

Office of Fair Trading

Outcomes Report

2019–20



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



Introduction

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About us

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

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

The 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 and the Australian Securities and Investments Commission. 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 2019–20. 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 | EIAC | Education and Information Advisory Committee |
| ACL | Australian Consumer Law | FTE | Full-time equivalent |
| ACNC | Australian Charities and Not-for-profits Commission (ACNC) | FTOG | Fair Trading Operations Group |
| AFAA | <i>Agents Financial Administration Act 2014</i> | ICAN | Indigenous Consumer Assistance Network |
| AFAR | Agents Financial Administration Regulation 2014 | LGFT | Liquor Gaming and Fair Trading |
| AISC | Australian Industry Skills Committee | MDCAA | <i>Motor Dealers and Chattel Auctioneers Act 2014</i> |
| ASIC | Australian Securities and Investments Commission | MDCAR | Motor Dealers and Chattel Auctioneers Regulation 2014 |
| CAANZ | Consumer Affairs Australia and New Zealand | NDIS | National Disability Insurance Scheme |
| CAF | Legislative and Governance Forum on Consumer Affairs | NICS | National Indigenous Consumer Strategy |
| CDRAC | Compliance and Dispute Resolution Advisory Committee | OFT | Office of Fair Trading (Queensland) |
| CEP | Compliance and Enforcement Policy | OLGR | Office of Liquor and Gaming Regulation |
| CHO | Chief Health Officer | ORP | Office of Regulatory Policy |
| CNL | <i>Co-operatives National Law Act 2020</i> (CNL Act) | PRIME | Proactive Regulation of Industry and Marketplace Entities |
| CPN | Civil penalty notice | PRAC | Policy and Research Advisory Committee |
| DJAG | Department of Justice and Attorney-General | PSOG | Product Safety Operations Group |
| | | QCAT | Queensland Civil and Administrative Tribunal |

Summary

| | SERVICE | NUMBER |
|-----------------------------|---|----------------|
| Information and education | Website visits | 3.3 million |
| | Call centre contacts | 162,084 |
| | Hours of phone contact | 12,293 |
| | Enquiries received | 83,963 |
| | Businesses engaged with on trader walks | 915 |
| | Education and engagement activities (eg seminars, presentations, stalls) | 1,040 |
| | Number of attendees at education and engagement activities | 23,560 |
| Licensing and registrations | Occupational licence and registration certificate —applications processed | 21,606 |
| | Occupational licence and registration certificate —applications for renewal processed | 62,115 |
| | Number of occupational licence and certificate holders as at 30 June 2020 | 84,264 |
| | Not-for-profit applications processed | 929 |
| | Not-for-profit annual returns processed | 20,391 |
| Complaints and redress | Number of not-for-profits and other organisations registered as at 30 June 2020 | 28,195 |
| | Redress | \$9.38 million |
| | Complaints received | 17,482 |
| Compliance | Complaints finalised | 17,321 |
| | Entities monitored for compliance | 9,137 |
| Enforcement actions | Investigations completed | 2,344 |
| | Warnings issued | 1,396 |
| | Infringements issued | 274 |
| | Administrative disciplinary actions | 831 |
| | Civil penalty notices | 3 |
| | Disciplinary proceedings (QCAT) | 20 |
| | Enforceable undertakings | 4 |
| Staffing and budget | Public naming | 5 |
| | Court actions | 50 |
| | Staff full-time equivalent (FTE) | 212.3 |
| | Budget | \$27.1 million |

Overview

Our role

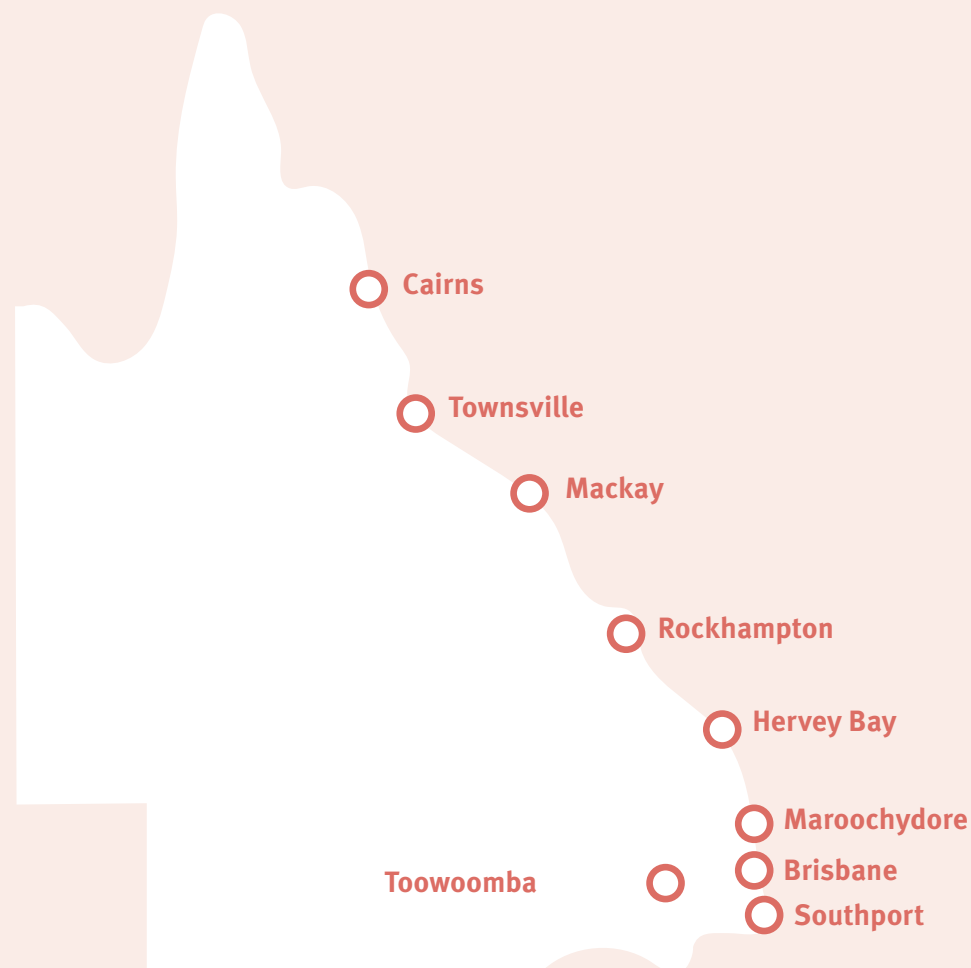
The OFT's purpose is to improve safety and fairness for Queensland businesses and consumers.

Our work includes:

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

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

The OFT operates from offices in:



Our organisational structure is provided at [Appendix 2](#).

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
- Respect, protect and promote the human rights of Queenslanders when taking action and making decisions



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

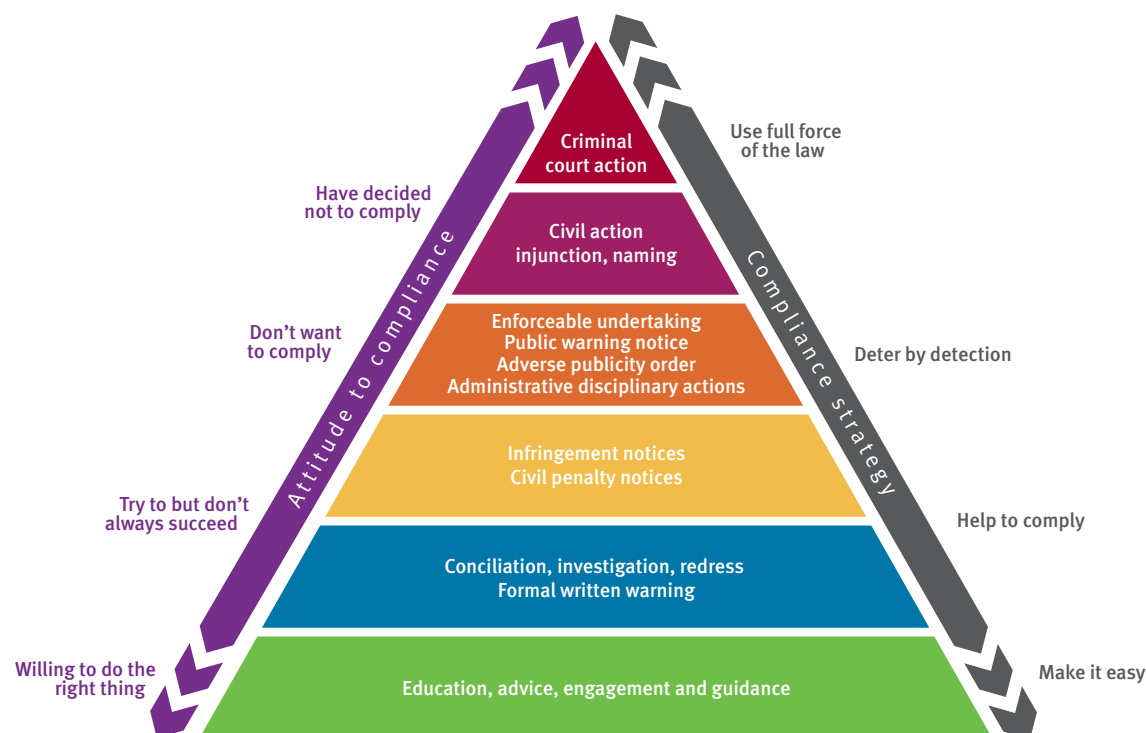
The OFT's goal is a fair and safe marketplace. We recognise that most businesses want to comply with the law and to facilitate this we follow an escalation model of education, compliance and enforcement. As a trader's attitude to compliance deteriorates, our regulatory response escalates.

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 ensure marketplace integrity. These include:

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



Staffing and budget

| | FTEs 2019–20 | | BUDGET 2019–20 |
|---|-------------------------|---|----------------------------------|
| Office of Fair Trading | 212.3 | | \$27,141,300 |
| Office of the Executive Director | 4.6 |  | |
| Complaint and Program Coordination | 35.6 |  | |
| Investigations and Enforcement | 35.5 |  | |
| Industry Licensing and Registrations | 66 |  | |
| Regional Operations and Engagement | 70.6 |  | |
| Policy support from the Office of Regulatory Policy | 12.2 |  | \$1,636,900 |
| Office of the Deputy Director-General | | | |
| Executive support | 2.5 |  | \$3,857,700 |
| ICT development and support | 11 |  | \$2,345,350 |
| Total | 238 ¹ |  | \$34,981,250 ² |

Notes:

1. FTEs do not include any department corporate services allocation.
2. Does not include Departmental project funding such as OFT's system enhancement project.
3. In January 2020, the OFT's Systems Support and Development division realigned its services, incorporated teams from OLGR and reports directly to the Deputy Director-General as a LGFT ICT development and support team.

COVID-19

The OFT was significantly impacted by the social and economic factors associated with the novel coronavirus COVID-19.

The agency continued to operate during the pandemic. Proactive activities such as outreach, education and spot checks were reduced due to the restrictions imposed by the Chief Health Officer (CHO) to reduce the spread of the virus. However, as a result of impacts on the marketplace, for example the cancellation of travel and events and restrictions placed on industries the OFT regulates, the number of enquiries and consumer complaints received increased.

The OFT provided COVID-19 assistance and information to hundreds of thousands of Queensland consumers and businesses. Targeted advice was produced for the tattoo industry, property agents, security providers, fitness providers, the funeral industry and the wedding industry.

From February to June 2020, the OFT:

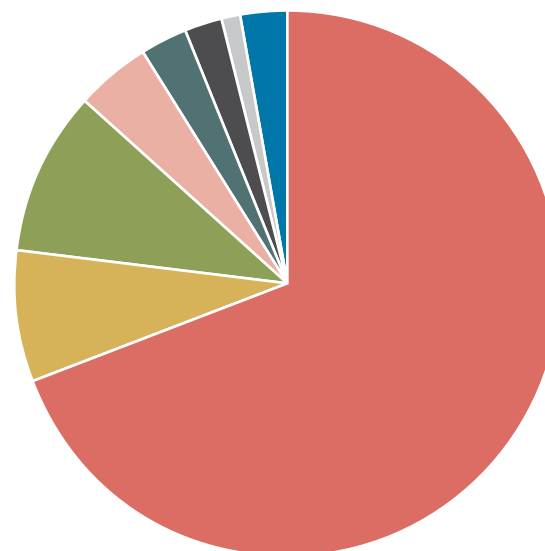
- sent 147,000 emails to businesses, charities, associations and consumers with guidance on adjusting to the COVID-19 conditions
- released COVID-19 information on the [Fair Trading website](#) which was viewed more than 36,000 times about issues such as cancellation of travel due to border closures, cancellation and postponement of events due to CHO capacity restrictions, excessive price increases, increased supply times for product delivery, miracle cures for coronavirus, scams, fake charities, cancellation of weddings due to CHO restrictions, pre-paid funerals impacted by reduction in number of mourners permitted to attend, and frustrated contracts
- provided fact sheets for OFT-regulated industries specifically impacted by restrictions, so businesses understood the regulators expectations in situations where CHO directions intersected with OFT administered legislation, and knew what they could and couldn't do during different phases of restrictions

- issued 11 media statements covering COVID-19 matters with a potential reach of 3.78 million people
- warned the community about a spike in itinerant trader scams, issuing 16 media alerts and warnings compared to 10 reports during the whole of 2019
- published 65 social media posts about COVID-19 topics which reached almost 45,000 Queenslanders
- responded to 42,800 enquiries including emails and questions via social media, which was a 10% increase on the same period in 2019
- provided associations with a grace period of an additional six months, if required, to meet social distancing requirements to hold their annual general meeting
- allowed security providers a 12 month grace period for ongoing training as registered training organisations were unable to provide services due to social distancing restrictions
- developed 4 Buy Smart videos for use by those home schooling children during school closures.

In addition to publishing information and guidance, the OFT helped to resolve complaints between consumers and businesses. For example, the OFT received 970 complaints in relation to travel and holiday bookings impacted by COVID-19. Many consumers found themselves in the difficult situation of having paid a deposit for travel and holiday accommodation they were unable to use because of COVID-19 restrictions.

