

## DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL BRIEF FOR NOTING

**Date:** 25 November 2020  
**To:** Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence  
**From:** Office of Fair Trading – Liquor, Gaming and Fair Trading  
**Subject:** *Property Occupations Act 2014* – initial education requirements  
**Requested by:** Internally generated

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### RECOMMENDATIONS

That you:

1. **note** the need for the chief executive to revise initial education/training requirements for property agents under the *Property Occupations Act 2014* (PO Act) in response to a review of the national property services training package;
2. **note** that consultation has been undertaken with the Real Estate Institute of Queensland (REIQ), the Australian Resident Accommodation Managers Association (ARAMA), Australian Livestock and Property Agents Association (ALPA) and various leading registered training organisations (RTO) and licensees about the proposed training options going forward for Queensland; and
3. **note** the proposed approach, **option 1**, aligns with preferred preferences of the majority of stakeholders including the REIQ, the peak industry representative body.

### BACKGROUND SUMMARY

1. To be granted a licence under the PO Act, an individual must have completed training as approved by the chief executive, delegated to the Commissioner for Fair Trading.
2. Queensland has 14,647 licensed real estate agents and 19,659 registered salespersons. OFT issues approximately 5,000 new real estate agent licences and registrations annually. As at 29 October 2020, these agents operated across 8,288 trust accounts with daily holdings totalling approximately \$1.8 billion.
3. Training provides a necessary foundation for industry integrity and business compliance. The OFT specifies units of competency for each registration and licence category under the PO Act. Currently, to obtain a salesperson certificate, seven units of competency are required to obtain a salespersons registration and 19 units for a real estate agent licence.
4. An independent review of the national training package was undertaken by Artibus Innovation and approved in March 2019 with a train out period until 30 September 2021.

### ISSUES

5. Each state and territory has a different licensing approach, including classes of licence, units of competency and experience requirements. Similarly with the package changes, different responses have been taken by other jurisdictions to meet their needs and scheme.



6. For Queensland, the OFT developed and consulted on three training options (**Attachment 1**) which were:
- mapping existing training modules to new training framework;
  - adopting a Certificate IV/ Diploma regime;
  - a Certificate IV for entry level salespersons and a regime just short of a diploma for a full agent's licence.
7. The units of competency for the three options compared to current position are:

	Current units	Option 1	Option 2	Option 3
Salesperson	7	12	18	18
Real estate agent	19	19	12	25 (includes 18 units above)

8. The proposed workload (units of competency) for Queensland applicants is mapped against other jurisdictions at **Attachment 2**.
9. On 26 February 2020, the former Attorney-General met with the REIQ, to discuss training proposals. The REIQ expressed concerns about lifting initial training requirements citing around costs and access issues. The former Attorney's preference was option 3.
10. The REIQ also has concerns that a higher training threshold, involving higher costs, will prove counter-productive in that opportunistic RTOs will provide poorer quality training, driving down industry knowledge and expertise. OFT's experience in the security provider training sector would tend to support these concerns.
11. The majority of industry feedback, including the REIQ, favour option 1, and opposed option 2, but may accept a compromise in option 3. While option 2 may appear as a reduction in training, it is a Diploma course which does not meet the requirements for a Queensland real estate agent as it is more about running a business than conducting real estate transactions.
12. The preferred option 1 was developed using a mapping technique, which was the methodology used to determine the existing training requirements. A detailed analysis was undertaken using the current training units (now superseded) and comparing these to the new training competencies. This option will result in an increase for salespersons from three to 12 units. The real estate agent workload would be maintained at 19 units.
13. The training package is periodically reviewed and OFT will schedule a review of initial education requirements after a two-year implementation period to ensure it continues to meet consumer protection objectives. This review will consider the impact of any introduced mandatory continuing professional development (as per the Government's election commitment) on the training and skills needs of the industry.

## HUMAN RIGHTS IMPACT ASSESSMENT

14. It is considered the new training packages are compatible with the *Human Rights Act 2019* under section 13. Parliament has recognised participants in the real estate industry must be appropriately qualified prior to entry.

## EMPLOYMENT IMPACT

15. The new training competencies involve an increase in training for entry level applicants to the industry and will have some impact in terms of cost and time. This is considered justifiable and should result in an uplift of expertise and professionalism in an industry which has some unique obligations and whose operatives are in positions of high trust.



