the broad target audience. Topics included Christmas gifts and toys, button batteries, safe ladder use, toppling furniture, blind and curtain cords and trampolines.



Romance scams

Most people are already aware that romance scams exist, but they may not recognise the signs when they are caught up in a ‘romance’. This campaign led by South Australia aimed to warn consumers about romance scams in the lead up to Valentine’s Day on 14 February 2019. The campaign ran from 4–13 February 2019.

January sales and gym memberships

Boxing Day and the January sales are key retail dates in Australia. The Victoria-led December 2018 and January 2019 cyclical campaign aimed to leverage on consumer shopping habits with consumer guarantee messages. In addition, with people making New Year’s resolutions to join a gym, the campaign also reminded consumers about their contractual rights and responsibilities.

Product safety national investigation

Huggies Ultra Dry

In March 2019, Queensland OFT led an extensive product safety investigation into Huggies Ultra Dry nappies on behalf of ACL regulators after reports in the media and on social media indicated significant numbers of parents believed recent batches of Huggies Ultra Dry nappies caused their babies and toddlers to suffer severe skin problems including dry rashes, sores, concerns of possible chemical burns, impetigo, and contact dermatitis.

Kimberley-Clark Worldwide Inc, the holder of the Huggies trademark, advised parents there had been no changes to their Ultra Dry product line that would account for the skin reactions being reported. In response to the community's concerns, the OFT led an extensive investigation into the product line, including independent and accredited testing of the products and engagement with overseas product safety counterparts.

Following a thorough investigation, the OFT found no evidence of any systemic safety issues in relation to the design or manufacture of the product that posed an unacceptable safety risk to Australian consumers.

Huggies were fully cooperative throughout the investigation and it was determined the nappies were within safe tolerances for all the aspects they were tested for, including known allergens, pH values, absorbency and breathability. While there is no mandatory standard for the supply of nappies in Australia, there are a number of international standards and requirements that the testing took into account.

At the conclusion of the investigation OFT issued a statement explaining the findings and reminded consumers that it was important to follow safe use instructions for any product.

NICS national project

Too good to be true

Each year NICS focuses on a priority issue. On 9 November 2018, the OFT, the ACCC and other state and territory consumer affairs agencies joined forces to launch a new scams awareness campaign called '*Too good to be true*'. The national project ran until 30 June 2019.

The campaign aimed to raise awareness among Indigenous consumers about the warning signs of scam conduct and to empower them to take action and report any contact or activity they think may be a scam.

Key messaging used throughout the campaign focused on the warning signs or key characteristics of scams, rather than the different types of scams.

Activities undertaken in Queensland included newsletter articles, media, social media and gifts, magnets and community outreach visits. Throughout 2018–19 the OFT conducted focused outreach and engagement activities in Cherbourg, Hopevale, Wujal Wujal, Cooktown, Thursday Island, Seisia, Bamaga, New Mapoon, Injinoo and Umaagico. During the outreach visits OFT officers engaged with businesses and consumers and provided them with information on general consumer rights and responsibilities as well as scams awareness information.

Be careful who you
give your banking
information to.



Priorities

- real estate agents
- trust account auditors
- motor dealers
- motor repair industry
- caravan industry



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 compliance and education programs 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 2019–20 year, the OFT will maintain its focus on regulated industries and selectively target specific issues within those industries 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 2019–20:

- real estate agents (including auctioneers) and resident letting agents
- trust account auditors
- motor dealers
- motor repair industry
- caravan industry
- security providers, including at events and festivals
- introduction of gift card legislation
- product safety across import, online, market and retail industries
- product safety in the baby and child product hire industry
- Takata airbags
- 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	55
Appendix 2— OFT organisational structure	56
Appendix 3— CAF structure.....	57
Appendix 4— List of impacts.....	58
Appendix 5— Queensland Office of Fair Trading media statements	60
Appendix 6— Regulator Performance Framework report.....	64
Appendix 7— Five year summary	70