Consumer complaints from February 2020 to 30 June 2020 involving a COVID-19 impact:

| Issue | Number of complaints |
|-----------------------------|----------------------|
| Travel and holiday bookings | 970 |
| Retail purchases | 109 |
| Services | 136 |
| Event tickets | 63 |
| Wedding bookings | 38 |
| Rental services | 32 |
| Gym memberships | 16 |
| Other | 36 |
| Total | 1,400 |





Results

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Enquiries, information and advice

The OFT's goal is 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, Twitter and YouTube accounts. The OFT also issues media statements.¹

The OFT provided information approximately 3.7 million times via these channels in 2019–20.

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 2019–20 OFT recorded more than 83,900 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 23,500 people through 1,040 education activities in 2019–20.²

Notes:

1. For more information about OFT statements issued to the media during 2019–20 see [Appendix 5](#).
2. For more details about OFT's information, education and engagement activities and projects during 2019–20 see page 35.

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 2019–20 the OFT received 17,482 complaints. This represents an approximately 16% increase in complaints received compared to the average of the previous five years and is primarily the result of the difficulties consumers encountered in obtaining remedies for goods and services which had been purchased but were not able to be supplied as a result of COVID-19.

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 2019–20 the OFT conciliated 16,389 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 2019–20 OFT achieved these targets, with 83% satisfactorily finalised and 82% 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.

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 2019–20, the OFT:

- commenced 2,262 investigations
- finalised 2,344 investigations
- secured \$834,885 in redress for consumers via investigations
- obtained \$322,018 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.

Enforcement actions

In 2019–20, the OFT initiated a total of 2,583 enforcement and disciplinary actions against traders and licensees. A breakdown by Act and action type is below.

| Act | Warning | Infringement notice | Administrative disciplinary action ¹ | Civil Penalty Notice (CPN) | Enforceable undertaking | Public naming | Disciplinary proceeding (QCAT) | Court action |
|--|--------------|---------------------|---|----------------------------|-------------------------|---------------|--------------------------------|--------------|
| <i>Associations Incorporation Act 1981</i> | | | | | | | 1 | |
| <i>Agents Financial Administration Act 2014</i> | 1,035 | 155 | | | 2 | | 9 | 3 |
| <i>Collections Act 1966</i> | 2 | | | | | | | |
| <i>Criminal Code Act 1899</i> | | | | | | | | 1 |
| <i>Fair Trading Act 1989</i> (incorporating the Australian Consumer Law) | 115 | | | 3 | 1 | 5 | | 28 |
| <i>Fair Trading Inspectors Act 2014</i> | 3 | 1 | | | | | | |
| <i>Motor Dealers and Chattel Auctioneers Act 2014</i> | 56 | 33 | 17 | | 1 | | 1 | 7 |
| <i>Property Occupations Act 2014</i> | 73 | 49 | 58 | | | | 3 | 9 |
| <i>Second-hand Dealers and Pawnbrokers Act 2003</i> | 43 | 10 | | | | | | |
| <i>Security Providers Act 1993</i> | 64 | 20 | 754 | | | | 6 | 2 |
| <i>Tattoo Industry Act 2013</i> | 5 | 6 | 2 | | | | | |
| Total^{2 & 3} | 1,396 | 274 | 831 | 3 | 4 | 5 | 20 | 50 |

Notes:

- Administrative disciplinary actions include all actions taken in the course of refusing, suspending or cancelling a licence or registration and includes show cause notices regarding possible disciplinary action.
- A trader may be subject to more than one type of enforcement or disciplinary action.
- An action may involve one breach or several.

Court actions

In 2019–20, the OFT undertook action against 42 entities through the courts¹. Of these actions:

- 21 were for wrongly accept payment under the ACL
- 7 were for making false or misleading representations for goods or services under the ACL
- 8 were for breaches of unsolicited consumer agreement laws under the ACL
- 1 was for making false and misleading representations regarding mileage or tampering with an odometer
- 2 were for making false and misleading representations regarding property
- 14 were for breaches of trust account provisions
- 9 were for unlicensed trading (motor dealing and security industries)
- 3 entities appealed against a licensing decision (real estate, motor dealing and security providers)
- 1 was for a breach under the *Collections Act 1966*
- 7 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



Darra motor dealer ditches warranty obligations

Mr Hooman Fartash, Aria Motors Pty Ltd

On 11 February 2020, Mr Fartash, a Darra motor dealer and his company were ordered to pay \$47,192 in the Richlands Magistrates Court after charges were brought by the OFT for making false claims and failing to honour warranty obligations.

Mr Fartash was charged conjointly with his company and pleaded guilty to breaching the Australian Consumer Law and the *Motor Dealers and Chattel Auctioneers Act 2014*.

The court heard three consumers purchased luxury vehicles from Mr Fartash between April and June 2018, however the buyers soon became aware of various defects with their respective vehicles.

When the consumers contacted Mr Fartash to have repairs completed under Queensland's statutory warranty provisions, Mr Fartash falsely claimed their vehicles were excluded from the warranty.

Mr Fartash and his company were ordered to pay \$47,192. A conviction was not recorded.

CASE STUDIES

Port Douglas resident letting agent fined for misleading clients**Rosemary Knights**

On 4 December 2019, Rosemary Knights was fined by the Mossman Magistrates Court for making false representations to clients, unit owners and guests.

The OFT's investigation revealed Ms Knights had misled consumers who were attempting to book accommodation by stating The Port Douglas Queenslander was fully booked, despite units being available. This advice led to a number of guests booking accommodation elsewhere, while others of their party stayed at The Port Douglas Queenslander.

Ms Knight's conduct also left owners out of pocket. When one owner enquired about the availability of his own unit for a holiday, Ms Knights advised that it was let during that period. However, when the owner received his rental statement, he found that it had been empty at that time.

Ms Knights pleaded guilty to 10 charges including making false representations about letting, falsely issuing instructions on behalf of the OFT, attempting to recover trust account money expenses without authority and acting as a substitute licensee while another agent was appointed.

Ms Knights was ordered to pay \$12,000 in fines. A conviction was not recorded.

Training company learns hard lesson for falsely offering training courses**Byron Vince, The Queensland Academy Pty Ltd**

On 15 November 2019, Byron Vince and his company, The Queensland Academy Pty Ltd, were each charged with five counts of breaching the ACL. Mr Vince failed to appear in the court and both matters were heard ex-parte.

The court heard that Mr Vince falsely represented to a consumer that he could provide them with a Diploma of Sports Management, when he had no approval to do so, and accepted payment while failing to provide the service.

The company also offered to supply forklift driving courses and qualifications and represented in its terms and conditions that consumers would be refunded if the company cancelled the course.

In three cases where courses were cancelled, the company failed to provide refunds despite making assurances it would, leaving consumers out of pocket.

Mr Vince was fined \$7,000 and his company was fined \$35,000 and ordered to pay \$3,930 in compensation to affected consumers. Convictions were recorded against both Mr Vince and his company.



CASE STUDIES

Court lays down the law to Brisbane asphalt driveway contractor**Kelvin Raymond Kendall, operator Kendall's Aggregates Spring Hill**

On 13 August 2019, Mr Kendall was ordered to pay fines, penalties and compensation in the Caloundra Magistrates Court after being investigated by the OFT under the ACL.

Mr Kendall was charged with failing to meet the obligations required by the ACL for unsolicited door-to-door trading. Mr Kendall did not appear in court, so the matter was heard ex-parte.

The court heard that on 5 July 2018, Mr Kendall approached a Beerwah resident saying he was working in the area and had a surplus of surfacing material, which he could use to resurface the resident's driveway for a reduced price.

The OFT advised the court that the resident was charged \$4,850 for the unsolicited service. However, Mr Kendall hadn't provided written advice informing the consumer of their right to terminate the agreement within a 10-day cooling-off period for purchases of over \$100.

The court heard that once the consumer became aware of their rights, they terminated the agreement and requested a full refund. However, Mr Kendall did not respond to any enquiries.

Mr Kendall was ordered to pay \$64,850 in fines, penalties and compensation. Convictions were recorded against him and his company.

Woman issued final notice for fake billing practices**Ms Amanda Stichbury, Accommodation Find Pty Ltd, Internet Find Pty Ltd, and Special Days Pty Ltd**

On 2 August 2019, the Federal Circuit Court in Brisbane issued an injunction against Ms Amanda Stichbury for breaches of the unsolicited consumer agreement provisions of the ACL. The injunction permanently prevents Ms Stichbury from directly or indirectly engaging in the conduct in the future.

She was prosecuted by the OFT in 2014 and 2017 for sending invoices under various trading names to businesses nation-wide, requesting they pay for services that were never requested or authorised.

In total, Ms Stichbury has paid \$68,000 in financial penalties since 2014, however that didn't deter her continuing to conduct her fake billing practices, resulting in the OFT taking this stronger enforcement action.

Ms Stichbury was issued an injunction. If she breaches the injunction, she may be liable for a custodial sentence.



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 2019–20, the OFT issued five warnings.

CASE STUDIES



Public warning issued against Australian motor transport companies and directors

Auto Transporters Pty Ltd, MV Transporters Pty Ltd and VTrans Pty Ltd, Snezana Mladennis and Scott Ingram

On 24 April 2020, the OFT issued a public warning to Australian businesses and consumers against dealing with the three transport companies who operate from the Gold Coast and Broadmeadows, Victoria.

The vehicle shipping and transportation companies had a history of taking consumers' money and not supplying the service they guaranteed at the time the booking was made. At the time Australians had lost over \$130,000 to these companies and their dodgy practices.

This was a complex warning as separate companies had been formed and different business names and websites used. The conduct commenced with Auto Transporters Pty Ltd trading as All Australia Auto Transporters and AAA Transporters operated by Director Snezana Mladennis.

In November 2018, AA Auto Transporters Pty Ltd commenced business under the names Auto Transporters and AA Auto Transporters operated by Director Scott Ingram. In May 2019, this company's name changed to MV Transporters Pty Ltd and continued to trade as MV Transporters and MV Transports. In June 2019, Mr Ingram registered the company VTrans Pty Ltd as VTrans.

All three companies and their directors have been publicly named by the OFT as businesses and individuals to avoid trading with.

Public warning issued against dishonest Slacks Creek motor parts dealer

J.P. & K.M. Murray Pty Ltd, trading as Brisbane Motor Imports, and director Jason Paul Murray

On 15 November 2019, the OFT issued a public warning to consumers advising them to avoid doing business with Slacks Creek car parts supplier Jason Paul Murray and his company, J.P. & K.M. Murray Pty Ltd (JPKM) trading as Brisbane Motor Imports.

The OFT had already taken enforcement against Mr Murray and JKPM who pleaded guilty to six charges in the Beenleigh Magistrates Court in April 2019. In that matter the magistrate noted that Mr Murray's conduct had been a blatant example of gross dishonesty, fined him and his company a total of \$40,000 and ordered him to pay \$61,000 in compensation to affected consumers.

In June 2019, the OFT launched a new investigation after receiving further consumer complaints about similar misconduct.

On 15 November 2019, the OFT issued a public warning to consumers strongly advising them to avoid doing business with Mr Murray and his company, J.P. & K.M. Murray Pty Ltd (JPKM) trading as Brisbane Motor Imports.

Court enforceable undertakings

In 2019–20, the OFT entered into four enforceable undertakings with traders.

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

Generally, undertakings include agreements from the traders to:

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

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

- compensation
- a fine
- a security bond.

CASE STUDIES



Gold Coast motor dealer enters into enforceable undertaking

Robert George Whyte, Gold Coast Wholesale 4x4 Pty Ltd

The OFT commenced an investigation into the conduct of Robert George Whyte after the Queensland Police Service advised they had received complaints about vehicles sold by Mr Whyte fitted with odometers which had been tampered with.

The investigation revealed a number of breaches of the *Motor Dealers and Chattel Auctioneers Act 2014*. This included carrying on the business of a motor dealer while unlicensed, holding vehicles on the business premises not recorded in the stock book of the business and selling vehicles with false odometer readings.

On 11 December 2019, Mr Whyte entered into an enforceable undertaking with the OFT. Mr Rice agreed to the undertaking remaining in force for two years and to demonstrate to the OFT his commitment to compliance with his obligations under the Act. Mr Rice also agreed to pay a \$10,000 penalty to DJAG and to refund the AFAA Claim Fund \$7,080.50 for a claim previously paid to a consumer from the fund as a result of his conduct.

Resident letting agent enters into enforceable undertaking

Andre Stephen Rice, Principal Agent and Director Regent Place Property Management Pty Ltd (RPPM)

On 1 May 2016, Mr Rice became sole director of RPPM and undertook the management of the Regent Place Apartment complex and trust account for which Mr Rice was the sole signatory.

An investigation by the OFT revealed neither Mr Rice or RPPM were able to produce the trust books, accounts and records required to be kept by a principal licensee and a notice was served on the trader's bank to freeze the trust account.

An analysis by the OFT special investigator identified numerous irregularities in procedure and management of the trust account including breaches of the *Agents Financial Administration Act 2014* (AFAA) and Agents Financial Administration Regulation 2014.

On 9 September 2019, an enforceable undertaking was entered into with Mr Andre Stephen Rice. He agreed to demonstrate his commitment to compliance with the obligations under the AFAA and agreed to not make application for any licence required to be held under the *Property Occupations Act 2014* for a period of three years.

Infringement notices and civil penalty notices

In 2019–20, the OFT issued 274 infringement notices and 3 civil penalty notices.

CASE STUDIES



Misleading representations on returns

The OFT received information that a clothing store made misleading representations on their website concerning consumer guarantees and consumers rights to a refund or to return goods. In 2013, the OFT issued the trader with an official warning for a similar matter.

The trader's representatives cooperated with the OFT during the investigation, redrafted their online terms and conditions and undertook to educate staff on the updated refund policy.

On 21 November 2019, the OFT issued a civil penalty notice to this trader for \$12,600.

Unlicensed locksmith and security equipment installer makes misleading representations

During an investigation, the OFT found an individual acting as a security advisor and security equipment installer without holding a security firm licence. The person also engaged sub-contractors who did not hold security provider licences, to carry out the functions of a security provider.