## CONSULTATION WITH STAKEHOLDERS

16. Consultation has occurred with the main industry associations, selected RTOs and non-REIQ aligned licensees. A summary of consultation is at **Attachment 3**.



## FINANCIAL IMPLICATIONS

17. Some changes will need to be made to the OFT's systems to support new training requirements. Costs involved will be met by OFT.

## POTENTIAL MEDIA

18. Appropriate information to real estate representative bodies and RTOs will be sent direct by the OFT and articles prepared for various real estate journals. It should be noted that the changes do not affect existing licence holders.

<p>NOTED or APPROVED / NOT APPROVED</p> <p><b>Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence</b></p> <p>Comments</p>		
<p>Option 1, but to work with Industry to move to increase training requirements over coming year -</p> <p>Inflection</p>		
<p><b>Shannon Fentiman MP</b> <b>Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence</b></p>	<p><b>Chief of Staff</b></p>	<p><b>Policy Advisor</b></p> <p><i>[Signature]</i></p> <p>27/11/2020</p>

Contact Officer:	Name: Tamika Travers Position: Manager, ILU Phone: 37388711 (ext 98711) Date: 20 November 2020	Approved by:	Name: Victoria Thomson Position: Deputy Director-General, LGFT Phone: 3738 8353 (NP Sch4(3)(3)) Date: 24 November 2020
Approved by:	Name: Brian Bauer Position: Executive Director, OFT Phone: 3738 8776 (ext 98776) Date: 23 November 2020	Endorsed:	David Mackie Director-General
<div style="text-align: center;">    </div>			
<input checked="" type="checkbox"/> Election Commitment <input type="checkbox"/> CBRC / Cabinet related <input type="checkbox"/> ECM related			