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

Cooperatives Act 1997

Debt Collectors (Field Agents and Collection Agents) Act 2014

Disposal of Uncollected Goods Act 1967

Fair Trading Act 1989 incorporating the Australian Consumer Law Qld

Fair Trading (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

Land Sales Act 1984

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

Storage Liens Act 1973

Tattoo Industry Act 2013

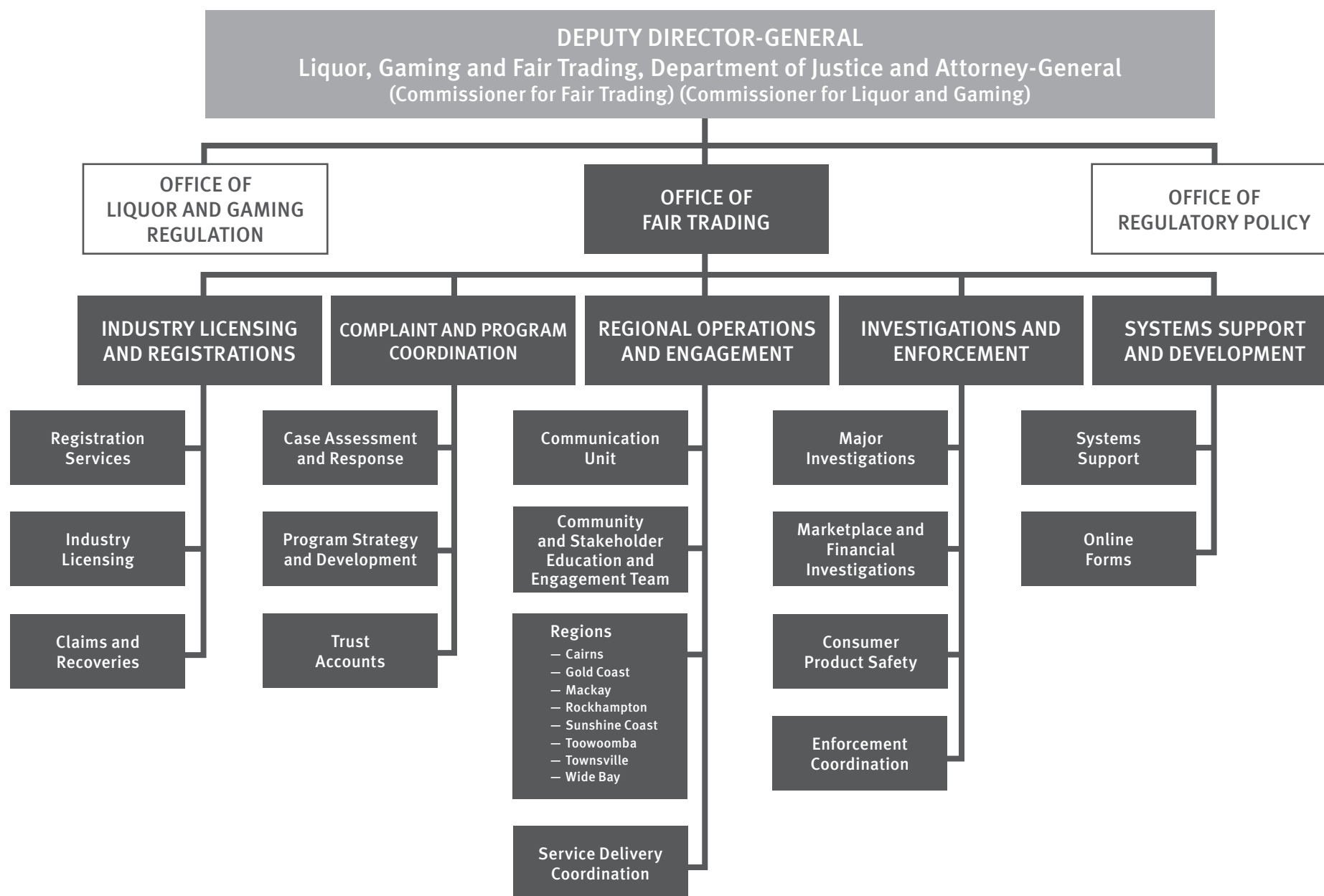
Tourism Services Act 2003

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

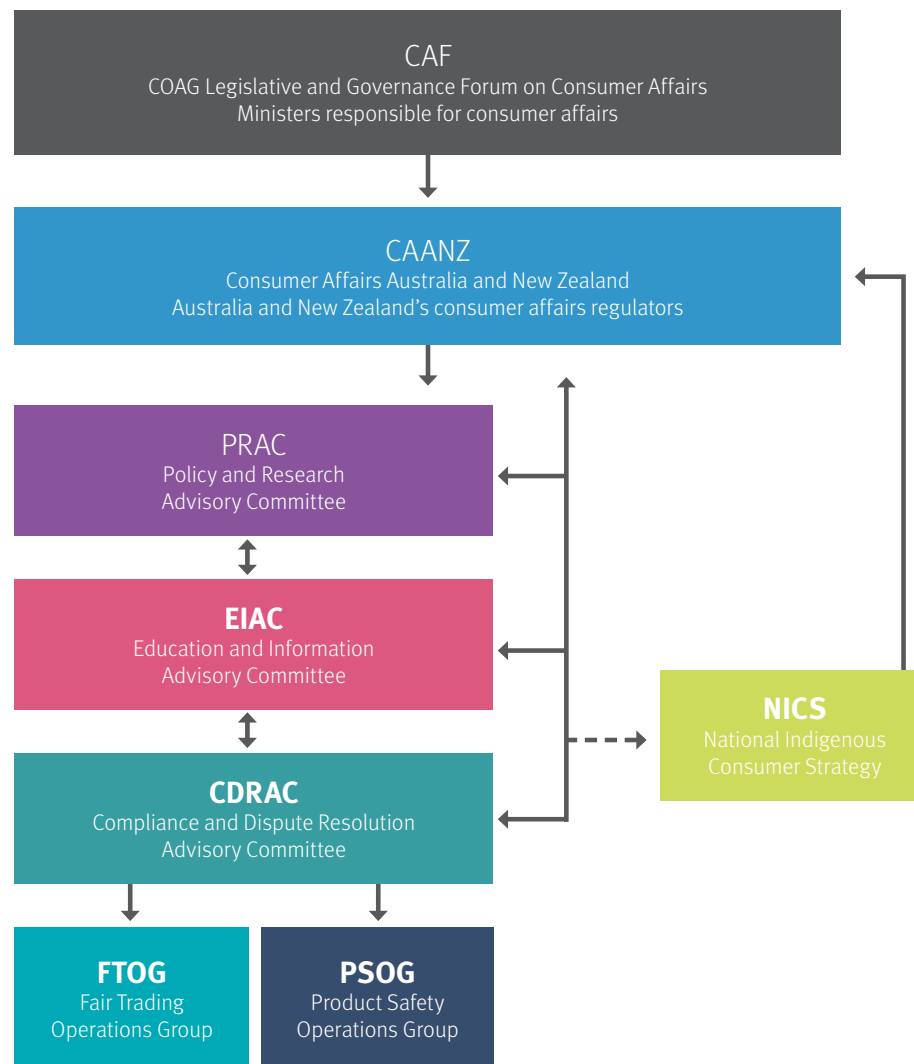
Unlike consumer protection regulators in some jurisdictions, we don't have responsibility for:

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

Appendix 2—OFT organisational structure



Appendix 3—CAF structure



Appendix 4—List of impacts

The OFT is a state government agency which operates within the legislation, parameters, policies, procedures and guidelines of the Queensland Government. Occasionally, this may impact on the OFT’s responsibilities and functions, including changes to statistics and budget allocations. Significant impacts during 2018–19 included:

- In August 2018 the Treasury Laws Amendment (2018 Measures No.3) Bill was passed. This amended the ACL to introduce a ‘safe harbour defence’ for egg producers who comply with the requirements of the Free Range Egg Labelling Information Standard. This also amended the ACL to raise the maximum penalties for contraventions of the ACL:
 - for individuals, \$500,000
 - for a body corporate, the greater of:
 - \$10 million
 - three times the value or benefit the body corporate received for the act or omission (if this can be determined)
 - if the value or benefit cannot be determined, 10 per cent of the annual turnover in the preceding 12 months.
- In October 2018 the Treasury Laws Amendment (Australian Consumer Law Review) Bill 2018 was passed. This expanded the ACL to, among other things:
 - extend the ‘follow on’ provisions, enabling consumers taking their own legal actions to rely on admitted facts from earlier proceedings such as by ACL regulators
 - extend the ‘unconscionable conduct’ protections to publicly listed companies
 - amend the definition of ‘unsolicited services’ to confirm the false billing provisions to apply to services
 - amend the unsolicited selling provisions to ensure the provisions apply to public places
 - enhance price transparency in online shopping to ensure any additional fees associated with pre-selected options are included in the headline price
 - allow third parties to give effect to a community service order where the trader in breach is not qualified or trusted to do so
 - clarify the consumer guarantees do apply for the transport or storage of goods where those goods are damaged or lost in transit.