The OFT also found that the individual made misleading statements on his website, such as 'fast response within 30 minutes' and that he was a member of an industry association.

On 7 May 2020, the OFT issued the trader a civil penalty notice under the ACL for \$2,520. He was also issued an infringement notice for \$266 and three warnings under security providers legislation.

Brisbane debt collection agent provided false documents to the OFT

As part of an OFT investigation into a corporation that specialises in debt collection, the OFT identified the organisation had provided false information to the OFT. The investigation also established two audit reports had been submitted late.

On 28 April 2020, the OFT issued three infringement notices totalling \$4,112 to the corporation for breaches of the *Agents Financial Administration Act 2014*.

Property agent acted without holding an appointment to act and kept incorrect trust accounts

The OFT investigated a complaint about a Moreton Bay property agent who was acting on behalf of a client in the management of 19 properties.

The OFT's investigation established that the way the agent had structured its operations, using several corporate entities, was not compliant with the *Property Occupations Act 2014*. The agent cooperated with the investigation and corrected the issues to reflect the appropriate corporate entity on the appointments to act and on the trust account. An official warning was issued in relation to the appointments to act and, reflecting the importance of strict compliance with the trust account provisions, **infringement notices totalling \$1,566 were issued in relation to the trust account breaches.**

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 | | | | | | | |
|--|--------------------|------------------------|------------------------|-----------|---------------------|---------------------|------------|---------------|-------------------------|-------------------|
| | No breach detected | Sent for investigation | No breach ¹ | Other | Enforcement actions | | | | | |
| | | | | | Warning issued | Infringement issued | CPN issued | Public naming | Enforceable undertaking | Court prosecution |
| REA19/20 —focussed on licensed agents not subject to an OFT visit in the previous 24 months. | 77 | 24 | 2 | 5 | 19 | 9 | | | | |
| MD19/20 —focussed on motor dealers not subject to an OFT visit in the previous 24 months. | 94 | 15 | 1 | 3 | 18 | 4 | | | | |
| REAUCTION19/20 —focussed on real estate auctioneers not subject to an OFT visit in the previous 24 months. | 25 | 8 | | 1 | 7 | | | | | |
| RLA19/20 —focussed on resident letting agents not subject to an OFT visit in the previous 24 months. | 35 | 14 | 1 | 1 | 11 | 2 | | | | |
| PHGS19/20 —focussed on retailers and service providers previously subject to a legal action or complaints received in the previous 12 months. | 65 | | | | | | | | | |
| SCHOOLIES19 —focussed on security firms and officers to ensure they are licensed and compliant with legislation, focusing on designated Schoolies precincts (Gold Coast, Sunshine Coast and Mackay regions only). | 34 | 1 | | | 1 | | | | | |
| SECFIRM19/20 —focussed on firms and officers not subject to an OFT visit in the previous 24 months or have a history of non-compliance (regions not caught under SCHOOLIES19). | 39 | 6 | 1 | 1 | 5 | | | | | |
| Educational operation | | | | | | | | | | |
| AUDITOR19/20 —educational visits to auditors on commonly found compliance issues and late lodgements by licensed industries. | 110 | | | | | | | | | |
| MDREPAIRS19/20 —educational visits to mechanics and vehicle repair centres on responsibilities under ACL. | 50 | | | | | | | | | |
| Total operations (9) | 529 | 68 | 5 | 11 | 61 | 15 | 0 | 0 | 0 | 0 |

Notes:

1. 'No breach' includes investigations outcomes where there was insufficient evidence of a breach.
2. One spot check can result in an investigation of more than one entity. Multiple enforcement actions can be taken against one entity.
3. Not all matters referred for investigation during a financial year may have been finalised in that financial year.
4. Due to COVID-19, PRIME operations scheduled between March and July were cancelled, including one focussing on caravan sales and one on gift cards.



CASE STUDIES

Operation REA19/20

Between July 2019 and February 2020, the OFT conducted a proactive compliance operation focused on licensed agents not subject to an OFT visit within the previous two years. The real estate industry continues to be one of the industries most complained about by consumers each year.

Officers conducted 101 spot checks on real estate agents across Queensland, checking 334 entities. As a result of the spot checks 9 infringement notices were issued for breaches of legislation. Officers also issued 4 compliance advice letters and 19 warnings reminding licensees of their obligations relating to trust accounts, record keeping, handling and accounting for trust monies and having a valid appointment to act.

Operation RLA19/20

In October and November 2019, the OFT conducted a proactive compliance operation targeting resident letting agents who had not received a visit from the OFT in the previous two years. The operation focussed on compliance with the *Property Occupations Act 2014* and *Agents Financial Administration Act 2014*.

Officers conducted 49 spot checks of letting agents' premises finding a moderate level of non-compliance with 14 spot checks referred for further investigation. Officers issued 11 warnings and 2 infringement notices to licensees about record keeping, trust account obligations and having a valid appointment to act.

Operation MD19/20

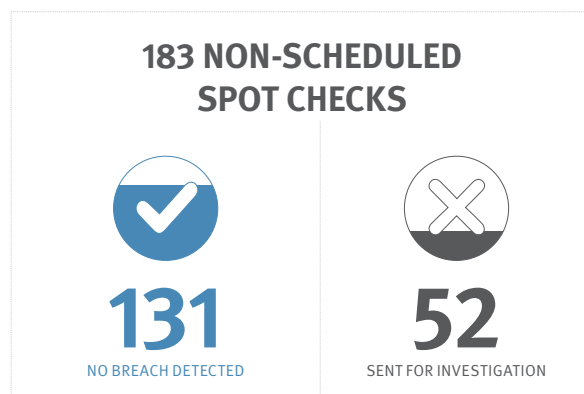
Between July and September 2019, the OFT targeted motor dealers who had not been visited by the OFT in the previous two years, checking compliance with obligations under the *Motor Dealers and Chattel Auctioneers Act 2014* (MDCAA) and *Agents Financial Administration Act 2014* and their regulations.

Officers attended 111 dealerships and conducted spot checks. Fifteen traders were referred for investigation. Officers issued three compliance advice letters and 18 warnings for issues relating to unregistered salespeople, failing to give certain notices and updating the OFT when licence details change. Four infringement notices were issued for breaches of MDCAA.

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. For example, these 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).



| Legislation/industry | Spot checks | | Investigation outcomes | | | | | | | |
|--|--------------------|------------------------|------------------------|-----------|----------------------------------|---------------------|------------|---------------|-------------------------|-------------------|
| | No breach detected | Sent for investigation | No breach ¹ | Other | Enforcement actions ¹ | | | | | |
| | | | | | Warning issued | Infringement issued | CPN issued | Public naming | Enforceable undertaking | Court prosecution |
| ACL (not related to national projects) | 28 | 3 | | 1 | 2 | | | | | |
| Motor dealers | 10 | 10 | | 1 | | 2 | | | | |
| Real estate agents | 32 | 18 | | 8 | 2 | 1 | | | | |
| Resident letting agents | 5 | 1 | | | | | | | | |
| Second-hand dealers ² | 7 | 8 | | | 4 | 7 | | | | |
| Security providers ³ | 21 | 4 | | | | | | | | |
| Tattoo industry | 7 | 7 | | 5 | 2 | | | | | |
| Festivals and events | 21 | 1 | | | 1 | | | | | |
| Total^{4, 5 & 6} | 131 | 52 | 0 | 15 | 11 | 10 | 0 | 0 | 0 | 0 |

Notes:

1. 'No breach' includes investigations outcomes where there was insufficient evidence of a breach
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*.
4. The statistics listed in this report relate only to those undertaken by the OFT.
5. One spot check can result in an investigation of more than one entity. Multiple enforcement actions can be taken against one entity.
6. Not all matters referred for investigation during a financial year may have been finalised in that financial year.

CASE STUDY

**Second-hand dealers**

In August 2019, as part of a joint proactive operation with the Queensland Police Service, officers from the OFT located an unlicensed second-hand dealer. After investigation, the trader was issued with two infringement notices for operating as a second-hand dealer while unlicensed and for not keeping a register as required.

In March 2020, the OFT received new information about the trader and performed another spot check of the premises. Officers found the trader offering pawnbroking services without holding an appropriate licence or keeping the required records. The trader was issued a further five infringement notices totalling \$2,266.

Redress

The OFT obtains redress for consumers by:

- conciliating complaints between consumers and traders
- paying claims from the AFAA 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 2019–20, the OFT achieved \$9.38 million in redress for consumers.

| | |
|-----------------------------------|-----------------------|
| Conciliation | \$6,731,193.00 |
| Investigations | \$834,885.14 |
| Claims paid to consumers | \$1,499,642.20 |
| Court-ordered compensation orders | \$322,018.58 |
| Total | \$9,387,738.92 |



\$9.38M
Redress for consumers



CASE STUDIES

Case study

A consumer purchased a picture framing service from a trader. The consumer was unhappy as the shop-front closed and the consumer couldn't contact the trader. The trader held the consumer's artwork and no resolution had been offered. The consumer was seeking return of the artwork and the deposit they had paid. **After the OFT's intervention the trader completed the framing and returned the artwork.**

Case study

An elderly couple purchased an opal ring while holidaying interstate. The consumers asked a third-party jeweller to resize the ring. On inspection, the jeweller identified a fault in the stone and the ring could not be resized. The consumers contacted the original trader but were unable to negotiate a remedy. **As a result of OFT intervention the original supplier inspected the ring and issued a full refund to the consumer.**

Case study

A business sent a purpose-built computer by courier to a consumer. The consumer found the computer was very badly damaged in transit and had to be replaced. The consumer attempted to negotiate with the trader for a refund of the courier service and the resulting consequential loss incurred. The trader refunded the service cost and offered a \$300 goodwill gesture refund for the damaged parcel. **As a result of OFT intervention the trader agreed to pay for the actual cost of the damaged computer.**

Case study

A consumer purchased a bag from a store in a shopping centre. When the consumer used the bag one of the zips failed, making the bag unusable. On returning the bag to the store, the staff member offered an exchange for another product which the consumer rejected as there were no suitable items. The store displayed a 'no refund' sign and the owner refused to refund the customer. **As a result of OFT intervention the trader refunded the consumer and removed the 'no refund' sign from the store.**

Case study

A consumer purchased a free standing oven and cooktop from a trader. The stainless steel started to rust and the print on the knobs peeled, resulting in the consumer no longer being able to see the stove settings. The trader escalated the matter to the manufacturer who replaced the knobs but maintained the rust was caused by the consumer not following the item's care instructions. **After intervention by the OFT the manufacturer agreed to provide a full refund and organise for the removal of the appliance.**

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 2019–20, the OFT secured court-ordered compensation orders totalling \$322,018.58.

CASE STUDIES



Case study

Prosecution of Peter John Murray, director of Peters Cabins Pty Ltd

In October 2017, Peters Cabins Pty Ltd was contracted to construct and supply a two-bedroom cabin and accepted a deposit of \$5,715 and a commencement payment of \$37,159 from a customer. The trader requested a further payment of \$14,400 for driveway construction at the site in February 2018.

By 30 May 2018, no work had begun at the site and by July 2018, the customer requested a full refund of \$57,274. This was not returned to the customer and the work was never started.

The customer was able to recover \$6,438 through the Queensland Building and Construction Commission's Home Warranty Insurance Scheme but the remainder of their outlay remained outstanding.

On 20 February 2020, Peter John Murray, director of Peters Cabins Pty Ltd, was found guilty of accepting payment for goods and services but failing to supply them under the ACL.

Mr Murray was ordered to pay \$30,000 in fines and \$50,836 in compensation to the customer. A conviction was recorded.

CASE STUDIES



Case study

Prosecution of Danielle Nancy Whitaker and Accouter Pty Ltd trading as Airmaze

After investigation of complaints received by the OFT it was found consumers had paid deposits to Accouter Pty Ltd for Bali huts, pergolas and gazebos. However, despite repeated contacts with the trader to obtain their goods, they were not supplied.

On 11 October 2019, Ms Whitaker pleaded guilty to seven counts of failing to supply goods within a reasonable time under the ACL.

A total of \$125,806 in fines and compensation was ordered by the court. Ms Whitaker was fined \$5,000 and her company was fined \$40,000. The company was further ordered to pay a total of \$79,806 in compensation to 21 affected consumers.

Case study

Dominique Jean Marie Gerson, 2 Frogz In Oz Pty Ltd, trading as Rendez-Vous Fute

A former Cairns travel agent and his company were found guilty of nine charges under the ACL after accepting payments from consumers for holiday tours, vehicle hire and accommodation but failing to supply them.

Mr Gerson and his company were fined \$15,000 and \$45,000 respectively and ordered to pay \$21,345 in compensation to six affected consumers. Convictions were recorded against both Mr Gerson and 2 Frogz In Oz Pty Ltd.

CASE STUDIES

Case study

Regulator puts paws on unscrupulous dog breeder

Veronica Leigh Micallef, sole operator of Veraicon Kennels, accepted deposits from three consumers for the purchase of Australian Terrier puppies. The animals were represented as being due to be born between late July and early August 2017.

After accepting payment, the trader later contacted the three buyers to let them know the puppies did not survive due to an emergency C-Section. However, the trader did offer a refund or to place each consumer at the top of the list for the next litter.

Each of the consumers chose a refund remedy from the trader, but found this to be a hollow statement as Ms Micallef failed to supply any reimbursement and stopped all contact.

The OFT's investigation revealed the pitfalls of supply and demand in the pet marketplace. While the financial cost was an out of pocket burden to each complainant, there was also a significant emotional investment in the matter. This required a great deal of understanding and empathy from conciliation and investigation officers, who wanted an outcome in a reasonable time to help those affected.

OFT investigators were able to determine that no vet in the area had performed the claimed C-Section on a breeding dog registered to Ms Micallef in the relevant period. Further, it was implied that the pups from the original litter did not suffer mishap and were sold to other consumers.

The dog breeder pleaded guilty and was convicted in the Toowoomba Magistrates Court of three counts of accepting payment and failing to supply goods under the ACL. They were ordered to pay \$14,500 in fines and \$1,750 in compensation to the affected consumers.

Though unfortunate, the OFT uses this matter as a reminder to consumers to be wary of traders who may seek to take advantage of the nature of this type of purchase—and the trust required when handing over direct bank payment.



