

THE CONSUMER

Consumer Affairs 1/2011



NATIONAL CONSUMER LAWS

iphone app
scams

**CONSUMER
GUARANTEES**

NEW LAY-BY RULES

SHOPPING RIGHTS

Consumer Affairs Staff Out and About

From the Commissioner of Consumer Affairs

This issue highlights some of the changes under the new Australian Consumer Law (ACL), which came into effect across the country on 1 January 2011. The ACL aims to give Northern Territory consumers the same protection, and businesses the same responsibilities, regardless of where they are in Australia. It will affect a wide range of businesses – from hairdressers to lawyers, to retailers and importers.



They have also been busy presenting to a range of audiences, including 1000 Defence personnel at the Defence Family Fun Day and Community Expo. This community event was a great opportunity for us to raise awareness of the new laws, our services and local consumer protection issues.

Our Indigenous Liaison Officer, Greg Smith, was also a guest speaker at the 'Future Stars' program run by Karen Sheldon Training and Development. Trainees begin to develop the motivation, practical

Some of the key changes in the Northern Territory include:

- consumer guarantees which are a comprehensive set of rights and remedies regarding the supply of goods and services
- increased protection in regard to unsolicited trading which relates to uninvited approaches in person, or by phone by a supplier, their sales person or dealer
- new rules that apply to lay-by sales.

My staff have been visiting local traders to inform them of the new legislation, and will continue to educate and inform consumers and business about their rights and responsibilities under the ACL throughout 2011.

expertise and social skills to allow them to enter the mainstream workforce and become productive and motivated employees.

If you are concerned about a consumer issue please phone 1800 019 319 or email consumer@nt.gov.au. Consumer Affairs staff are here to assist and advise Territorians about their consumer protection rights and responsibilities. Our free service assists both consumers and traders in an unbiased and professional manner.

Gary Clements



Get that receipt!

The Australian Consumer Law has made it compulsory for businesses to provide receipts for goods or services over \$75. Customers have a right to ask for receipts for smaller amounts.

Examples include a GST tax invoice, a cash register receipt, or a receipt number provided for a telephone or internet transaction.

Within 30 days of receiving a service or bill, you can also request that the business provides you with an itemised bill that shows :

- How the price was calculated
- The number of hours of labour and the rate
- A list of materials used and the amount charged.

For good advice, phone
Consumer Affairs on 1800 019 319

New simplified national rules for lay-by

In the past, lay-bys have not been regulated in the Northern Territory. With the introduction of the Australian Consumer Law (ACL) on 1 January, all lay-bys now fall under the protection of the ACL.

What is a lay-by agreement?

A lay-by agreement exists when you:

- Pay for the goods in at least three instalments (when the agreement is not called a lay-by agreement) or in at least two instalments (when the agreement is called a lay-by)
- Do not receive the goods until the full price has been paid.

Any deposit you pay is also considered to be an instalment. For example, ordering a Christmas hamper in advance and agreeing to pay for it by weekly instalments is a lay-by agreement.

Contract requirements

Lay-by agreements must be in writing, expressed in clear, plain language and must specify all the terms and conditions, including any termination charge. The business must give you a copy of the lay-by agreement.



Termination charge

The business may charge a termination fee if you decide to cancel a lay-by agreement, provided it was clearly specified in the lay-by agreement (unless they have breached the lay-by agreement). The amount of the fee must not be more than the trader's 'reasonable costs' relating to the agreement.