- In December 2018 the Fair Trading (Fuel Price Reporting) Regulation 2018 came into effect establishing a two year trial.
- In February 2019 flooding in North Queensland, particularly Townsville, as a result of a tropical low resulted in the activation the OFT's Business Continuity Plans in the Cairns, Townsville, and Mackay offices. The Townsville OFT office was damaged by water entering the building and it remained closed for approximately a week. OFT contributed a number of officers to Community Recovery activities over the following months and as a result some of OFTs key performance indicator targets for the quarter were impacted.
- In March 2019 OFT commenced participation in a trial as part of the Government's Criminal Justice Reform Framework and Action Plan. Under the initiative the OFT is managing the administration of infringement notices issued by the Queensland Police Service as part of the trial for the offence of 'unlawful taking of goods'.
- In 2018–19 OFT participated in the development of two national training packages, one in relation to the property industry and another for the security industry. The new national training packages update and modernise the training delivered by private sector training organisations in these two key industry sectors.
- Throughout 2018–19 enhancements continued to OFT's digital and online services including introducing a single Point of Sale receipting solution that integrates across all OFT digital and counter services. Once fully operational this solution will allow a greater number of payments to be fulfilled online by our clients for a greater range of services.

Appendix 5—Queensland Office of Fair Trading media statements

Queensland Office of Fair Trading media statements July 2018 to June 2019 ¹		
Date	Action	Description
02/07/2018	Consumer awareness	<u>Consumers advised about new food labelling requirements which came into effect at the start of the financial year.</u>
12/07/2018	Public warning	<u>Consumers warned about SunUltima's product which claims to cure skin cancer after the business failed to produce any evidence that it works.</u>
13/07/2018	Court outcome	<u>A former Sunshine Coast real estate agent, Anita Margaret Humphreys and her real estate company Terreno Management Pty Ltd, fined \$60,000 and disqualified from holding a licence for misusing trust money.</u>
16/07/2018	Consumer awareness	<u>Older consumers and their families are advised that changes to home care funding means they are able to choose their own provider and consumer protections are in place.</u>
17/07/2018	Court outcome	<u>Wayne Albert Smithers, trading as Top Deal Secondhand, was found guilty of carrying on the business without a licence and ordered to pay \$2,596.</u>
20/07/2018	Court outcome	<u>Luke Glassford, trading as East Coast Tyre and Auto, was fined \$2,000 after pleading guilty to wrongly accepting payment for goods he failed to supply.</u>
10/08/2018	Consumer awareness	<u>Consumers advised to do their research as Christmas deal promotions hit stores in August.</u>
17/08/2018	Consumer awareness	<u>During Seniors Week, communities are reminded about the importance of incorporated associations in helping older Queenslanders stay connected and engaged.</u>
30/08/2018	Consumer awareness	<u>Consumers reminded about their rights to refunds, repairs and replacement of goods and services this Father's Day.</u>
06/09/2018	Trader awareness	<u>Proactive checks in toy shops to ensure toys are safe in the lead-up to Christmas.</u>