Claims

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

Under AFAA real estate agents, motor dealers, auctioneers and debt collectors must put certain monies received for transactions into a trust account. Depending on the industry, this may include deposits, rent payments and purchase money. Approximately 8,800 trust accounts are held across 13 financial institutions in Queensland.

Major breaches leading to claims include:

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

In 2019–20, \$1,499,642.20 was paid from the claim fund to 268 consumers who had been the victim of dishonest acts by agents and motor dealers. A further \$938,210.64 was used to fund receiverships over trust properties.

Under AFAA all amounts paid from the claim fund may be recovered from the offending trader. While every effort is made to recover these monies, agents and dealers often lack the financial capacity to repay the debt and recovery rates are relatively low. In 2019–20, \$304,451.47 was recovered, \$276,348.77 of which came from trust account balances remitted to the OFT at the end of receiverships.

CASE STUDY



Claim paid after motor dealer misleads consumer about a caravan

In July 2016, a consumer purchased a 2004 model caravan from a motor dealer for \$12,000. In December 2017, the consumer was contacted by the Queensland Police Service (QPS) who informed her there was an issue with the caravan. After investigation, the QPS ascertained the caravan was a statutory write-off.

It is illegal to re-register a statutory write-off in Queensland or another Australian jurisdiction, even if repaired. These types of vehicles can only be sold for parts or scrap metal.

The consumer made a claim against the AFAA claim fund for \$12,000 claiming the motor dealer misled her by concealing that the caravan was a statutory write-off.

During the claim process, evidence showed the motor dealer had re-registered the caravan with a different vehicle identification number (VIN) to the original VIN and concealed the caravan's history.

Additionally, a valuation established the true value of the caravan was \$1,500 which meant the consumer suffered a financial loss of \$10,500 plus another \$330 for valuation costs.

The OFT concluded that the motor dealer had wilfully concealed the true history of the caravan and he was liable for the consumer's financial loss of \$10,830. The consumer was paid this amount from the claim fund which the motor dealer is liable to reimburse.

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 consumer protection agencies such as Queensland's OFT.

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 2019–20, a number of high-risk areas were assessed. Importers and internet traders were again targeted to prevent unsafe and banned products from entering the supply chain, as it has been 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 undertaken in 2019–20:

- 72 warnings were issued for breaches of mandatory standards and permanent bans
- 2 debt recovery orders worth a total of \$6,557 were issued to recoup testing costs of which \$6,135 was repaid by the traders by June 2020.

In 2019–20, the OFT also conducted 1,390 product safety spot checks state-wide, including:

- 1,322 as part of compliance operations
- 68 as targeted non-scheduled inspections.

CASE STUDY



Takata airbags

The OFT worked in conjunction with the Australian Competition and Consumer Commission and other Australian state and territory consumer protection agencies as part of a nation-wide compliance operation to find vehicles fitted with dangerous Takata airbags which were part of the Takata airbag recall.

Since November 2019, OFT inspectors have been visiting Queensland second-hand car dealers, auction houses and wreckers to inspect vehicles. In 2019–20, 679 spot checks were conducted. Of the 20,390 vehicles checked during these compliance visits, 105 vehicles were identified as being under active recall, including four vehicles which fell under a critical recall and which were removed from circulation.

Scheduled product safety operations

The following product safety proactive compliance operations were undertaken in 2019–20.

| Operation | Spot checks | | | Investigation outcomes | | | | | | | | |
|--|--------------------|---|------------------------|------------------------|-------|-----------------------------|----------------------------------|---------------------|-----------------------------|---------------|-------------------------|-------------------|
| | | | | No breach ² | Other | Product withdrawn by trader | Warning label added/ modified | Enforcement actions | | | | |
| | No breach detected | Breach rectified immediately ¹ | Sent for investigation | | | | | Warning issued | Civil Penalty Notice issued | Public naming | Enforceable undertaking | Court prosecution |
| BUNKBEDS19/20—increase compliance in the short-term rental accommodation provider industry and to reduce the supply of non-compliant unsafe bunk beds to the marketplace. | 5 | | 2 | | | | | 2 | | | | |
| EKKA19—show bag safety checks and compliance audits of stall holders at the Brisbane Ekka. | 24 | 6 | 6 | | 2 | | | 4 | | | | |
| HIREINDUSTRIES19/20—Educate and increase compliance in the hire industry and reduce the supply of non-compliant, unsafe products to the marketplace i.e. hiring of non-compliant children's car seats, folding cots and prams | 11 | | | | | | | | | | | |
| IMPORTER19/20—increase compliance in the importer industry and to reduce the supply of non-compliant unsafe products to the marketplace. | 5 | | 2 | | | | | 2 | | | | |
| MARKETS19/20—increase compliance in the market stall holder supply demographic and to reduce the supply of non-compliant unsafe products to the marketplace. | 8 | | 1 | | | | | 1 | | | | |
| ONLINE19/20—increase compliance online and to reduce the supply of non-compliant unsafe products to the marketplace which was primarily a desktop compliance audit operation. | 120 | | 44 | 13 | 7 | | | 7 | | | | |
| SAFECHRISTMAS19—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. | 365 | | 5 | 1 | | | | 4 | | | | |
| STANDARDS20—focus on compliance in the retail sector to reduce the supply of unsafe products to the marketplace. | 35 | | 1 | | | | | 1 | | | | |
| TAKATA19/20—find vehicles fitted with airbags part of the Takata airbag recall. | 672 | 2 | 8 | | | | | | | | | |
| Total scheduled (9) | 1,245 | 8 | 69 | 14 | 9 | 0 | | 21 | | | | |
| Non-scheduled spot checks | 54 | 1 | 13 | | 5 | 2 | | 7 | | | | |
| Total spot checks | 1,299 | 9 | 82 | 14 | 14 | 2 | | 28 | | | | |

Notes:

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

Occupational licensing

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

In 2019–20, the OFT processed 21,606 applications for new licences and certificates, and 62,115 applications for renewals¹.

| Act | New licences and certificates issued ² | Licences and certificates renewed ³ |
|--|---|--|
| <i>Property Occupations Act 2014</i> | 6,057 | 20,536 |
| <i>Motor Dealers and Chattel Auctioneers Act 2014</i> | 1,138 | 4,380 |
| <i>Debt Collectors (Field Agents and Collection Agents) Act 2014</i> | 73 | 224 |
| <i>Security Providers Act 1993</i> | 4,874 | 12,551 |
| <i>Second-hand Dealers and Pawnbrokers Act 2003</i> | 226 | 620 |
| <i>Tattoo Parlours Act 2013</i> | 290 | 381 |
| <i>Introduction Agents Act 2001</i> | 4 | 6 |
| <i>Tourism Services Act 2003</i> | 18 | 40 |
| Total | 12,680 | 38,738 |

Notes:

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

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

As at 30 June 2020, the following number of entities were licensed to perform these OFT-licensed occupations.

| Occupational function | | Number licensed or registered |
|--|---------------|--|
| Security industry | 25,800 | Security provider—Class 1 (unrestricted) |
| | | 19,531 |
| | | Security provider—Class 1 (restricted) |
| | | 13 |
| Real estate industry | 44,065 | Security provider—Class 2 |
| | | 4,790 |
| | | Security firm |
| | | 1,466 |
| | | Real estate (individual) |
| Motor industry | 7,994 | 14,627 |
| | | Resident letting agent (individual) |
| | | 1,626 |
| | | Real estate salesperson |
| | | 19,715 |
| Auctioneering | 3,307 | Real estate (corporation) |
| | | 7,121 |
| | | Resident letting agent (corporation) |
| | | 976 |
| | | Motor dealer (individual) |
| Debt collection | 470 | 3,523 |
| | | Motor salesperson |
| | | 3,094 |
| | | Motor dealer (corporation) |
| | | 1,377 |
| Tattoo industry | 1,268 | Auctioneer (individual) |
| | | 1,374 |
| | | Chattel auctioneer (individual) |
| | | 967 |
| | | Auctioneer (corporation) |
| Second-hand dealing and pawnbroking | 1,264 | 566 |
| | | Chattel auctioneer (corporation) |
| | | 400 |
| | | Field agent (individual) |
| | | 208 |
| Introduction agent | 11 | Field sub-agent |
| | | 163 |
| | | Field agent (corporation) |
| | | 99 |
| | | Tattooist |
| Inbound tour operator | 85 | 930 |
| | | Tattoo parlour operator |
| | | 335 |
| | | Visiting permit |
| | | 3 |
| Total | 84,264 | Second-hand dealer |
| | | 1,087 |
| | | Pawnbroker |
| | | 10 |
| | | Second-hand dealer and pawnbroker |

Administrative and disciplinary action against occupational licensees—suspensions and cancellations

Property Occupations Act 2014
licences suspended

| Licence suspension reason | Number |
|--------------------------------|-----------|
| Failure to supply audit report | 24 |
| QCAT | 1 |
| Total | 25 |

Motor Dealers and Chattel Auctioneers Act 2014 licences suspended

| Licence suspension reason | Number |
|--------------------------------|----------|
| Failure to supply audit report | 1 |
| Total | 1 |

Security Providers Act 1993
licences suspended

| Licence suspension reason | Number |
|--|------------|
| Administration of justice/public authority | 1 |
| Assault | 19 |
| Drugs related offences | 27 |
| Endangering life or health | 20 |
| Misconduct in relation to public offence | 1 |
| Morality/sexual offences | 20 |
| Offences against liberty | 5 |
| Public interest | 3 |
| Stealing and like offences | 27 |
| Weapons offences | 5 |
| Total | 128 |

Property Occupations Act 2014
licences cancelled

| Licence cancellation reason | Number |
|-----------------------------|-----------|
| Assault | 2 |
| Bankruptcy | 6 |
| Corporation deregistered | 11 |
| Morality/sexual offences | 4 |
| Offences against liberty | 2 |
| Stealing and like offences | 4 |
| Suitability | 1 |
| Total | 30 |

Motor Dealers and Chattel Auctioneers Act 2014 licences cancelled

| Licence cancellation reason | Number |
|-----------------------------|----------|
| Bankruptcy | 3 |
| Corporation deregistered | 4 |
| Morality/sexual offences | 1 |
| Offences against liberty | 1 |
| Total | 9 |

Security Providers Act 1993
licences cancelled

| Licence cancellation reason | Number |
|----------------------------------|------------|
| Assault | 2 |
| Drugs related offences | 3 |
| Endangering life or health | 3 |
| Mandatory association membership | 10 |
| Morality/sexual offences | 3 |
| Offences against liberty | 1 |
| Public interest | 20 |
| Stealing and like offences | 6 |
| Triennial training | 119 |
| Weapons offences | 1 |
| Total | 168 |

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 registrations 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 2019–20, a total of 1,011 administrative disciplinary actions were taken by the OFT against licensees, with 8 of those licensees seeking a review in QCAT of the OFT's decision. In all 8 matters the OFT's decision was successfully retained. One licensee sought a review in the Supreme Court for OFT's decision to be reconsidered. The licensee was successful in their appeal to the Supreme Court.

CASE STUDY



Gordon Park real estate agent banned from industry for life

Martin David Moala Jones and his company, Diligent Property Management Pty Ltd

In November 2016, the OFT received a complaint from a property owner who believed he had not received all the rent money he was entitled to from Diligent Property Management.

An OFT investigation established a number of failures to comply with the law including that Mr Jones had not kept proper records, had not been properly appointed by his clients, and had mismanaged trust money.

The OFT appointed a receiver over the trust property who subsequently found the trust account was overdrawn by more than \$18,000. Clients were compensated for their loss by the Agents Financial Administration claim fund, which is administered by the OFT.

On 17 January 2020, the OFT took disciplinary action against Mr Jones and his company in the Queensland Civil and Administrative Tribunal.

Mr Jones and his company were **banned from working in the real estate industry** and banned from being an executive officer of any corporation licensed under the *Property Occupations Act 2014* **for life. He was also ordered to pay more than \$80,000 in fines, compensation and costs.**

Security providers training package review

The Commonwealth Department of Education and Training commissioned the Skills Service Organisation, Artibus Innovation, to review the training package required to receive a licence in the industry under the *Security Providers Act 1993*.

Artibus consulted with industry stakeholders, including state and territory regulators, registered training organisations, security industry associations and security licensees to develop the proposed new training package.

The review was required to consider whether the qualifications and units of competency met industry needs, and to develop components that align with the licensing requirements across jurisdictions. A draft Security Operations Training Package was produced by Artibus and the Australian Industry Skills Committee (AISC) approved it on 20 December 2018.

The OFT assisted the QLD Government with further consultation with the security industry about the draft training package.

After extensive reviews and consultation, the new training package was approved by the AISC and in Queensland the new training commenced on 21 January 2020.

COVID-19 assistance for licensees

The OFT worked cooperatively with industry during the COVID-19 crisis to ensure the most relevant and up-to-date information was available to OFT licensees. A number of occupations licensed by the OFT were impacted by the Chief Health Officer's Directives including for example, tattooists, real estate agents, auctioneers, resident letting agents, inbound tour operators, and security providers.

The OFT provided these licensees practical advice about how to operate and comply with both their industry specific regulations and the Chief Health Officer Directives. In addition to responding to licensees questions by phone, OFT emailed regulated industry licensees, produced fact sheets, and participated in several webinars and virtual forums hosted by industry bodies to provide up-to-date information and advice such as:

- informing currently licensed crowd controllers and bodyguards that if their compulsory training fell due between 1 March 2020 and 30 September 2020 a grace period of 12 months would be extended to them to complete it and their licence would be renewed.
- highlighting some of the more common issues identified within a particular industry and ways that simple, and generally unintentional, breaches could be avoided
- ways to comply with requirements for document witnessing and certification during compulsory closures.

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 2019–20 over 900 new organisations were registered and over 20,000 organisations had their registrations renewed.

| Act | New registration applications | Annual returns |
|--|-------------------------------|----------------|
| <i>Associations Incorporation Act 1981</i> | 764 | 16,726 |
| <i>Collections Act 1966</i> | 161 | 3,563 |
| <i>Cooperatives Act 1997</i> | 4 | 102 |
| Total | 929 | 20,391 |

As at 30 June 2020, the following number of organisations were registered.

| Organisation type | Number registered |
|---------------------------------|-------------------|
| Incorporated associations | 23,019 |
| Charities and community purpose | 4,654 |
| Cooperatives | 166 |
| Limited liability partnerships | 356 |
| Total | 28,195 |



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, the OFT will commence action to cancel the registration or approval.