TRAINING OPTIONS

Current Queensland Real Estate Training Competencies		Proposed Queensland Real Estate Training Competencies Option 1		Proposed Queensland Real Estate Training Competencies Option 2		Proposed Queensland Real Estate Training Competencies Option 3	
Real estate salesperson (7)		Real estate salesperson (12)		Real estate salesperson (18)		Real estate salesperson (18)	
				CPP41419 Certificate IV in Real Estate Practice		CPP41419 Certificate IV in Real Estate Practice	
				18 units of competency		18 units of competency	
CPPDSM4008A	Identify legal and ethical requirements of property sales to complete agency work	CPPREP4001	Prepare for professional practice in the real estate industry	CPPREP4001	Prepare for professional practice in the real estate industry	CPPREP4001	Prepare for professional practice in the real estate industry
CPPDSM4009	Interpret legislation to complete work in the property industry	CPPREP4002	Access and interpret ethical practice in real estate	CPPREP4002	Access and interpret ethical practice in real estate	CPPREP4002	Access and interpret ethical practice in real estate
CPPDSM4010A	Lease property	CPPREP4003	Access and interpret legislation in real estate	CPPREP4003	Access and interpret legislation in real estate	CPPREP4003	Access and interpret legislation in real estate
CPPDSM4012A	List property for sale	CPPREP4004	Establish marketing and communication profiles in real estate	CPPREP4004	Establish marketing and communication profiles in real estate	CPPREP4004	Establish marketing and communication profiles in real estate
CPPDSM4015B	Minimise agency and consumer risk	CPPREP4005	Prepare to work with real estate trust accounts	CPPREP4005	Prepare to work with real estate trust accounts	CPPREP4005	Prepare to work with real estate trust accounts
CPPDSM4022A	Sell and finalise the sale of property by private treaty	CPPREP4101	Appraise residential property for sale and lease	CPPREP4101	Appraise residential property for sale and lease	CPPREP4101	Appraise residential property for sale or lease
CPPDSM4080A	Work in the real estate industry	CPPREP4102	Market property	CPPREP4102	Market property	CPPREP4102	Market property
		CPPREP4103	Establish vendor relationships	CPPREP4103	Establish vendor relationships	CPPREP4103	Establish vendor relationships
		CPPREP4104	Establish buyer relationships	CPPREP4104	Establish buyer relationships	CPPREP4104	Establish buyer relationships
		CPPREP4105	Sell property	CPPREP4105	Sell property	CPPREP4105	Sell property
		CPPREP4123	Manage Tenancy	CPPREP4121	Establish landlord relationships	CPPREP4121	Establish landlord relationships
		CPPREP4121	Establish landlord relationships	CPPREP4122	Manage tenant relationships	CPPREP4122	Manage tenant relationships
				CPPREP4123	Manage tenancy	CPPREP4123	Manage tenancy
				CPPREP4124	End tenancy	CPPREP4124	End tenancy
				CPPREP4125	Transact in trust accounts	CPPREP4125	Transact in trust accounts
				plus an additional 3 electives from CPP41419 - applicant to choose		plus an additional 3 electives CPP41419 - applicant to choose	
Real estate agent (19)		Real estate agent (19)		Real estate agent (12)		Real estate agent (7)	
						Prerequisite completion of Certificate IV in Real Estate Practice and the following units for CPP51119 Diploma of Property (Agency Management)	
BSBSMB406	Manage small business finances	CPPREP4001	Prepare for professional practice in the real estate industry	CPPREP5001	Manage compliance in the property industry	CPPREP5001	Manage compliance in the property industry
CPPDSM4003A	Appraise property	CPPREP4002	Access and interpret ethical practice in real estate	CPPREP5002	Establish and monitor property industry trust account management practices	CPPREP5002	Establish and monitor property industry trust account management practices
CPPDSM4005A	Establish and build client-agency relationships	CPPREP4003	Access and interpret legislation in real estate	CPPREP5003	Manage ethical practice in the property industry	CPPREP5003	Manage ethical practice in the property industry
CPPDSM4006A	Establish and manage agency trust accounts	CPPREP4004	Establish marketing and communication profiles in real estate	CPPREP5004	Manage a safe workplace in the property industry	CPPREP5004	Manage a safe workplace in the property industry
CPPDSM4007A	Identify legal and ethical requirements of property management to complete agency work	CPPREP4005	Prepare to work with real estate trust accounts	CPPREP5005	Manage teams in the property industry	CPPREP5005	Manage teams in the property industry
CPPDSM4008A	Identify legal and ethical requirements of property sales to complete agency work	CPPREP4101	Appraise residential property for sale and lease	CPPREP5006	Manage operational finances in the property industry	CPPREP5006	Manage operational finances in the property industry
CPPDSM4009	Interpret legislation to complete work in the property industry	CPPREP4102	Market property	CPPREP5007	Develop a strategic business plan in the property industry	CPPREP5007	Develop a strategic business plan in the property industry
CPPDSM4010A	Lease property	CPPREP4103	Establish vendor relationships	ESBADV507	Develop a media plac		
CPPDSM4011A	List property for lease	CPPREP4104	Establish buyer relationships	BSBHRM505	Manage remuneration and employee benefits		
CPPDSM4012A	List property for sale	CPPREP4105	Sell property	BSBHRM513	Manage workforce planning		
CPPDSM4013A	Market property for lease	CPPREP4121	Establish landlord relationships	BSBHRM604	Manage employee relations		
CPPDSM4014A	Market property for sale	CPPREP4122	Manage tenant relationships	BSBMGT502	Manage people performance		
CPPDSM4015B	Minimise agency and consumer risk	CPPREP4123	Manage tenancy	BSBMGT517	Manage operational plan		
CPPDSM4016A	Monitor and manage lease or tenancy agreement	CPPREP4124	End tenancy	BSBMGT605	Provide leadership across the organisation		
CPPDSM4018A	Prepare and present property reports	CPPREP4125	Transact in trust accounts	BSBMKG507	Interpret market trends and developments		
CPPDSM4019A	Prepare for auction and complete sale	CPPREP4506	Manage off-site and lone worker safety in real estate	CPPREP4507	Provide property sustainability information in real estate		
CPPDSM4022A	Sell and finalise the sale of property by private treaty	CPPREP5006	Manage operational finances in the property industry	CPPREP5008	Market the property agency		
CPPDSM4046A	Manage tenancy disputes	CPPREP5012	Manage customer service activities in the property industry	CPPREP5009	Develop a marketing and service strategy in real estate		
CPPDSM4080A	Work in the real estate industry	CPPREP4503	Present at hearings in real estate	CPPREP5010	Manage customer service activities in the property industry		
				7 core units and any of the 5 electives listed above. A minimum of three elective units must be chosen form the elective units listed above and up to 2 elective units may be chosen that are packaged in the other current Diploma or Advanced Diploma training package qualifications provided they do not duplicate the outcome of another unit chosen for the qualification			