Queensland Office of Fair Trading media statements July 2018 to June 2019 ¹		
Date	Action	Description
11/09/2018	Consumer awareness	<u>Consumers with disabilities reminded about their consumers rights during Disability Action Week.</u>
17/09/2018	Court outcome	<u>Darshik Deepak Kumar ordered to pay \$6,000 after he pleaded guilty to tampering with a motor vehicle odometer in a scam uncovered by carsales.com.au</u>
18/09/2018	Court outcome	<u>Jonathan Nathan Leahy, director of Obihaka Pty Ltd, ordered to pay \$10,000 after pleading guilty to accepting payment for outdoor gazebos and pavilions that he failed to supply.</u>
24/09/2018	Consumer awareness	<u>Families looking to get away for the long weekend are being urged to do a quick safety audit of their accommodation before they kick into full-blown holiday mode.</u>
27/09/2018	Consumer awareness	<u>Families, campers and four-wheel drive enthusiasts reminded to put safety first when planning a trip.</u>
08/10/2018	Court outcome	<u>Richard Lucas Bomhof was fined \$15,000 and ordered to pay compensation of \$16,750 after pleading guilty to acting as a real estate agent after his licence was cancelled.</u>
08/10/2018	Court outcome	<u>Leslee Ann Hall ordered to pay \$1,200 after pleading guilty to 21 counts of stealing from her employer's trust account.</u>
18/10/2018	Court outcome	<u>Stephen George Tarr, owner of George Motor Dealers, fined \$6,500 and ordered to pay over \$1,200 in costs after he pleaded guilty to making false and misleading claims about a motor vehicle.</u>
19/10/2018	Court outcome	<u>Waisea Volavola Varani, director of Varani Holdings Pty Ltd, fined \$19,000 and ordered to pay over \$16,000 to two affected consumers for failing to supply and install fencing and landscaping works.</u>

Queensland Office of Fair Trading media statements July 2018 to June 2019 ¹		
Date	Action	Description
08/11/2018	Court outcome	<u>Simon John Hickey, operator of Smerff Electrical, fined \$10,000 and ordered to pay costs of over \$2,700 for operating as an unlicensed security equipment installer.</u>
09/11/2018	Consumer awareness	<u>Queensland's creative young consumers awarded over \$15,000 in prizes for their high-quality entries in the Buy Smart Competition.*</u>
14/11/2018	Court outcome	<u>Xibo Zhu, director of Sunrise Imports Pty Ltd, ordered to pay \$175,000 after he pleaded guilty to supplying and possessing banned consumer goods, including magnetic products and toys that posed a choking risk to young children.</u>
15/11/2018	Consumer awareness	<u>Portable pool safety reminder to parents and carers.</u>
16/11/2018	Court outcome	<u>Glenn Stuart Wills, of Gidget Retro Teardrop Camper Pty Ltd, ordered to pay over \$1 million in fines, compensation and court costs for taking customer deposits and failing to supply campervans.</u>
22/11/2018	Court outcome	<u>Helen Elizabeth White, of My Realty Gold Coast, sentenced to nine months imprisonment, suspended for three years, and fined \$10,000 for unauthorised use of trust monies. Graham John White failed to conduct and lodge trust account audits.</u>
27/11/2018	Court outcome	<u>Glen David Mayer fined \$2,000 for selling used motor homes and caravans while unregistered.</u>
28/11/2018	Court outcome	<u>Fashion chain Supré Pty Ltd fined \$12,600 after making misleading prices representations on sale items.</u>
30/11/2019	Marketplace awareness	<u>Real estate agencies urged to review internal processes to ensure two-factor check in place after high-profile case in which a real estate agent was targeted in an email hacking scam.</u>

Queensland Office of Fair Trading media statements July 2018 to June 2019 ¹		
Date	Action	Description
30/11/2018	Marketplace awareness	<u>Outcomes of proactive Christmas toy safety campaign Operation Safe Christmas 2018 revealed.*</u>
07/12/2018	Consumer awareness	<u>Consumers are reminded about their rights in case their Christmas holiday accommodation lets them down.*</u>
10/12/2018	Consumer awareness	<u>Consumers advised to do some simple home checks ahead of the holiday season to ensure homes are safe for young children.</u>
12/12/2018	Consumer awareness	<u>Consumers given tips on how to shop online and to do their research before buying online to avoid being scammed while Christmas shopping.</u>
13/12/2018	Consumer awareness	<u>Queenslanders affected by storms or tropical cyclones reminded to avoid travelling when that come door knocking.</u>
18/12/2018	Consumer awareness	<u>Consumers reminded to use any gift cards they have received before they expire and to check the terms and conditions of use.*</u>
19/12/2018	Court outcome	<u>Stephanie To of Prestige & Rich real estate fined \$5,000 for not returning a deposit to a buyer after a contract of sale fell over.</u>
21/12/2018	Consumer awareness	<u>Public advised to beware of scammers posing as charity collectors this during the holiday season.</u>
21/12/2018	Court outcome	<u>Shaun Anthony Clarkson and his company Signman Signs fined \$15,000 and ordered to pay over \$1,300 for failing to supply designs, print work and pull-up banners to customers.</u>
26/12/2018	Consumer awareness	<u>Consumers reminded about their rights when it comes to returning unwanted Christmas gifts.*</u>
03/01/2019	Consumer awareness	<u>Consumers advised to know their rights and responsibilities if they are signing up for new gym memberships this January.*</u>