In 2019–20, 1,795 notices were issued to entities registered under the *Associations Incorporation Act 1981*, *Collections Act 1966*, *Cooperatives Act 1997* or the *Partnership Act 1891* requiring them to show cause why their registration should not be cancelled. The majority of these notices were issued for non-lodgement of the required annual reporting documentation. The registration of 432 organisations was cancelled.

The majority of the OFT's administrative decisions are subject to review by QCAT. The OFT appears in QCAT to defend any decision made. In 2019–20, the review of one not-for-profit matter was commenced and remains in progress at the time of reporting.

CASE STUDIES



Door-to-door collections and street appeals

Under the *Collections Act 1966*, the OFT must approve agreements between charities and commercial organisations who undertake fundraising on behalf of those charities. The OFT also issues assignments to fundraisers who undertake collections in public areas in Queensland, such as streets, or conduct door-to-door appeals.

In 2019–20 the OFT approved 192 fundraising agreements and issued 997 street and door assignments.

COVID-19 response

The ability of associations to hold a meeting during the initial impacts of COVID-19 was severely restricted due to the need to adhere to social distancing requirements introduced to reduce the spread of the virus. To assist associations through this difficult period, the OFT provided them with a grace period of an additional six months, if required, to hold their annual general meeting.

Communication, education and engagement

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

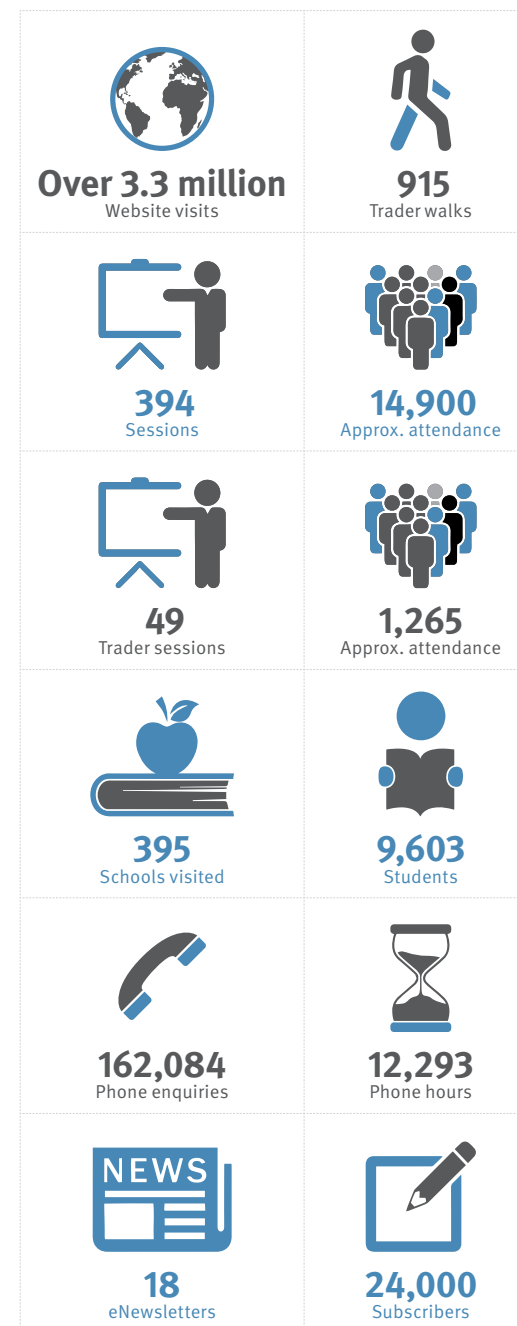
The OFT uses a wide variety of channels and mechanisms to inform the marketplace. These include our:

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

In 2019–20 the OFT's face-to-face education and engagement activities were impacted by COVID-19 restrictions and were suspended from March until the end of the financial year.

In 2019–20, the OFT:

- had website content accessed over 3.3 million times by over 929,000 users
- had 162,084 phone interactions at the Queensland Government call centre, involving 12,293 hours of direct telephone talk time
- responded to 83,963 enquiries received seeking information or advice
- visited 915 traders to provide one-on-one education and advice at their business premises
- gave 394 presentations and information sessions attended by 14,900 people including
 - 345 presentations that were attended by 13,635 people including youth, seniors, Aboriginal and Torres Strait Islander consumers and consumers with non-English speaking backgrounds
 - 49 trader presentations attended by approximately 1,265 business and industry attendees
- Delivered the Buy Smart program with visits to 395 schools, speaking with 9,603 students about their consumer rights
- produced 18 electronic newsletters (six editions of Smart Business Bulletin, six editions of Consumer Connection, four editions of SafetyZone and two editions of Security Buzz) for almost 24,000 subscribers.
- continued to engage with consumers and traders and provide fair trading information through our Facebook, Twitter and YouTube accounts.



Product safety

Providing information and advice to businesses and consumers about the safe purchase, supply and use of products helps prevent injuries and enables Queenslanders to make the safest decisions. Product safety industry and consumer education activities undertaken by OFT in 2019–20 included:

- participation in national education campaigns:
 - *Safe summer*
 - *Don't duck out, make it safe*
 - *Well Winter*
- 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 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 to give guidance about how to develop compliance plans.

During 2019–20 over 27,000 of our product safety brochures were distributed, educating consumers about the safe use of consumer products including prams, cots, bunk beds, trampolines, ladders, pool toys, treadmills and furniture stability.

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 fair trading laws
- undertake compliance checks on industry sectors we regulate and license
- take complaints from consumers.

In 2019–20, the OFT conducted three outreaches. A further two were scheduled but were cancelled as a result of restrictions put in place to reduce the spread of COVID-19. Towns visited by the OFT as part of the outreach program in 2019–20 included:

- Thursday Island, Seisia, Bamaga, Injinoo and New Mapoon
- Chinchilla, Jandowae, Wandoan, Condamine and Miles
- Biloela, Banana and Moura.

In addition to these outreach programs, the OFT also undertakes individual outreach visits to Indigenous communities.

Buy Smart Competition

Since 2002, the OFT has strengthened the engagement and education of young consumers in fair trading matters through its annual Buy Smart Competition, with students participating from schools throughout the State from Thursday Island to the Gold Coast.

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

As part of the 2019 Buy Smart program, the OFT spoke to over 11,000 students across Queensland about consumer rights, scams, budgeting, product safety, and many other topics, resulting in entries from over 1,000 students.

The winning entries came from:

- Aspley State High School
- Boondall State School
- James Nash State High School, Gympie
- Kin Kora State School
- Mount Crosby State School
- Trinity College, Gladstone
- Wavell State High School

In 2019, the Commissioner's School Champion prize was awarded to Bell State School, located in the Darling Downs. This prize is a special commendation awarded each year to recognise a school that has shown exceptional enthusiasm and effort in including consumer information in their students' learnings.

Due to COVID-19, in March 2020 schools were closed and students began learning from home. To assist parents and teachers with this the OFT created *Buy Smart Online*. This included the development of four videos which supplement and sit alongside OFT's existing ready-made supporting materials. The video topics are:

- An introduction to Buy Smart Online
—For parents, careers, teachers and students
- Avoiding the sneaky scammers
—Years 4 to 6
- Your consumer rights and responsibilities
—Years 7 to 9
- Buying your first car—Years 10 to 12.

The OFT also worked with schools to deliver presentations and question and answer sessions via schools' video conferencing facilities.

Indigenous Outreach

In 2019–20, the OFT conducted twelve outreach visits to Indigenous communities with over 860 people attending OFT activities. These visits were suspended from March until 30 June 2020 in compliance with health directions designed to protect vulnerable community members.

- Woorabinda—July and twice in October 2019
- Thursday Island—July, August 2019
- Yarrabah—August, November 2019
- Cherbourg—September 2019, February 2020
- Palm Island—November 2019
- New Mapoon—January 2020
- Umagico—January 2020
- Bamaga—January 2020
- Injinoo—January 2020
- Wujal Wujal—February 2020
- Hope Vale—February 2020

CASE STUDIES



Yarnin' Money Day Palm Island

In November 2019, the OFT assisted the Indigenous Consumer Assistance Network Ltd (ICAN) and its service partners with a Yarnin' Money Day event on Palm Island.

The event was set up at the local TAFE and provided information to over eighty Palm Island residents about superannuation, wills, banking, no interest loans, small business and consumer issues as well as support services available.

ICAN developed the Yarnin' Money Day concept as a proactive response to scams and potential financial issues arising from the \$30million Palm Island Class Action Settlement Scheme.

Palm Island Mayor, Alfred Lacey presented email correspondence from a scammer offering to provide financial services to claimants. The OFT investigated the trader, found he was unlicensed for the services he wanted to offer and stopped him from visiting the island.

Large influxes of money can attract unscrupulous traders and activities like these Money Day events are valuable as they allow service groups and regulators to get in early and provide advice and guidance to residents on how to avoid being ripped off. Once residents are armed with the information, they can make informed decisions about how to deal with their money.



CASE STUDIES

Woorabinda outreach

On Friday, 26 July through to Sunday 28 July 2019, the OFT along with other business groups, attended the **Woorabinda Passport Cultural Awareness program**. The program provides Indigenous awareness and education to local agencies, contractors and businesses. The program has been endorsed by traditional owners, community elders and representatives from the Woorabinda Aboriginal Shire Council.

The program included briefings from the Woorabinda community, discussions about issues affecting the community, traditional yarning sessions, and an information session with Mayor Cheyne Wilke.

The OFT officers were honoured to have been invited to participate in the event and grateful for the warmth and hospitality shown to them by the community. The program enabled the OFT to plan with the community how they could continue to work together to provide ongoing consumer assistance.

In October 2019, the OFT also participated in **Woorabinda's Local Thriving Community** event, hosted by the Department of Aboriginal and Torres Strait Islander Partnerships, and **Woorabinda's Indigenous Business Month** event, sponsored by the Woorabinda Enterprise Hub Development and co-ordinated with Yoonthalla Services Woorabinda, providing fair trading information and advice.



Woorabinda elder performs a smoking ritual



ican

**celebrates partnership with OFT
to mark its 10th anniversary**

The OFT has had a long-standing partnership with the Indigenous Consumer Assistance Network (ICAN) dating back to its inception. We were very proud to be recognised as one of their integral partners at their 10th anniversary celebrations.

Because of our relationship with ICAN, we have been able to more effectively engage with remote Indigenous communities to help them better respond to consumer issues when it comes to buying and selling products. ICAN has also helped us increase our awareness of trader misbehaviour so we can address illegal trader activities in a timely manner.

Do not knock informed communities

The *Do-not-knock informed* communities program began as a pilot in Wujal Wujal in April 2016 and expanded to Yarrabah in May 2017. In 2017–18 the initiative developed to include Hope Vale in September, followed by Palm Island and Woorabinda in November 2017.

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

Now in its fourth 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 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, must supply documents, and only door knock during approved hours. Most importantly it reminds traders that approaching residences displaying do-not-knock notices is an offence.

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



Wujal Wujal Do no knock sign

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.

From March 2020, ORP contributed to the development and delivery of emergency legislative responses to the COVID-19 pandemic. The legislative responses covered a range of matters across the Attorney-General's portfolio, including arrangements for the operation of Queensland community titles schemes.

During 2019–20, ORP also completed policy and legislative work resulting in the passage of the *Co-operatives National Law Act 2020* (CNL Act) by the Queensland Parliament. When it commences, the CNL Act will deliver modernised, streamlined laws for Queensland co-operatives which operate in a wide range of industries, including agriculture, community housing and Aboriginal and Torres Strait Islander arts.

ORP also progressed policy and legislative work on the *Associations Incorporation and Other Legislation Amendment Act 2020*, which like the CNL Act was passed in June 2020. The Act introduces red tape reduction for incorporated associations, for example by allowing the use of communications technology during meetings without the need for this to be specified in an association's rules. The Act also provides the Queensland Government with the ability to exempt certain entities from reporting obligations under the *Associations Incorporations Act 1981* and the *Collections Act 1966*. It is intended that this ability will be used, on commencement, to exempt organisations that are registered with (and fulfil a reporting obligation to) the Australian Charities and Not-for-profits Commission (ACNC) from the requirement to submit annual reports to the Office of Fair Trading. The Act also contains amendments to improve the internal governance of charities.

ORP also progressed amendments to the Collections Regulation 2008 that removed a requirement for charities to advertise twice in newspapers when applying to be registered as a charity for fundraising purposes.

During 2019–20, ORP developed a potential model for continuing professional development (CPD) for property agents, which was subject to targeted consultation with peak stakeholder bodies. Feedback from stakeholders will inform any future decisions about a CPD framework for Queensland property agents.

In addition, ORP progressed development of proposed new regulations to be made under the *Body Corporate and Community Management Act 1997*. The proposed regulations were released for consultation in 2019–20 and include a range of reforms designed to modernise and streamline administration and governance of community titles schemes.

At the national level, ORP continued to work collaboratively with officials from the Commonwealth, states and territories to progress outcomes of the national review of the Australian Consumer Law and in relation to broader consumer affairs matters being considered by the ministerial Legislative and Governance Forum on Consumer Affairs.





National activities

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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. Communiqués from CAF meetings can be found at www.consumerlaw.gov.au

CAF is supported by a committee of Commissioners and 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. They 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.

A representation of CAF and its committees is at [Appendix 3](#).

PSOG

Button batteries

From 30 September to 16 August 2019 consultation was undertaken on the Button Battery Safety Issues Paper. From 14 November to 13 December 2019 further consultation was undertaken in relation to button batteries in toys for children up to and including 36 months.

Product safety consultation

From 8 October 2019 to 30 November 2019 consultation was undertaken by the Commonwealth Treasury on Improving the Effectiveness of the Consumer Product Safety System including the option of introducing a new safety duty (also referred to as a General Safety Provision) into the Australian Consumer Law.