**TRAINING OPTIONS**

Limited real estate agent licence - Business Letting (4)	Limited real estate agent licence - Business Letting (10)	Limited real estate agent licence - Business Letting (10)	Limited real estate agent licence - Business Letting (10)
CPPDSM4010A Lease property CPPDSM4011A List property for lease CPPDSM4013A Market property for lease CPPDSM4016A Monitor and manage lease or tenancy agreement	CPPREP4001 Prepare for professional practice in the real estate industry CPPREP4002 Access and interpret ethical practice in real estate CPPREP4003 Access and interpret legislation in real estate CPPREP4004 Establish marketing and communication profiles in real estate CPPREP4005 Prepare to work with real estate trust accounts  CPPREP5201 Develop and maintain commercial property market knowledge and intelligence CPPREP4202 Appraise property for lease CPPREP4205 Market commercial property for lease CPPREP4206 Establish commercial property lease CPPREP4125 Transact in trust accounts	CPPREP4001 Prepare for professional practice in the real estate industry CPPREP4002 Access and interpret ethical practice in real estate CPPREP4003 Access and interpret legislation in real estate CPPREP4004 Establish marketing and communication profiles in real estate CPPREP4005 Prepare to work with real estate trust accounts CPPREP5201 Develop and maintain commercial property market knowledge and intelligence  CPPREP4202 Appraise property for lease CPPREP4205 Market commercial property for lease CPPREP4206 Establish commercial property lease CPPREP4125 Transact in trust accounts	CPPREP4001 Prepare for professional practice in the real estate industry CPPREP4002 Access and interpret ethical practice in real estate CPPREP4003 Access and interpret legislation in real estate CPPREP4004 Establish marketing and communication profiles in real estate CPPREP4005 Prepare to work with real estate trust accounts CPPREP5201 Develop and maintain commercial property market knowledge and intelligence  CPPREP4202 Appraise property for lease CPPREP4205 Market commercial property for lease CPPREP4206 Establish commercial property lease CPPREP4125 Transact in trust accounts
Limited real estate agent – Affordable Housing (3)	Limited real estate agent – Affordable Housing (6)	Limited real estate agent – Affordable Housing (6)	Limited real estate agent – Affordable Housing (6)
CPPDSM3008A Maintain and protect condition of managed properties CPPDSM4006A Establish and manage agency trust accounts CPPDSM4016A Monitor and manage lease or tenancy agreement	CPPREP4001 Prepare for professional practice in the real estate industry CPPREP4002 Access and interpret ethical practice in real estate CPPREP4003 Access and interpret legislation in real estate CPPREP4004 Establish marketing and communication profiles in real estate CPPREP4005 Prepare to work with real estate trust accounts CPPREP4502 Support providers of social and community housing	CPPREP4001 Prepare for professional practice in the real estate industry CPPREP4002 Access and interpret ethical practice in real estate CPPREP4003 Access and interpret legislation in real estate CPPREP4004 Establish marketing and communication profiles in real estate CPPREP4005 Prepare to work with real estate trust accounts CPPREP4502 Support providers of social and community housing	CPPREP4001 Prepare for professional practice in the real estate industry CPPREP4002 Access and interpret ethical practice in real estate CPPREP4003 Access and interpret legislation in real estate CPPREP4004 Establish marketing and communication profiles in real estate CPPREP4005 Prepare to work with real estate trust accounts CPPREP4502 Support providers of social and community housing
Resident Letting Agent (6)	Resident Letting Agent (15)	Resident Letting Agent (15)	Resident Letting Agent (15)
BSBSMB406 Manage small business finances CPPDSM4006A Establish and manage agency trust accounts CPPDSM4007A Identify legal and ethical requirements of property management to complete agency work  CPPDSM4010A Lease property CPPDSM4015B Minimise agency and consumer risk CPPDSM4016A Monitor and manage lease or tenancy agreement	CPPREP4001 Prepare for professional practice in the real estate industry CPPREP4002 Access and interpret ethical practice in real estate  CPPREP4003 Access and interpret legislation in real estate CPPREP4004 Establish marketing and communication profiles in real estate CPPREP4005 Prepare to work with real estate trust accounts CPPREP4101 Appraise residential property for sale and lease CPPREP4102 Market property CPPREP4121 Establish landlord relationships CPPREP4122 