Queensland Office of Fair Trading media statements July 2018 to June 2019¹

Date	Action	Description
14/01/2019	Court outcome	<u>Gold Coast tradesman, Ali Faraj, found guilty of making false representations about holding a builder's licence and for failing to supply goods and services after accepting payment. Mr Faraj was ordered to pay \$253,000 for unfinished jobs.</u>
22/01/2019	Consumer awareness	<u>Queenslanders received more than \$8.4 million in refunds, repairs, replacements and other compensation with the help of the OFT in 2018.*</u>
07/02/2019	Public warning	<u>As Valentine's Day approaches, Queenslanders looking for love online are reminded to check the details when signing up to dating apps and websites.*</u>
12/02/2019	Court outcome	<u>Former principal licensee of Curran Prestige Gold Coast pleaded guilty to keeping rent money. The real estate agent was fined \$20,000.</u>
19/02/2019	Court outcome	<u>Haoran Lu, manager of Toni's Precious store in Mt Ommaney Centre, pleaded guilty to two counts of obstructing OFT inspectors conducting toy safety checks.</u>
22/02/2019	Marketplace awareness	<u>OFT's annual Buy Smart Competition launches for students in Years 4 to 12.*</u>
25/02/2019	Court outcome	<u>James Charles Andronicos, former owner of Work From Home Australia in Morningside, was found guilty of six breaches of the ACL. Mr Andronicos was ordered to pay \$60,000 in fines and compensation to affected consumers.</u>
06/03/2019	Court outcome	<u>Cleveland-based Approved Realty Pty Ltd, trading as iapproved, pleaded guilty to failing to pay trust account funds and failing to provide information to OFT Inspectors. The agency was ordered to pay \$7,670 in fines and compensation.</u>
13/03/2019	Public warning	<u>Parents and carers are reminded to create a safe sleep environment for their babies by keeping the OFT's consumer product safety tips in mind.</u>

Queensland Office of Fair Trading media statements July 2018 to June 2019¹

Date	Action	Description
13/03/2019	Court outcome	<u>Craig Anthony Wood, owner of Suzuki Performance and Racing, was found guilty of failing to supply a car engine after accepting payment. Mr Wood of Calamvale was fined \$20,000 and ordered to pay \$9,295 in compensation to a consumer.</u>
13/03/2019	Court outcome	<u>Van-Thanh Pham, employed as a salesperson with Sunray Property Australia Pty Ltd, was found guilty of one count of wrongfully taking bond money. Ms Pham from Inala was fined \$15,000 and ordered to pay a total of \$6,822 to five affected tenants.</u>
14/03/2019	Court outcome	<u>John Trevalyan Radonic, former owner of Hervey Bay businesses Workwear and Boots Discount Direct and Signature Uniforms, pleaded guilty to 20 counts of wrongly accepting payment under the ACL. Mr Radonic was fined \$10,000.</u>
15/03/2019	Marketplace awareness	<u>On World Consumer Rights Day, the OFT aims to raise awareness about issues surrounding smart products and connectivity services.</u>
22/03/2019	Court outcome	<u>LJ Hooker New Farm real estate agents, Andrew William Clough and Brett William Greensill, and their companies were ordered to pay \$26,500 in fines for failing to lodge multiple trust account audit reports.</u>
05/04/2019	Consumer awareness	<u>After investigating numerous complaints into Huggies Ultra Dry nappies, the OFT found no evidence that the product was unsafe.</u>
05/04/2019	Public warning	<u>The OFT is warning the public not to deal with Matthew Geoffrey Rixon or his company CDA Fencing Pty Ltd. Mr Rixon is operating on the Gold Coast after being banned in NSW.</u>
09/04/2019	Court outcome	<u>Southport woman, Emilia Lloyd, was fined \$6,000 after being charged by the OFT for unlicensed motor dealing.</u>
09/04/2019	Court outcome	<u>Cheryl Ioy Harwood, the on-site property manager of Cypress Avenue Apartments in Surfers Paradise, was fined \$1,500 for failing to lodge a trust account report.</u>