PRAC

Ticket resale information requirements

From 24 December 2019 to 14 February 2020 consultation was undertaken on a Ticket Resale Information Standard. The Information Standard is proposed to require ticket resale websites to disclose the face value of tickets, and to disclose the fact that the website is not a primary ticket seller.

Enhancements to Unfair Contract Term protections

From 13 December 2019 to 27 March 2020 consultation sought stakeholder feedback on a range of policy options to address issues identified. It also sought views on whether any enhanced unfair contract term protections for small business contracts should also be extended to consumer and insurance contracts to ensure consistency in the operation of the protections.

CDRAC

COVID-19 SCAMS

COVID-19 saw a rise in scam activity. These scams included online shopping and phishing scams, sophisticated impersonations of government scams, romance scams, itinerant trader scams, and puppy scams. A cooperative response across consumer protection agencies nationally reduced much of the potential harm of these scams.

Queensland OFT's scam focus during the COVID-19 pandemic related to itinerant traders. Scammers took advantage of the increase in the number of people at home during the day due to COVID-19 restrictions. In particular Queensland saw a spike in reports of bitumen layers going door-to-door with allegedly 'cheap, today only' offers. OFT issued numerous warnings to the public as these matters arose. Between March and June 2020 the OFT released more warnings about itinerant traders than it had in the whole of the previous year. Investigations were commenced into a number of these issues and they were ongoing at the end of 2019–20.

EIAC

Paper billing

The 2019 paper billing project aimed to further promote awareness in the community on how to avoid fees for receiving paper bills in the mail. This followed a 2018 campaign that aimed to improve consumer understanding and awareness that fee exemptions may be available, or to consider receiving bills electronically to avoid paper billing fees.



The project was led by South Australia and ran from 25 July to 4 October 2019 in parallel with an industry-led campaign to increase the number of consumers who are fee-exempt.

The primary target audience for the campaign involved people with limited access to the internet, therefore communication activities involved traditional communication channels including printed resources and utilising stakeholders and local networks to reach consumers directly. Digital messaging informed the general community about paper billing and encouraged them to let friends and family members know how to avoid extra fees.

The campaign included:

1. A nationally coordinated mailout to stakeholder organisations
2. Jurisdiction activities including outreach and community engagement, newsletter articles, media and editorial, and organic social media.

There was significant community interest in this 2019 campaign reaching more than 2 million people.

Gift cards

In 2018 CAF Ministers agreed to amend the ACL to implement a national scheme for the regulation of gift cards requiring:

- gift cards and vouchers have a minimum three year expiry period;
- prominent disclosure of expiry information on gift cards; and
- a ban on certain post-supply fees.

The changes came into effect on 1 November 2019.

The gift cards education campaign was developed to raise business and consumer awareness about the changes to the laws. The target audience was businesses who sell gift cards and consumers who buy and use gift cards.

The project was led by Western Australia with assistance from Queensland and ran in two phases:

Phase one: September–October 2019

in the lead up to the changes and aimed at businesses. This phase encouraged businesses to get ready for the changes

Phase two: November–December 2019

to encourage awareness of the changes after the new laws came into effect and to generate awareness in the lead up to the busy Christmas shopping period.



The national campaign sought a total reach of 150,000 through a combination of activities including unpaid media and editorial, organic and paid social media, newsletter articles, a DL flyer, stakeholder engagement, information on the [Consumer Law website](#) and agency websites and a letter to businesses and stakeholders. The organic and paid social media elements of the campaign alone reached more than 660,000 people.

EIAC cont.

Pre-selected options

On 26 October 2019, rules came into effect requiring businesses to include all charges in the headline price of goods and services, including charges for pre-selected options. To communicate the change, fair trading agencies across Australia undertook an organic social media campaign aimed at businesses and consumers. Queensland also included e-newsletter articles in the Smart Business Bulletin and Consumer Connection publications. The Victoria-led campaign ran from 27 September—1 November 2019.

ACL website landing page

The Australian Consumer Law was reviewed in 2017 to improve consumer wellbeing and ensure the ACL continues to adapt to evolving markets. CAF considered the ACL Review Final Report in August 2017. In 2018, the Commonwealth legislated a significant number of proposals arising from the Review. Newly legislated proposals are listed on the [Changes to the Australian Consumer Law](#) page. The landing page went live in February 2020. The launch of the landing page was promoted via OFT's Facebook and Twitter accounts.

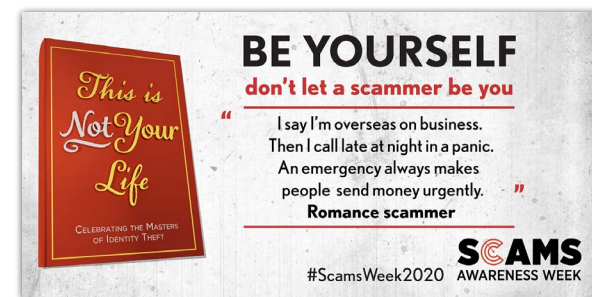
EIAC cyclical activities

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 agency websites, gifs, social media channels including Facebook, Twitter and YouTube, media and newsletters.

During 2019–20 OFT participated in the following cyclical campaigns.

Scams Awareness Week



Led by the ACCC, Scams Awareness Week is an annual opportunity for Australian government agencies and businesses to work together and provide a cohesive public awareness campaign. Scams Awareness Week is an initiative of the Scams Awareness Network of which the OFT is a member. The week ran from 12–16 August 2019 and featured the slogan 'Too smart to be scammed?'. Australians were encouraged to test whether they could spot a scam or were likely to fall victim to a scam. The campaign aimed to raise awareness of scams among target audiences and encourage them to question their knowledge on scams. It also aimed to educate those most vulnerable to scams by providing preventive advice and inform target audiences on where to seek help if they had fallen victim to a scam.

EIAC cyclical activities cont.

Portable pools

Don't duck out, make it SAFE

Portable swimming pools can pose a significant risk to young children. Portable pools take several forms and include inflatable pools, pools incorporating a canvas or flexible plastic liner attached to a frame, and hard plastic such as wading pools.

Following on from the successful *Don't duck out, make it SAFE* project originally launched in November 2018, fair trading agencies across Australia decided to re-run elements of the campaign. The project, led by Western Australia, aimed to increase consumer awareness of portable pool safety and provide safe use advice to as many consumers as possible.

The campaign was conducted in the lead-up to Christmas gift-buying and during the warmer weather in summer. The campaign targeted portable pool purchasers, users and sellers, and parents and carers of young children. The campaign key messages were shared through multiple channels including media, e-newsletters, [web content](#) and Facebook, Twitter and YouTube. The campaign had a reach of more than 89,000 through organic social media.



Safe summer

Summer, end of year celebrations and the school holidays should be times of fun and relaxation, but accidents can happen very quickly. The #safesummer campaign aimed to encourage consumers to have a safe summer as they gear up for holidays and prepare for indoor and outdoor fun. The Western Australian led campaign was in market throughout November–December 2019. Topics included trampolines, aquatic toys and flotation devices, toppling furniture, button batteries, quad bikes, mermaid tails and monofins, and lifejackets. The campaign had a reach of more than 112,400 through organic social media.

Romance scams

While there are many success stories of people who have met through a dating website or app and fallen in love, unfortunately there are also some very sad stories where people have fallen victim to romance scams. Each year a national educational campaign warning consumers about romance scams is conducted in the lead up to Valentine's Day on 14 February. Most people already know about romance scams, but they need to be more alert to the signs that the person they've met online may be a scammer. The South Australia led campaign aimed to increase that level of alertness. The campaign ran from 3–15 February 2020 and reached more than 3.4 million people across various communication channels.



EIAC cyclical activities cont.



Mother's Day

Mother's Day provides an opportunity for ACL regulators to educate consumers and businesses about the ACL and raise awareness of consumer issues. The last time EIAC coordinated a Mother's Day campaign was in 2015. This year the Queensland-led campaign ran for two weeks from 24 April–10 May 2020.

COVID-19 resulted in an unusual impact on the campaign as for some, it was a virtual Mother's Day with strict visiting limitations and many businesses had reduced services to online trading only as a result of the pandemic. The campaign focused on consumers shopping online for Mother's Day gifts in the lead up to the special day and aimed to build consumer awareness and education on some online shopping pitfalls. The campaign also encouraged consumers to support local and small businesses.



Well winter

In the lead up to and the onset of winter, consumers often buy new products and get items out of storage to help them stay warm. In Australia there are recurring injury reports relating to products used at this time of year.

The June 2020 Well Winter campaign was led by Queensland and aimed to increase consumer understanding and awareness of safety issues relating to winter products. The campaign provided reminders and tips for the safe use of these products. Topics included children's sleepwear, wheat packs, hot water bottles, candles and heaters.

January sales and gym memberships

Australian shoppers spend up big in-store and online during the Boxing Day and January sales. Many retailers offer big discounts on everything from clothing and footwear to household goods and electrical items. With this in mind, the EIAC sales campaign led by Victoria aimed to remind consumers and businesses of consumer guarantees and that consumers have rights when it comes to faulty products or services, but not for change of mind.

In January many Australians make new year's resolutions to get fit and join a gym. With the start of the new year, fitness and health industries see a peak in sales. The Victoria-led gym memberships campaign encouraged consumers to do their research and understand their contractual rights and responsibilities before taking out a new gym membership.

The January sales and gym memberships campaigns ran throughout late December 2019 and January 2020.

National Indigenous Consumer Strategy (NICS)

The National Indigenous Consumer Strategy was developed by Commonwealth, state and territory consumer protection regulators after lengthy consultation with Indigenous consumers and government and non-government agencies involved in delivering services to Indigenous consumers.

It was released jointly by Ministers responsible for fair trading and it demonstrates our continued shared responsibility for ensuring that Australia's performance in Indigenous affairs is continually improved.

Under the Strategy, Commonwealth, state and territory consumer agencies are committed to:

- the promotion of basic consumer rights recognised by the United Nations for Indigenous people in Australia
- building awareness, knowledge and confidence for Indigenous people to exercise their consumer rights
- improving access to consumer protection services utilising effective outreach engagement, and
- improving market outcomes for Indigenous consumers.

Delivery on the Strategy is overseen by a Reference Group and each year this group focuses on a priority issue. In 2019–20 the NICS Reference Group focused on developing a new NICS three year Action Plan. Due to delays resulting from COVID-19, that plan is now scheduled to go to Australian Commonwealth, state and territory ministers responsible for fair trading, through the Legislative and Governance Forum on Consumer Affairs, in 2020–21.



SCAM WARNING

If it's too good to be true, then think twice.
BEWARE OF SCAMS!

STOP every time you are asked to send money or give out your personal details.

CCHECK that they are who they say they are. Call their business or visit their website.

ACT by reporting scams to **1300 304 054**

MENTION it to your friends and family.



Priorities

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 2020–21 year, the OFT will maintain its focus on regulated industries, selectively targeting specific issues within those industries for compliance or education activities, and will monitor and proactively respond to issues that emerge in the marketplace due to COVID-19. 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 2020–21:

- commercial collection agencies
- motor dealers
- mechanics and vehicle repair centres
- real estate agents
- resident letting agents
- auctioneers
- auditors
- product safety—including infant sleeping products, button batteries, national quad bike market surveillance plan, completion of the national Takata airbags recall.

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

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Appendix 1—List of OFT legislation

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

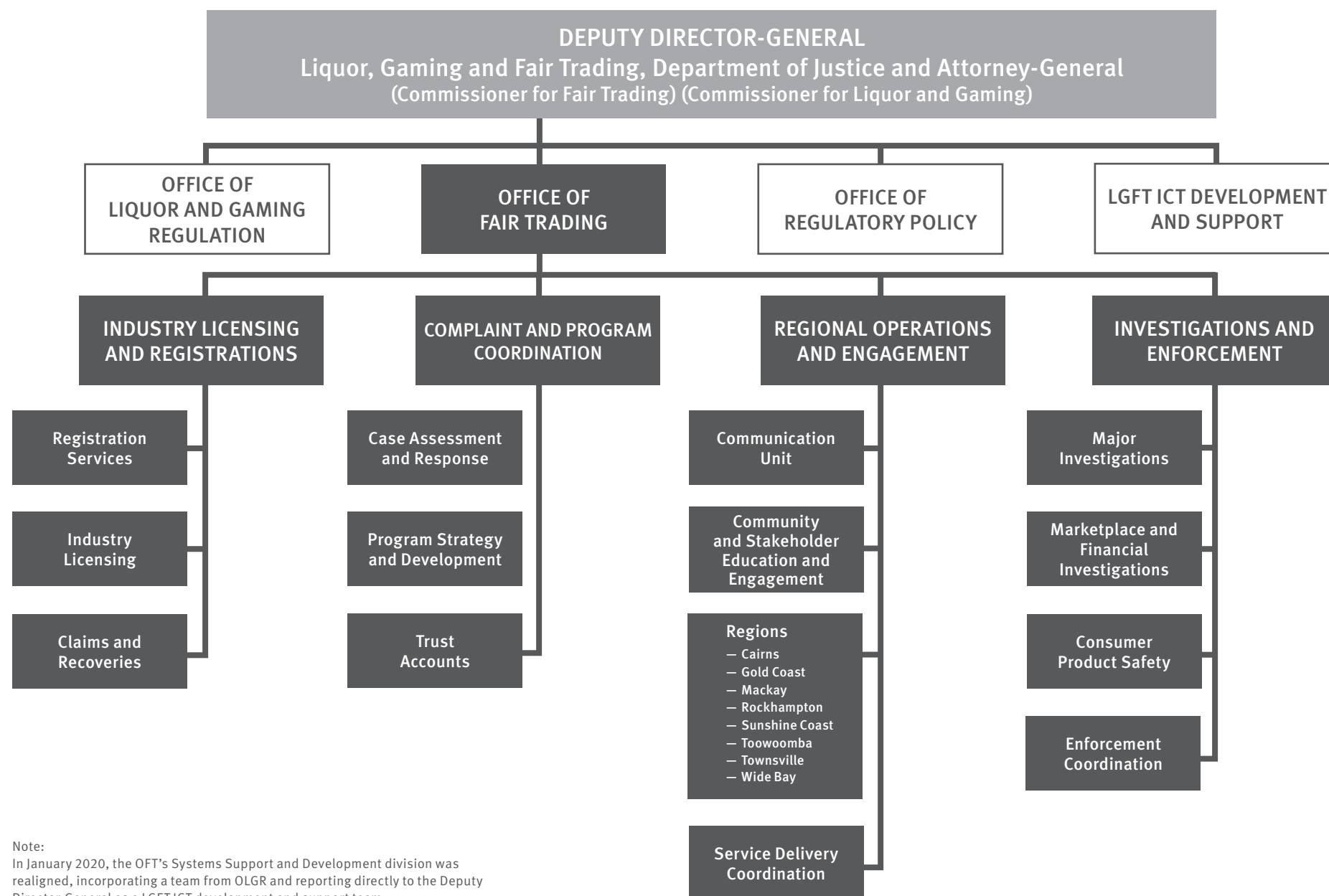
- *Agents Financial Administration Act 2014*
- *Associations Incorporation Act 1981*
- *Collections Act 1966 and Charitable Funds Act 1958*
- *Cooperatives Act 1997*
- *Debt Collectors (Field Agents and Collection Agents) Act 2014*
- *Disposal of Uncollected Goods Act 1967*
- *Fair Trading Act 1989* incorporating the Australian Consumer Law Qld
- Fair Trading (Code of Practice—Fitness Industry) Regulation 2003
- Fair Trading (Fuel Price Board) Regulation 2017
- *Fair Trading Inspectors Act 2014*
- *Funeral Benefit Business Act 1982*
- *Introduction Agents Act 2001*
- *Motor Dealers and Chattel Auctioneers Act 2014*
- *Partnership Act 1891*
- *Property Occupations Act 2014*
- *Sale of Goods Act 1896*
- *Second-hand Dealers and Pawnbrokers Act 2003*
- *Security Providers Act 1993*
- *Tattoo Parlours Act 2013*
- *Tourism Services Act 2003*