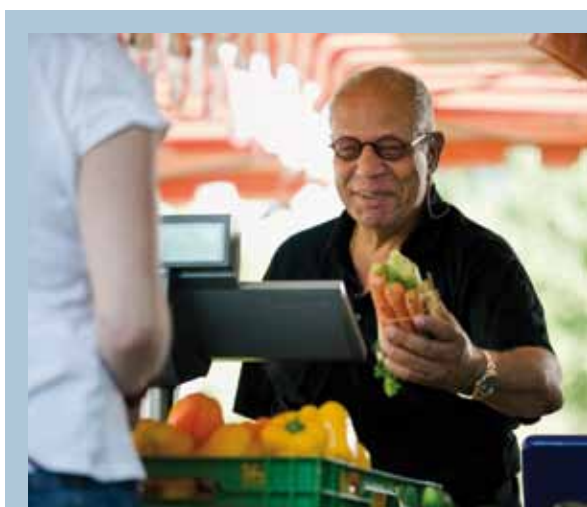
If you cancel a lay-by agreement

You can cancel the lay-by agreement any time before delivery of the goods. The business must refund all amounts you have paid, less any termination fee that was clearly specified in the lay-by agreement. If the lay-by payments paid do not cover the termination charge, the business can recover the outstanding amount as a debt.

Suppliers cancelling a lay-by agreement

A business must not cancel a lay-by agreement unless:

- You have breached a term of the agreement (such as missing a scheduled payment)
- They are no longer trading, or
- The goods are no longer available due to circumstances outside the trader's control.



What about pricing?

If you see an item with more than one displayed price, the business must:

- Sell it for the lowest displayed price, or
- Withdraw it from sale.

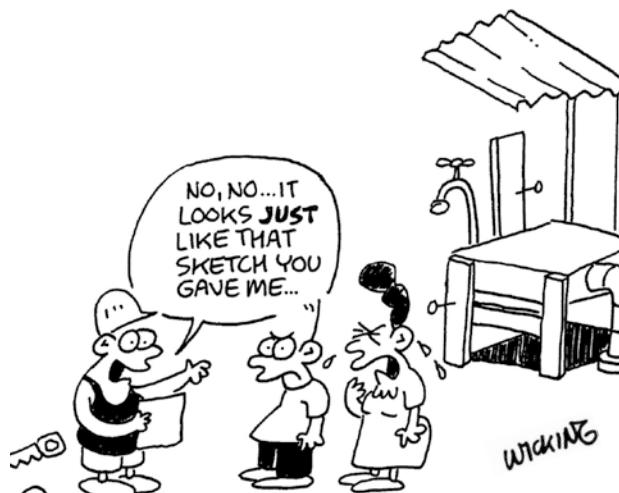
The displayed price is one that is attached to, on, or near the goods (such as a price tag or sign) or published in a catalogue.

A business is not allowed to promote or state a price that is only part of the cost, unless it is also prominently advertising the total price.

Before you build or renovate

Are you thinking of building a new house, or are you going to do some renovations or extensions to your existing property?

Before you start, there is a lot of information to collect and some important decisions to make. Take your time and research thoroughly, as this could be one of the largest financial investments you ever make.



You may want to check out the various fact sheets on the Building Advisory Services website at www.nt.gov.au/lands/building. Some things that are covered include:

- building, renovating, altering or relocating your home
- what you should consider before signing a building contract
- who is a self-certifier
- how to get building approval.

For further information, go to the website or contact Building Advisory Services on 8999 8961.

MyShopRights – new iPhone app

Instant advice when you're out shopping

MyShopRights is a free iPhone application that gives you instant advice when you're out shopping. The app aims to help you know your rights and sort out any disputes.

Some of the topics on MyShopRights include:

- What happens if you want to cancel a lay-by?
- What are your rights if your television breaks down and it is outside warranty?
- What happens if you change your mind about a purchase?
- Can you use an expired gift voucher?

You can also keep photos of receipts as proof of purchase using MyShopRights tools.

MyShopRights can be downloaded from the Consumer Affairs web page www.consumeraffairs.nt.gov.au or iTunes store.



For good advice
email consumer@nt.gov.au

Shopping and the new national laws

When you go shopping you should get a 'fair go'. You have the right to receive a good quality product that does what the shop or the manufacturer says it will do.

A new national law guarantees your rights when you buy goods and services. This includes rights to repairs, replacements, refunds and other compensation.