Queensland Office of Fair Trading media statements July 2018 to June 2019¹

Date	Action	Description
10/04/2019	Court outcome	<u>Jacob Anthony Moratti of Redland Bay was fined \$7,000 for one count of failing to supply driveway concreting services within a reasonable time under the ACL. Mr Moratti was also ordered to pay a total of \$2,450 to the affected consumer.</u>
12/04/2019	Court outcome	<u>Slacks Creek auto parts supplier Jason Paul Murray and his company were ordered to pay \$101,000 in fines and restitution for accepting payment and failing to supply goods after pleading guilty to six breaches of the ACL.</u>
15/04/2019	Consumer awareness	<u>The OFT is joining forces with other Australian consumer protection agencies to remind people with disabilities of their consumer rights as the NDIS continues to roll out.</u>
16/04/2019	Public warning	<u>Consumers are reminded about using ladders safely when doing home repairs or renovations.</u>
10/05/2019	Public warning	<u>The OFT is reminding Queenslanders to be wary of online shopping scams if they're buying gifts online for Mother's Day.*</u>
15/05/2019	Court outcome	<u>Surfers Paradise letting agent, Gary Anthony Wyeth, of Wyeth Management Services Pty Ltd, pleaded guilty to providing false statements to the OFT and failing to rent to property owners. Mr Wyeth and his business were fined \$65,000.</u>
21/05/2019	Public warning	<u>Scammers planning to visit Cherbourg community are warned not to ignore Do not knock stickers or they risk facing massive fines.</u>
29/05/2019	Court outcome	<u>Andrew Fraser-Scott and his company AFS Corporation Pty Ltd, trading as Brisbane Dealer Auctions and The Cartel Dealers, ordered to pay more than \$369,000 in fines, compensation and redress after misleading car buyers on the Gold Coast.</u>
31/05/2019	Court outcome	<u>Former Shailer Park and Gold Coast real estate agent Robert Ian Campbell pleaded guilty of misusing clients' trust account money. He was sentenced to three months' imprisonment, wholly suspended.</u>

Queensland Office of Fair Trading media statements July 2018 to June 2019¹

Date	Action	Description
11/06/2019	Public warning	<u>The OFT is urging Queenslanders to follow safety advice as they bring out their winter warmers including electric blankets, hot water bottles and heat packs.</u>
11/06/2019	Court outcome	<u>Marcel Ivan Shears, who ran two online lingerie stores - Isabella's Passion and Blush Bras and Lingerie - was found guilty of failing to supply goods, making false or misleading promises about delivery times and costs. Mr Shears was fined \$8,000 and ordered to pay more than \$1,600 in compensation.</u>
11/06/2019	Court outcome	<u>A Varsity Lakes man, Riley Lance Martin, director of Exchange Travel Pty Ltd, trading as Travelalot, pleaded guilty to wrongly accepting payment and failing to supply accommodation bookings. Mr Martin and his business were fined \$1,500.</u>
14/06/2019	Court outcome	<u>Moreton Bay landscaper, Nathan Charles Bogan, of Nate Scapes, was convicted and ordered to pay more than \$12,000 in fines and compensation for failing to supply landscaping services.</u>
18/06/2019	Court outcome	<u>Mark William Mergard, director of Bundaberg-based Real estate Now Pty Ltd, pleaded guilty to three charges relating misusing trust funds. Mr Mergard was fined \$18,000.</u>
21/06/2019	Court outcome	<u>Clifford Ralph Prentis, director of Wayjac Pty Ltd, trading as LJ Hooker Coochiemudlo Island, was fined \$2,000 for failing to lodge an audit report with the OFT. The company was fined \$10,000.</u>

Note:

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

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 the law 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 promote compliance with the law. These include:

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

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.