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

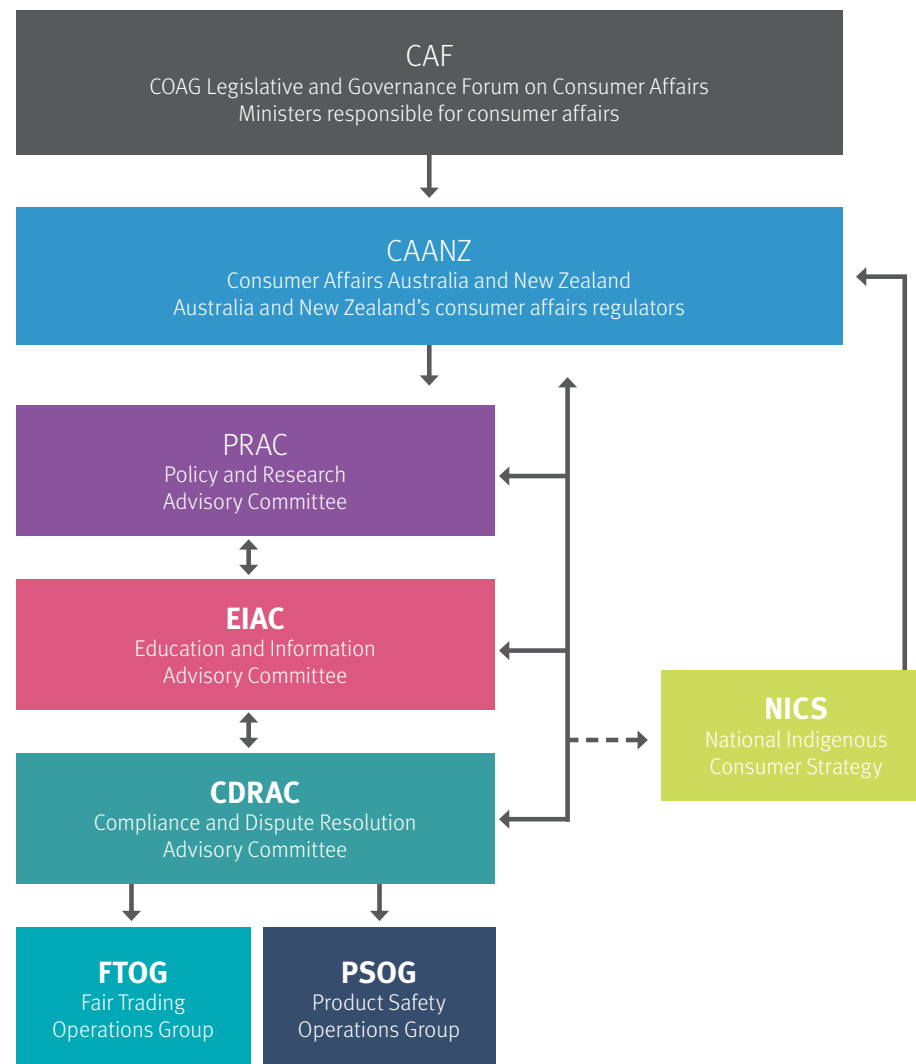
Unlike consumer protection regulators in some Australian jurisdictions, we don't have responsibility for:

- 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 2019–20, included:

- In August 2019, OFT launched a new receipting system which brought benefits to clients such as the ability for receipts to be emailed to them automatically and enabling them to pay online even if their originating applications weren’t submitted online. The new system also provided benefits to the OFT including improved data quality and reporting.
 - *Queensland Civil and Administrative Tribunal and Other Legislation Amendment Act 2019* (QCATOLA) amendments were passed on 1 September 2019. This resulted in the reintroduction of Class B warranties for used motor vehicles purchased from motor dealers, and increased QCAT’s jurisdictional limit for motor vehicle matters from \$25,000 to \$100,000, for used and new cars, motorhomes and caravans.
 - Australian Consumer Law amendments commenced on 26 October 2019 requiring businesses to advertise the full price of items being sold online. The headline price must include any additional fees, charges or pre-selected options.
 - In December 2019, OFT’s new online complaints form was launched, improving the process for consumers lodging complaints. The new form also streamlined the process for OFT with much of the complaint data being automatically entered into the agency’s complaint management system enabling OFT officers to focus on assisting consumers rather than on entering data.
 - *Queensland Human Rights Act 2019* commenced on 1 January 2020.
 - Fires and floods
 - A number of OFT officers were deployed to community recovery efforts associated with fires on the Darling Downs and Sunshine Coast in January 2020
 - Outreach activities were impacted by flooding in February 2020
- COVID-19
- OFT was impacted by COVID-19 but remained open and operational. Approximately 50% of OFT staff worked from home, on a generally rotating basis, from March to June 2020 to facilitate social distancing.
 - As part of the state’s Crisis Communication Network, the Public Information Capability (PIC) was activated after Queensland’s first case of novel coronavirus was confirmed. Two OFT officers were rostered to assist through the initial impacts.
 - Demand for OFT services increased during the crisis.
 - In March the Queensland Government call centre moved to Priority One services, resulting in increased calls being handled by OFT.
 - OFT education activities were suspended in March and two officers were deployed to another agency to assist with the government’s response to the pandemic.
 - OFT developed four Buy Smart videos for use by those home schooling children.
 - As part of the Government’s coronavirus aid package, the OFT waived registration fees for 12 months for businesses that sell Queensland tourism packages to overseas purchasers. This fee relief was available from 1 February 2020 to 31 July 2020.
 - CHO directives directly impacted a number of OFT regulated industries (property, auctioneers, tattooists, fitness industry) as well as the general marketplace.
 - ORP assisted in preparing swift changes to legislation as part of the Government’s response to the pandemic.
 - In June 2020, the Co-operatives National Law Bill 2020 was passed, repealing Queensland’s *Cooperatives Act 1997*, and in its place applying the Co-operatives National Law and its regulations as a law of Queensland on a date to be fixed.
 - In June 2020, amendments to the *Associations Incorporation Act 1981* were passed.

Appendix 5—Queensland Office of Fair Trading media statements

| Queensland Office of Fair Trading media statements July 2019 to June 2020 | | |
|---|--------------------|---|
| Date | Action | Description |
| 08/07/2019 | Court outcome | <u>Unlicensed Robina man fined \$1,500 for unlicensed motor dealing following investigation by OFT</u> |
| 12/07/2019 | Court outcome | <u>A Toowoomba dog breeder ordered to pay \$14,500 in fines and \$1,750 in compensation for failing to supply puppies or give refunds</u> |
| 19/07/2019 | Court outcome | <u>Brisbane man was fined \$3,500 for falsifying an application for a real estate salesperson registration certificate</u> |
| 19/07/2019 | Court outcome | <u>A Brisbane motorhome dealer pleaded guilty to 11 breaches of the <i>Motor Dealers and Chattel Auctioneers Act 2014</i></u> |
| 25/07/2019 | Consumer awareness | <u>A reminder from the OFT for Queenslanders to check their paper bills to see if it's costing them extra to receive them by post</u> |
| 30/07/2019 | Consumer awareness | <u>New 'lemon laws' came into effect from 1 September to protect buyers who get stuck with defective motor vehicles</u> |
| 02/08/2019 | Public warning | <u>Gold Coast woman caught again by OFT for fake billing practices and attempting to rip off businesses</u> |
| 07/08/2019 | Consumer awareness | <u>OFT making sure showbag safety standards on display were up to scratch at the Ekka</u> |
| 11/08/2019 | Public warning | <u>Queenslanders urged to ask if they are too smart to be scammed and warned not to become complacent</u> |

| Queensland Office of Fair Trading media statements July 2019 to June 2020 | | |
|---|--------------------|--|
| Date | Action | Description |
| 12/08/2019 | Court outcome | <u>A Gold Coast man was ordered to pay \$10,000 in fines and \$300 in compensation for the supply and installation of a pool fence, which he did not complete</u> |
| 13/08/2019 | Court outcome | <u>A Brisbane asphalt contractor was ordered to pay \$64,850 in fines, penalties and compensation for failing to meet the obligations for unsolicited door-to-door trading</u> |
| 16/08/2019 | Court outcome | <u>Gold Coast curtain supplier blind to consumer rights ordered to pay \$5,842 in fines, costs and compensation</u> |
| 22/08/2019 | Court outcome | <u>Port Douglas resident letting agent ordered to pay \$33,398 in fines and compensation for making a false representation</u> |
| 30/08/2019 | Court outcome | <u>Drewvale race car businessman ordered to pay \$24,399 for accepting payment from consumers for open-wheeled race car experiences but failed to deliver them</u> |
| 04/09/2019 | Court outcome | <u>Court ordered former Cairns travel agent to pay over \$80,000 for failing to supply travel services</u> |
| 01/10/2019 | Consumer awareness | <u>Safety tips for camping experiences encouraging Queenslanders to pay attention to a few simple safety tips for their camping holiday</u> |
| 11/10/2019 | Court outcome | <u>Yatala businesswoman and company fined \$45,000 after non-supply of Bali huts</u> |

| Queensland Office of Fair Trading media statements July 2019 to June 2020 | | |
|---|--------------------|--|
| Date | Action | Description |
| 14/10/2019 | Court outcome | <u>Gold Coast car dealer had his motor licence suspended for six months for failing to refund a consumer's deposit</u> |
| 14/10/2019 | Court outcome | <u>A Sunshine Coast handyman fined \$10,000 for accepting deposits but failing to complete rendering, concreting and paving jobs</u> |
| 18/10/2019 | Court outcome | <u>A Brown Plains trader ordered to pay \$24,699 for not providing fencing services</u> |
| 22/10/2019 | Consumer awareness | <u>OFT received an overwhelming response to its Buy Smart Competition with more than 1,000 students submitting entries</u> |
| 31/10/2019 | Consumer awareness | <u>National gift card laws came into effect 1 Nov 2019 to help protect consumers from losing an estimated \$70 million on gift cards</u> |
| 08/11/2019 | Court outcome | <u>A Springwood man was fined \$3,000 for acting as a motor dealer without a licence</u> |
| 11/11/2019 | Court outcome | <u>A Mango Hill property manager was ordered to pay \$11,400 in fines and compensation for ripping off property owners</u> |
| 14/11/2019 | Consumer awareness | <u>School leavers and their parents and guardians were urged to be aware of their rights and obligations at schoolies 16–23 Nov 2019</u> |

| Queensland Office of Fair Trading media statements July 2019 to June 2020 | | |
|---|--------------------|--|
| Date | Action | Description |
| 15/11/2019 | Public warning | <u>Fair Trading issued a public warning against dishonest Slacks Creek motor parts dealer to avoid doing business with his company</u> |
| 15/11/2019 | Court outcome | <u>A Burleigh Waters man was ordered to pay \$147,925 for misleading consumers with a fictitious home deposit scheme</u> |
| 15/11/2019 | Court outcome | <u>A Brisbane businessman and his training company were ordered to pay \$45,930 in fines and compensation</u> |
| 21/11/2019 | Consumer awareness | <u>A statement to prioritise safety this summer and pay attention during school holidays and end of year celebrations</u> |
| 27/11/2019 | Court outcome | <u>A Tewantin accountant and his company were fined \$54,000 for providing unaccredited auditing services to local real estate agents</u> |
| 04/12/2019 | Court outcome | <u>Port Douglas resident letting agent was fined \$12,000 for misleading clients, unit owners and guests</u> |
| 10/12/2019 | Court outcome | <u>Cairns motor dealer was fined \$3,000 over false odometer reading on a motor vehicle that he sold</u> |
| 11/12/2019 | Public warning | <u>Fair Trading's not playing around with kids' toy safety this Christmas with five unsafe toys being removed from Queensland retailers' shelves</u> |