Manage tenant relationships CPPREP4123 Manage tenancy CPPREP4124 End tenancy CPPREP4125 Transact in trust accounts CPPREP4181 Manage onsite residential property CPPREP5006 Manage operational finances in the property industry CPPREP4503 Present at hearings in real estate	CPPREP4001 Prepare for professional practice in the real estate industry CPPREP4002 Access and interpret ethical practice in real estate CPPREP4003 Access and interpret legislation in real estate  CPPREP4004 Establish marketing and communication profiles in real estate CPPREP4005 Prepare to work with real estate trust accounts CPPREP4101 Appraise residential property for sale and lease CPPREP4102 Market property CPPREP4121 Establish landlord relationships CPPREP4122 Manage tenant relationships CPPREP4123 Manage tenancy CPPREP4124 End tenancy CPPREP4125 Transact in trust accounts CPPREP4181 Manage onsite residential property CPPREP5006 Manage operational finances in the property industry CPPREP4503 Present at hearings in real estate	CPPREP4001 Prepare for professional practice in the real estate industry CPPREP4002 Access and interpret ethical practice in real estate CPPREP4003 Access and interpret legislation in real estate  CPPREP4004 Establish marketing and communication profiles in real estate CPPREP4005 Prepare to work with real estate trust accounts CPPREP4101 Appraise residential property for sale or lease CPPREP4102 Market property CPPREP4121 Establish landlord relationships CPPREP4122 Manage tenant relationships CPPREP4123 Manage tenancy CPPREP4124 End tenancy CPPREP4125 Transact in trust accounts CPPREP4181 Manage onsite residential property CPPREP5006 Manage operational finances in the property industry CPPREP4503 Present at hearings in real estate
Auctioneer (5)	Auctioneer (10)	Auctioneer (10)	Auctioneer (10)
BSBSMB406 Manage small business finances CPPDSM4004A Conduct auction CPPDSM4006A Establish and manage agency trust accounts CPPDSM4014A Market property for sale CPPDSM4019A Prepare for auction and complete sale	CPPREP4001 Prepare for professional practice in the real estate industry CPPREP4002 Access and interpret ethical practice in real estate CPPREP4003 Access and interpret legislation in real estate CPPREP4004 Establish marketing and communication profiles in real estate CPPREP4005 Prepare to work with real estate trust accounts CPPREP4161 Undertake pre-auction processes CPPREP4162 Conduct and complete sale by auction CPPREP4163 Complete post-auction process and contract execution CPPREP4125 Transact in trust accounts CPPREP5006 Manage operational finances in the property industry	CPPREP4001 Prepare for professional practice in the real estate industry CPPREP4002 Access and interpret ethical practice in real estate CPPREP4003 Access and interpret legislation in real estate CPPREP4004 Establish marketing and communication profiles in real estate CPPREP4005 Prepare to work with real estate trust accounts CPPREP4161 Undertake pre-auction processes CPPREP4162 Conduct and complete sale by auction CPPREP4163 Complete post-auction process and contract execution CPPREP4125 Transact in trust accounts CPPREP5006 Manage operational finances in the property industry	CPPREP4001 Prepare for professional practice in the real estate industry CPPREP4002 Access and interpret ethical practice in real estate CPPREP4003 Access and interpret legislation in real estate CPPREP4004 Establish marketing and communication profiles in real estate CPPREP4005 Prepare to work with real estate trust accounts CPPREP4161 Undertake pre-auction processes CPPREP4162 Conduct and complete sale by auction CPPREP4163 Complete post-auction process and contract execution CPPREP4125 Transact in trust accounts CPPREP5006 Manage operational finances in the property industry
Chattel Auctioneer (4)	Chattel Auctioneer (3)	Chattel Auctioneer (3)	Chattel Auctioneer (3)
BSBSMB406 Manage small business finances  CPPDSM4004A Conduct auction CPPDSM4019A Prepare for auction and complete sale CPPDSM4038A Conduct goods, chattels or equipment clearing sale or auction	CPPREP4505 or CPPREP4508 Value good, chattels, plant and equipment or Conduct livestock auctions CPPREP4509 Auction goods, chattels or equipment CPPREP4125 Transact in trust accounts	CPPREP4505 or CPPREP4508 Value good, chattels, plant and equipment or Conduct livestock auctions CPPREP4509 Auction goods, chattels or equipment CPPREP4125 Transact in trust accounts	CPPREP4505 or CPPREP4508 Value good, chattels, plant and equipment or Conduct livestock auctions CPPREP4509 Auction goods, chattels or equipment CPPREP4125 Transact in trust accounts