As part of this you have rights, even if the retailer does not specify that you have a warranty or you purchase an extended warranty.

When you buy goods or services, you automatically receive certain guarantees. Whoever sold you the goods or services, or made the goods, must honour these guarantees **and** any other warranty or promise they have made.

So how does this affect me?

John buys a plasma television for \$6000. It stops working two years later. The supplier tells John he has no rights to repairs or another remedy as the television was only under the manufacturer's warranty for 12 months. A remedy can range from a refund, repair or replacement, depending on the circumstances.

The supplier says John should have bought an extended warranty, which would have given five years cover.

A reasonable consumer would expect more than two years use from a \$6000 television. Under the consumer guarantees, John therefore has a statutory right to a remedy on the basis that the television is not of acceptable quality. The supplier must provide a remedy free of charge.

Remember: Always keep your receipts because if you cannot prove you bought the product from that store or shop, you may not be able to get a refund or replacement.

Visit www.consumeraffairs.nt.gov.au for more information about your rights under the Australian Consumer Law.



Your consumer guarantees

As a consumer, the law automatically provides you with guarantees on certain goods and services. These are called consumer guarantees.

You are guaranteed that the goods you buy:

- are of acceptable quality
- match the description, sample or demonstration model you were shown
- are fit for their intended purpose
- have clear title, unless otherwise stated
- do not have any undisclosed securities (money owing on them)
- come with a right to undisturbed possession.

You are guaranteed that the services you buy are:

- provided with due care and skill
- fit for purpose
- completed within a reasonable time.

A manufacturer also guarantees the availability of spare parts and repairs and that any express warranty will be honoured.

If goods or services fail to meet a guarantee, you have rights against the business you purchased them from and, in some cases, the manufacturer, who will have to provide a remedy – an attempt to put right the fault, deficiency or failure.

SCAMS: IT'S PERSONAL!

Fighting fraud on the home front

Friend or foe?

Lover or liar?

Money maker or taker?

Scammers target you anytime, anywhere, anyhow.

Scammers will not stop at anything to target victims, including adopting a personal touch. Watch out for scammers – whether you are answering a phone call, opening mail, online chatting with friends, shopping, or even looking for love.

**DON'T LET SCAMMERS INTO YOUR LIFE –
PROTECT YOUR IDENTITY.**



Local scam reports

Central Australian residents have recently notified Consumer Affairs that they have been receiving random text messages claiming they have won \$2 million in Lotto, but it's nothing more than a scam.

Consumer Affairs has warned anyone receiving the message to delete it and not to reply to any request for personal information. Consumers are prompted to reply to the SMS via email, and if they do, they are then asked to send more personal information such as bank account numbers, tax file numbers and birth dates.

Commissioner of Consumer Affairs Gary Clements, said, "Always remember that you cannot win a lottery that you have not entered. The scammers have randomly generated your mobile telephone number, so never respond to a message.

"This scam serves as a timely reminder about their increasingly personal nature," Mr Clements said. "More and more, scammers are finding ways to get information about your personal profile and use this to play on your relationships with people and organisations you know and trust."

The effects of scams on victims can be devastating and scammers don't discriminate – they'll target anyone, using myriad ways to slip under your radar including phone calls, SMS, letter, email, fax, blog, online chat or dating services.

Visit www.scamwatch.gov.au or call 1300 795 995 to find out more about 'Scams: It's Personal' or to report a scam.

Consumer Affairs also receives complaints from consumers who have been targeted by scammers and provides appropriate advice and assistance. Information is available from the Consumer Affairs webpage: www.consumeraffairs.nt.gov.au.

SOME TIPS TO HELP YOU STAY SAFE

PROTECT YOUR IDENTITY: Your personal details are private and invaluable – keep them away from scammers.

DON'T RESPOND: Ignore suspicious emails, letters, phone calls or text messages – press delete, throw them out or just hang up.