| Queensland Office of Fair Trading media statements July 2019 to June 2020 | | |
|---|--------------------|--|
| Date | Action | Description |
| 17/12/2019 | Consumer awareness | <u>New laws make gift card shopping easier this Christmas with a longer period to spend the card under new national laws</u> |
| 23/12/2019 | Public warning | <u>Public warning issued against deceitful fencing contractor who this time set up a business in South East Queensland, trading as Sunstate Fencing and Sunstate Fencing Solutions</u> |
| 27/12/2019 | Consumer awareness | <u>A reminder from the OFT about consumer rights to not get caught out with refunds and exchanges this festive season</u> |
| 07/01/2020 | Consumer awareness | <u>Queenslanders looking to kickstart a healthier 2020 by taking out a new gym membership were reminded of their rights under Australian Consumer Law</u> |
| 09/01/2020 | Public warning | <u>Queenslanders warned to beware of bushfire charity scammers, dodgy donation pleas and fake appeals claiming to be collecting for victims</u> |
| 10/01/2020 | Court outcome | <u>Bayside real estate agent suspended and fined \$10,000 after she failed to notify the OFT that she had become bankrupt and gave false information</u> |
| 10/01/2020 | Consumer awareness | <u>Advice for Queenslanders wanting to collect for the bushfire appeal</u> |
| 14/01/2020 | Court outcome | <u>Gold Coast motor dealer back in court for warranty issues and fined \$1,000 for making misleading claims to a consumer about a vehicle's warranty</u> |

| Queensland Office of Fair Trading media statements July 2019 to June 2020 | | |
|---|--------------------|---|
| Date | Action | Description |
| 17/01/2020 | Court outcome | <u>A Gordon Park real estate agent ordered to pay \$80,000 and banned from industry for life after his licence expired in May 2016 and he failed to renew it but continued to operate until June 2017</u> |
| 17/01/2020 | Public warning | <u>Bitumen bandit, dodgy dog breeder among those caught in \$8 million Fair Trading dragnet</u> |
| 29/01/2020 | Court outcome | <u>Cairns backyard car dealer coped a \$7,000 fine for selling dozens of used motor vehicles without a licence</u> |
| 03/02/2020 | Business awareness | <u>Process for starting a charity got simpler and cheaper as the Government took another step towards reducing red tape for setting up a charity in Queensland</u> |
| 05/02/2020 | Consumer awareness | <u>Queensland Fair Trading inspected 20,000 used motor vehicles in national drive to find faulty Takata airbags</u> |
| 10/02/2020 | Court outcome | <u>Former Gold Coast property agent disqualified from holding a real estate licence and fined \$3,000 and had her appeal dismissed by the Queensland Civil and Administrative Tribunal</u> |
| 11/02/2020 | Court outcome | <u>A Darra motor dealer and his company were ordered to pay \$47,192 for making false claims and failing to honour warranty obligations</u> |
| 14/02/2020 | Consumer awareness | <u>Students show us what Smart Shoppers they are by taking part in the Office of Fair Trading's annual Buy Smart Competition</u> |

Appendix 5—Queensland Office of Fair Trading media statements cont.

| Queensland Office of Fair Trading media statements July 2019 to June 2020 | | |
|---|---------------------------------|---|
| Date | Action | Description |
| 20/02/2020 | Court outcome | <u>A Gympie businessman was ordered to pay \$30,000 in fines and \$50,836 in compensation for failing to supply goods</u> |
| 24/02/2020 | Consumer awareness | <u>Statement issued to consumers to check the fine print for travel plans affected by coronavirus, in terms of cancelling, rescheduling or getting a refund</u> |
| 24/02/2020 | Court outcome | <u>A Wavell Heights fencer was ordered to pay \$19,099 for failing to supply goods and services within either a specified or a reasonable period of time</u> |
| 09/03/2020 | Court outcome | <u>A Paradise Point man was fined \$17,000 for falsifying odometer readings</u> |
| 30/03/2020 | Business awareness | <u>Fair Trading issued price gouging warning during COVID-19 telling traders to treat consumers fairly as shortages of some products continue</u> |
| 31/03/2020 | Consumer and Business awareness | <u>The Office of Fair Trading put in place a number of measures to reprioritise and to maintain operations during COVID-19</u> |
| 08/05/2020 | Public warning | <u>Warning that COVID-19 unleashed literally hundreds of scams across Australia and the next ones to watch out for are employment opportunity scams</u> |
| 12/05/2020 | Public warning | <u>Warning while at home: Don't be unstuck by bitumen bandits as these scammers ramped up their operations during COVID-19</u> |

| Queensland Office of Fair Trading media statements July 2019 to June 2020 | | |
|---|--------------------|---|
| Date | Action | Description |
| 19/05/2020 | Consumer awareness | <u>Advice to consumers to not rush into next 'pay now/ book later' getaway holidays in the COVID-19 climate</u> |
| 21/05/2020 | Public warning | <u>Warning that scammers ramped up activities during COVID-19 and are preying on people while they are socially isolated</u> |
| 27/05/2020 | Consumer awareness | <u>Some winter warming products hot safety tips for cold weather and a timely reminder about using these products safely</u> |
| 09/06/2020 | Consumer awareness | <u>Buy Smart Online brings consumer advice to students' devices</u> |
| 09/06/2020 | Court outcome | <u>Realty check as unlicensed agent receives \$5,000 fine</u> |
| 10/06/2020 | Consumer awareness | <u>Make your next holiday win-win</u> |
| 17/06/2020 | Business awareness | <u>Red tape reduced for charities and incorporated associations</u> |
| 18/06/2020 | Business awareness | <u>Business-friendly reforms help Queensland Unite and Recover</u> |
| 25/06/2020 | Consumer awareness | <u>Reminder to Queenslanders with school holidays around the corner to make sure their post-iso holiday is safe and sound</u> |

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.

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

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

1

Ensure regulatory activity is proportionate to risk and minimises unnecessary burden



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.

During the COVID-19 situation, OFT reshaped its priorities to focus on:

- progressing consumer complaints about issues arising as a result of COVID-19 and investigating any intelligence received about misleading, deceptive or unconscionable conduct, particularly around things such as alleged miracle cures, possible price gouging and misrepresentation of the benefits or availability of goods or services
- processing licence, registration and renewal applications as quickly as possible to help protect people’s employment, and
- monitoring trust account issues so we can act quickly should there be any cause for concern about the safety of consumers’ money held in trust.

In 2019–20, amendments were made to the *Associations Incorporation Act 1981* and *Collections Act 1966* by the *Associations Incorporation and Other Legislation Amendment Act 2020* to reduce the regulatory burden for incorporated associations and charitable entities. For example, associations are now able to conduct meetings via communication technology without the need to amend their rules. They are also able to voluntarily enter into administration and voluntarily cancel their incorporation. Significantly, the amendments also position the government to exempt entities registered with the Australian Charities and Not-for-profits Commission from Queensland Government reporting requirements, thereby removing duplication for affected organisations.

The Collections Regulation 2008 was also amended in 2019–20 to remove the requirement for charities to advertise twice in newspapers when seeking fundraising approvals from the Queensland Government. Instead, the OFT will notify the public of these applications via its website to reduce costs for charities.

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.

2

Consult and engage meaningfully with stakeholders



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. During 2019–20, an Urgent Response Group was formed to enable the rapid discussion of emerging issues during the COVID-19 crisis. The group determined a national approach to national consumer issues, and ensured consistent messaging was provided to consumers and businesses.

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

In 2019–20, the COVID-19 pandemic required us to conduct community education and stakeholder engagement activities remotely. For example, presentations to school students as part of the Buy Smart competition were undertaken via videoconferencing platforms. Some content was recorded for use by parents while home schooling, and it remains online for parents and teachers to use at any time.

The COVID-19 information we placed on the OFT website was viewed more than 36,000 times between March and June 2020, with Queenslanders accessing information about issues such as travel and events, excessive price increases, supply times for products, miracle cures for coronavirus, scams, fake charities, cancellation of weddings, pre-paid funerals and frustrated contracts.

During 2019–20, industry and community consultation was undertaken in relation to specific proposals of interest to industry stakeholders and the community.

For example, community and industry consultation was undertaken regarding a proposal to apply the Co-operatives National Law (CNL) as a law of Queensland. The proposal attracted strong support from stakeholders, leading to the passage of the *Co-operatives National Law Act 2020* by the Queensland Parliament in June 2020. When it commences in Queensland, the CNL will deliver modernised, streamlined laws for Queensland co-operatives which operate in a wide range of industries, including agriculture, community housing and Aboriginal and Torres Strait Islander arts.

Targeted industry consultation was also undertaken in relation to a proposal to introduce mandatory continuing professional development (CPD) requirements for property agents in Queensland. Feedback from industry representatives and individual licensees will inform any future development of a CPD scheme for the Queensland property industry.

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

3

Provide appropriate information and support to assist compliance



Supporting principles:

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

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

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

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

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

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

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

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

3

Provide appropriate information and support to assist 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.

During 2019–20 we reacted swiftly to the changing COVID-19 restrictions with more than 147,000 emails sent to Queensland businesses, industry groups, charities, associations and individuals with guidance on adjusting to altered commercial and operating conditions. We also produced fact sheets for OFT regulated industries specifically impacted by the restrictions, and updated them as the health directives changed, to ensure businesses knew what they could and could not do during different phases of restrictions. For example, we provided advice to security providers, property agents, tattoo and inbound tourism operators about the impact of COVID-19 restrictions on their licences and business operational requirements.

4

Commit to continuous improvement



Supporting principles:

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

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

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

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

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

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

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

4

Commit to continuous improvement



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.

In 2019–20, we implemented a modern, web-based receipting and debt management solution for delivery of counter and back office receipting services. The solution delivered more streamlined and automated processes, enhanced the efficiency of customer payments and improved the ability of the organisation to manage the financial aspect of its services.

In 2020–21 we will continue to offer professional development and training opportunities to our staff. In response to the COVID-19 pandemic, we will tailor our training and development offerings to take full advantage of online and virtual opportunities.

5

Be transparent and accountable in actions



Supporting principles:

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

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

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

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

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

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

We ensure investigations are conducted as efficiently as possible to avoid uncertainty for business. We categorise investigation files by taking into

consideration the complexity and priority of a matter and other factors such as the consumers affected and the extent of the misconduct. Target timeframes for completion of investigations are provided in the CEP. During lengthy investigations, we provide regular updates to the parties to keep them informed of progress.

Our officers conduct self-reviews throughout the consumer complaint management process with a supervisor or manager also reviewing their actions. We also conduct an annual review of 5% of finalised investigation case files. These reviews allow for examination of our case management practices 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 | 2015–16 | 2016–17 | 2017–18 | 2018–19 | 2019–20 ³ |
|---|---------|---------|-----------------|----------------------|----------------------|
| Information and Education | | | | | |
| Website page views | 3.1M | 4M | 3.8M | 3.7M | 3.3M |
| Website visitors | 946,152 | 1.3M | 1M | 1.04M | 929,867 |
| Call centre contacts | 155,147 | 145,981 | approx. 140,600 | 168,117 ¹ | 162,084 |
| Hours of phone contact | 15,642 | 14,979 | 13,047 | 13,118 | 12,293 |
| Enquiries received | 69,185 | 71,693 | 80,729 | 80,977 | 83,963 ³ |
| Businesses engaged with on trader walks | 1,771 | 2,002 | 1,574 | 1,632 | 915 ³ |
| Education, engagement activities (eg seminars, presentations, stalls) | 1,202 | 2,110 | 2,221 | 2,499 | 1,040 ³ |
| Number of attendees at education and engagement activities | 26,387 | 32,064 | 27,028 | 32,295 | 23,560 ³ |
| Licensing and registrations | | | | | |
| Occupational licence and registration certificate—applications processed ² | 33,277 | 23,996 | 32,199 | 23,075 | 21,606 |
| Occupational licence and registration certificate—applications for renewal processed ² | 56,204 | 54,226 | 57,133 | 60,365 | 62,115 |
| Number of occupational licence and certificate holders as at 30 June 2020 | 86,962 | 86,768 | 86,598 | 85,371 | 84,264 |
| Not-for-profit applications processed | 1,205 | 1,208 | 1,150 | 1,057 | 929 |
| Not-for-profit annual returns processed | 21,880 | 19,795 | 20,796 | 22,136 | 20,391 |
| Number of not-for-profits and other organisations registered as at 30 June 2020 | 26,946 | 26,981 | 27,481 | 27,713 | 28,195 |
| Complaints and redress | | | | | |
| Redress | \$6.07M | \$5.6M | \$8.14M | \$7.6M | \$9.3M |
| Complaints received | 14,505 | 15,145 | 15,433 | 15,583 | 17,482 |
| Complaints finalised | 14,871 | 15,381 | 15,230 | 15,639 | 17,321 |

| Service | 2015–16 | 2016–17 | 2017–18 | 2018–19 | 2019–20 ³ |
|-------------------------------------|---------|---------|---------|---------|----------------------|
| Compliance | | | | | |
| Entities monitored for compliance | 8,539 | 8,747 | 9,898 | 9,248 | 9,137 |
| Investigations completed | 4,990 | 3,786 | 3,433 | 3,022 | 2,344 |
| Enforcement actions | | | | | |
| Warnings issued | 749 | 794 | 1,016 | 1,521 | 1,396 |
| Infringements issued | 466 | 460 | 385 | 374 | 274 |
| Administrative disciplinary actions | 486 | 1,121 | 1,224 | 1,365 | 831 ³ |
| Civil penalty notices | 44 | 11 | 9 | 5 | 3 |
| Disciplinary proceedings (QCAT) | 17 | 4 | 3 | 20 | 20 |
| Public naming | 0 | 2 | 4 | 2 | 5 |
| Enforceable undertakings | 14 | 26 | 24 | 0 | 4 |
| Court actions | 100 | 81 | 73 | 74 | 50 |
| Staffing and budget | | | | | |
| Staff full-time equivalent (FTE) | 225.3 | 225.3 | 225.3 | 225.3 | 212.3 ⁴ |
| Budget | \$30.1M | \$28.9M | \$27.8M | \$29M | \$27.1M ⁴ |

Notes:

1. The Queensland Government call centre transitioned to a new scripting and reporting system in 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 30.
3. OFT continued to operate during COVID-19. Proactive activities (education, spot checks) were reduced due to the restrictions imposed by the CHO to reduce the spread of the virus. However, as a result of impacts on the marketplace, such as the cancellation of travel and events, and restrictions placed on industries regulated by the OFT, the number of enquiries and consumer complaints received increased.
4. In January 2020, the OFT's Systems Support and Development division realigned its services, incorporated teams from OLGR and reported directly to the Deputy Director-General as a LGFT ICT development and support team.