## Jurisdictional intentions

	Queensland	New South Wales	Victoria	South Australia	Northern Territory	Western Australia	Tasmania
<b>Salesperson</b>	Proposed – 12 units from Certificate IV	5 core units All registrations will be issued for a fixed term 4 years (no extension)  The remaining 13 units to complete the Certificate IV must be completed within 4 years.	18 units (Certificate IV)	19 units – Certificate IV	Sales – 11 units  Property management – 14 units	18 units (Certificate IV)	Examination to enter industry  (complete Certificate IV within 3 licence years)
<b>Real estate agent</b>	Proposed – 19 units from Certificate IV (inc. 12 units above)	Class 2 - Certificate IV  Class 1 - 'licensed agent' or 'licensee in charge' must complete a Diploma	30 units of competency Comprising Certificate IV and Diploma	34 units – comprising Certificate IV and Diploma	Certificate IV and Diploma	Certificate IV and Diploma	Certificate IV and Diploma
<b>Experience</b>	NIL	Must hold a class 2 licensed agent for 2 years and complete work experience.	12 months full-time experience as an agent's representative in Victoria at any time during the last three years immediately before applying for a licence	NIL	NIL	2 years' experience as a sales representative	2 years' experience as a property manager or property representative
<b>Implementation</b>	TBA	Commenced 23 March 2020	Regulation to be made by 23 October 2020 RIS not yet made public	21 November 2019 RTO's commenced March 2020	Approved and gazetted 31 July 2019	Amendments to be finalised 2020	COVID delay – Second reading August 2020



## Consultation feedback

Organisation	Feedback	Proposed training structure/comments
Real Estate Institute of Queensland (REIQ)	<p>Supports training option 1 or;</p> <p>REIQ proposed training structure (It is considered this approach provides for a more complex licensing structure and will require a legislative amendment. The PO Act was amended in 2014 to simplify the licensing system and to reduce red tape by streamlining licence classes. Adoption of the proposed REIQ alternate educational structure would compromise the 2014 amendments)</p>	<p>Restricted Registration (Property Management) – must complete 12 units of competency</p> <p>Unrestricted Registration (Property Management) – must complete 18 units of competency to make up a CPP41419 Certificate IV in Real Estate Practice (includes the 12 units to become a restricted property management registration holder)</p> <p>Restricted Registration (Sales) – must complete 10 units of competency</p> <p>Unrestricted Registration (Sales) – must complete 18 units of competency to make up a CPP41419 Certificate IV in Real Estate Practice (includes the 10 units to become a restricted sales registration holder)</p> <p>NOTE: This proposal allows for an unrestricted salesperson to apply for a real estate agents licence by undergoing additional units. A student must have completed the CPP41419 Certificate IV in Real Estate Practice before doing so. Depending on if a person upgrades from an unrestricted property management or unrestricted sales stream, several additional units will be required. The proposal does not include completing all the units from the CPP50307 Diploma of Property Services (Agency Management) training package.</p>
Australian Resident Accommodation Managers' Association (ARAMA)	Supports training option 1 or 2	N/A
Australian Livestock & Property Agents Association (ALPA)	Supports training option 2 or 3	N/A