**DON'T LET SCAMMERS PUSH YOUR
BUTTONS:** Scammers will play on your emotions to get what they want.

RESIST THE PERSONAL TOUCH: Watch out for scammers posing as someone that you know and trust, or pretending to know you. It is important to protect your identity and if you are suspicious that you have been scammed, report it to Consumer Affairs.

Log onto our website:

www.consumeraffairs.nt.gov.au



Above: Consumer Affairs Staff Shelagh Leonard and Mary-Anne Meginess attend the Defence Family Fun Day and Community Expo

Like us to visit your work, organisation, school or university?

Consumer Affairs staff are happy to come and talk to school groups, uni students, workplaces, or organisations about consumer protection topics such as scams, shopping or tenancy. Give us a call on 1800 019 319 or email consumer@nt.gov.au to chat about what is needed.



Youth Round Table presentation

Repairs to rental properties

Consumer Affairs has received a number of calls from tenants and landlords about water damage and flooding to rental properties after the extremely wet weather.



Here are a few things to keep in mind if you are uncertain about how to get the damage fixed and who's responsible for paying for any repairs.

The first thing the tenant must do is notify the landlord **in writing** of the damage and any repairs that may be required.

Where trees have fallen in the yard or onto fences and caused significant damage or mess, it is the landlord's responsibility to clear the garden and the outside of the property of debris.

If the landlord does not respond within a **reasonable timeframe** the tenant may make an application to the Commissioner of Tenancies seeking an order for repairs to be done.

What if the place is uninhabitable?

The tenant can lodge an application with the landlord stating that the property is uninhabitable, giving the landlord two days notice to terminate. Before doing this it is advisable to give Consumer Affairs a call to discuss the matter.

The landlord has the right to dispute the application by the tenant by making an application to the Commissioner of Tenancies.

Tenants should first try to settle any dispute with their landlord or agent. Remember to do this in writing and keep a copy of all correspondence. If telephone calls are made or received, keep a record of the date, time and the name of the person you spoke to and basic details of the conversation.

If the matter cannot be resolved, call Consumer Affairs on 1800 019 319 to talk with a Tenancy Officer. Contact Consumer Affairs for a copy of our free booklet *A Guide to Renting in the Northern Territory*.

Consumer Affairs Indigenous Liaison Officer, Greg Smith, recently presented to approximately 65 'Future Stars' – a group of Indigenous people in Darwin and Alice Springs – on general consumer protection issues such as scams, contracts, shopping rights and buying a mobile phone. Here is his feedback.

“Thanks for the invite, Karen”

The 'FUTURE STARS' pre-employment initiative, offered by Karen Sheldon Catering, provides hospitality training and life skills to help prepare unemployed Indigenous people for entry into mainstream employment.

It is tailored to the needs of Indigenous Australians and is based on many years of practical experience.

The four-week program is run in all NT regional centres throughout the calendar year. The course includes motivated and young (and some not so young) Indigenous consumers from regional areas and communities. Talking to the participants provided a great way to reach some of our target audience – vulnerable consumers.

Commissioner Gary Clements agreed that they would be a good focus group for providing information relating to consumer rights both for themselves and to pass on to their families living in regional areas.

This group of students may soon be looking to buy a vehicle, a computer or audio-visual equipment, or renting a house or unit. We wanted to give them some pointers before they

took the plunge, to be careful of the 'buy now, pay later' trap.

They may also have had problems with purchases in the past or issues with debt collectors, or maybe even heard stories about 'dodgy' business operators or suspect travelling salesmen in their areas.

The talks covered many topics and gave people the chance to ask questions and clear up any confusion they might have.

This initiative was supported by Consumer Affairs as an interesting and innovative way to help deliver our



messages to regional areas of the Northern Territory. Participation in the Karen Sheldon Catering 'Future Stars' training was complemented by visits to organisations and agencies while in the area.

Greg Smith, Indigenous Liaison Officer (far right), with participants at the Darwin information session



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