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.

The Legislative and Governance Forum on Consumer Affairs (CAF) consists of all Commonwealth, State, Territory and New Zealand Ministers responsible for fair trading and consumer protection laws. CAF considers consumer affairs and fair trading matters of national significance and, where possible, develops a consistent approach to those issues. Ministers meet once per year, and there are also several official level committees that meet throughout the year to discuss specific aspects of consumer protection. The CAF Strategic Agenda 2018–22 sets out key priorities that are centred on empowered consumers, responsible traders, coordinated regulatory activity and implementing the Australian Consumer Law review agenda.

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, Logan Financial Action Literacy Group, Security Industry Regulators Forum and the Smoke Alarms Interdepartmental Committee.

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 taking into account 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.

We also administer a number of 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.

OFT continues to develop its online licensing capability with additional licence types now available for online renewal. Licensees who choose to renew online are sent an email notification approximately 7 weeks before their licence is due for renewal and a further electronic notification is sent two weeks prior to the due date.

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 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.

The Legislative and Governance Forum on Consumer Affairs (CAF) and its operational subcommittees provide a forum for consumer regulators across Australia and New Zealand to develop consistent approaches to national issues. These committees promote and advance the harmonisation of consumer policy, administration and enforcement of consumer laws, and the education of consumers and traders, while also providing an avenue for information and resource sharing and advancing best practice outcomes.

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 publically 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 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 to ensure 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.

Outcomes and achievements of the OFT are also included in the Australian Consumer Law regulators annual report.

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	2014–15	2015–16	2016–17	2017–18	2018–19
Information and Education					
Website page views	1.98M	3.1M	4M	3.8M	3.7M
Website visitors	597,307	946,152	1.3M	1M	1.04M
Call centre contacts	201,784	155,147	145,981	140,600 ¹	168,117 ¹
Hours of phone contact	18,496	15,642	14,979	13,047	13,118
Enquiries received	75,750	69,185	71,693	80,729	80,977
Businesses engaged with on trader walks	1,701	1,771	2,002	1,574	1,632
Education, engagement activities (eg seminars, presentations, stalls)	1,045	1,202	2,110	2,221	2,499
Number of attendees at education and engagement activities	29,261	26,387	32,064	27,028	32,295
Licensing and registrations					
Occupational licence and registration certificate – applications processed ²	33,493	33,277	23,996	32,199	23,075
Occupational licence and registration certificate – applications for renewal processed ²	58,315	56,204	54,226	57,133	60,365
Number of occupational licence and certificate holders as at 30 June 2019	91,808	86,962	86,768	86,598	85,371
Not-for-profit applications processed	1,187	1,205	1,208	1,150	1,057
Not-for-profit annual returns processed	21,412	21,880	19,795	20,796	22,136
Number of not-for-profits and other organisations registered as at 30 June 2019	26,198	26,946	26,981	27,481	27,713
Complaints and redress					
Redress	\$6.1M	\$6.07M	\$5.6M	\$8.14M	\$7.6M
Complaints received	15,182	14,505	15,145	15,433	15,583
Complaints finalised	15,286	14,871	15,381	15,230	15,639

Service	2014–15	2015–16	2016–17	2017–18	2018–19
Compliance					
Entities monitored for compliance	8,340	8,539	8,747	9,898	9,248
Investigations completed	3,805	4,990	3,786	3,433	3,022
Enforcement actions					
Warnings issued	749	749	794	1,016	1,521
Infringements issued	466	466	460	385	374
Administrative disciplinary actions	1,742	486	1,121	1,224	1,369
Civil penalty notices	28	44	11	9	5
Disciplinary proceedings (QCAT)	4	17	4	3	20
Public naming	3	0	2	4	2
Enforceable undertakings	42	14	26	24	0
Court actions	74	100	81	73	74
Staffing and budget					
Staff full-time equivalent (FTE)	241.3	225.3	225.3	225.3	225.3
Budget	\$32M	\$30.1M	\$28.9M	\$27.8M	\$28.4M

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 35.