Organisation	Feedback	Proposed training structure/comments
Complete Property Training (CTP)	No preference provided	Requested the removal of Access of Interpret legislation in real estate (core competency in each training option).
Property Training Australia (PTA)	Supports training option 1  (It is considered this approach provides for a more complex licensing structure and will require a legislative amendment. The PO Act was amended in 2014 to simplify the licensing system and to reduce red tape by streamlining licence classes. Adoption of the proposed REIQ alternate educational structure would compromise the 2014 amendments)	Seeks real estate salespersons to be separated into sales and property management as separate registrations.
National Real Estate Learning (NREL)	Supports training option 1 or;  Staged training approach	Real estate salesperson to complete 12 units of competency (as indicated in option one). Salespersons then have 3 years to complete the additional 6 units of competency, to make up a CPP41419 Certificate IV in Real Estate Practice.  Real estate agent, a person can apply using CPP41419 Certificate IV in Real Estate Practice, once it has been completed and using units from the Diploma as electives. Ongoing professional development under both categories was fully supported.

## DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL BRIEF FOR NOTING

**Date:** 20 November 2020  
**To:** **Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence**  
**From:** Office of Fair Trading – Liquor, Gaming and Fair Trading  
**Subject:** Support for community workers assisting stolen wages recipients  
**Requested by:** Internally generated

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### RECOMMENDATION

That you **note** the contents of this briefing note.

### BACKGROUND SUMMARY

1. In September 2016, a class action was issued on behalf of stolen wages claimants in Queensland, led by Mr Hans Pearson. The State of Queensland settled the class action on 17 January 2020 for \$190 million.
2. As a result of this settlement, approximately 14,000 Aboriginal and Torres Strait Islander people will each receive a lump sum payment under the Stolen Wages Settlement Distribution Scheme. These monies are due to be distributed between late November and 6 December 2020.
3. The Office of Fair Trading (OFT) is a member of the North Queensland Consumer Taskforce (NQCT), a collaborative group of community and government organisations working together to improve the wellbeing of vulnerable community members across North Queensland. A list of NQCT members is at **Attachment 1**.

### ISSUES

4. The NQCT has developed a resource to assist financial counsellors and community workers who will be on the ground assisting recipients of stolen wages payments. Taskforce members have provided agency specific content for inclusion which will assist recipients control and use their money the way they want and help avoid recipients losing money to exploitative business and debt collection conduct.
5. In support of this initiative, the OFT has contributed consumer protection content and has undertaken the graphic design of the resource, creating *Stolen wages: a guide for community workers supporting recipients of stolen wages* (**Attachment 2**).
6. OFT will also be visiting the following communities in conjunction with Cape York partnerships to provide consumer information, advice and assistance:
  - Palm Island 17 November 2020
  - Yarrabah 19 November 2020
  - Mossman Gorge 20 November 2020 (Government champion – Mr David Mackie)
  - Wujul Wujul 24 November 2020
  - Hope Vale 25 November 2020

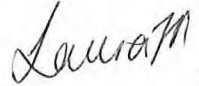


NOTED or APPROVED / NOT APPROVED  
 Attorney-General and Minister for Justice,  
 Minister for Women and Minister for the  
 Prevention of Domestic and Family Violence  
 Comments



Shannon Fentiman MP  
 Attorney-General and Minister for Justice,  
 Minister for Women and  
 Minister for the Prevention of Domestic  
 and Family Violence

Chief of Staff



Policy Advisor

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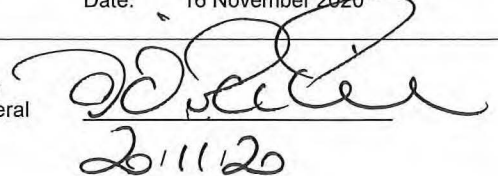
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Contact Officer:	Name: Sharon Simmers Position: Director, OFT Phone: 3738 8600 (ext 98600) Date: 13 November 2020	Approved by:	Name: Victoria Thomson Position: Deputy Director-General, LGFT Phone: 3738 8353 (NP_Sch4(3)(3)) Date: 16 November 2020
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Approved by:	Name: Brian Bauer Position: Executive Director, OFT Phone: 3738 8776 (ext 98776) Date: 13 November 2020
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Endorsed:  
 David Mackie  
 Director-General



26/11/20

☐ Election Commitment

☐ CBRC / Cabinet related

☐ ECM related

## North Queensland Consumer Taskforce

### **Community organisations**

Cairns Community Legal Centre

Cape York Partnerships

Financial Counsellors Association of Queensland

Good Shepherd Microfinance

Indigenous Consumer Assistance Network

Money Care – Salvation Army

Save the Children

Shelter Housing Action Cairns

UnitingCare Community

### **Government regulators**

Australian Competition and Consumer Commissions

Australian Securities and Investment Commissions

Office of Fair Trading

### **External Dispute Resolution Services**

Australian Financial Complaints Authority

Energy and Water Ombudsman Queensland





# Stolen wages

A guide for community workers supporting recipients of stolen wages

This publication is an initiative of the **North Queensland Consumer Taskforce**, a collaboration of community and government agencies, regulators and Ombudsman schemes, working together to advance the wellbeing of community members across North Queensland.

### **About this guide**

This guide has been produced to support community workers providing assistance to claimants and registered representatives of payments under the Stolen Wages Settlement Distribution Scheme.

This guide:

- explains laws, rights and responsibilities in simple language—it is not a substitute for the law
- gives general information and examples—not legal advice, or financial advice, or a definitive list of situations where the law applies

You should not rely on this guide for complete information on all obligations, rights or responsibilities.

Each member of the North Queensland Consumer Taskforce carries out its work using its own framework, tailor-made for its own function, jurisdiction, and, where appropriate, laws. Members participation in the taskforce helps to provide a ‘no wrong door’ approach for communities.

### **North Queensland Consumer Taskforce**

#### **Community organisations**

Cairns Community Legal Centre  
Cape York Partnership  
Financial Counsellors Association  
Queensland (FCAQ)  
Good Shepherd Microfinance  
Indigenous Consumer Assistance  
Network (ICAN)  
The Salvation Army Moneycare  
Financial Counselling  
Save the Children  
Shelter Housing Action Cairns (SHAC)  
UnitingCare Community

#### **Government Regulators**

Australian Competition and Consumer  
Commission (ACCC)  
Australian Securities and Investments  
Commission (ASIC)  
Office of Fair Trading (OFT)

#### **External Dispute Resolution Services**

Australian Financial Complaints  
Authority (AFCA)  
Energy and Water Ombudsman  
Queensland (EWOQ)



## Background to the Stolen Wages Settlement Distribution Scheme

*Stolen wages refers to all wages, savings, entitlements and other monies due to Aboriginal or Torres Strait Islander people during the periods (approximately from the Federation era to the 1960s–1970s, and the 1980s in some Queensland reserves) where governments sought to control the lives of Aboriginal people by making them wards of the state or otherwise placing them under the power of ‘protectors’, Aboriginal Protection Boards or similar government institutions.<sup>1</sup>*

In September 2016, a class action was issued on behalf of Stolen Wages claimants in Queensland, led by Mr Hans Pearson. Bottoms English Lawyers acted on behalf of Mr Pearson and the claimants. The class action was settled in September 2019 and approved by the Federal Court on 17 January 2020 for \$190 million.

As a result of this settlement, approximately 11,000 Aboriginal and Torres Strait Islander peoples will each receive a lump sum payment under the Stolen Wages Settlement Distribution Scheme. These monies are due to be distributed between late November and 6 December 2020. Bank account details can be update prior to payment [www.stolenwages.com.au](http://www.stolenwages.com.au)

1. Source: [www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/FlagPost/2019/August/Compensation\\_payments\\_to\\_Indigenous\\_Australians](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2019/August/Compensation_payments_to_Indigenous_Australians)

## Background to this guide

This guide is for community workers who are assisting people who are receiving monies under the Stolen Wages Settlement Distribution Scheme (the Settlement Scheme).

It has been developed by financial counsellors, community agencies and government bodies who want to ensure that Stolen Wages recipients have the opportunity to control and use their money the way they want to use it, and to avoid recipients losing their money to exploitative business and debt collection conduct.

The information in this document is general in nature and may not directly relate to a person’s specific circumstances. Always seek further support and clarification around any issues or questions you or the person you are helping has.

**This guide should not be taken as legal advice.**

## Key contact regarding settlement payments

Cape York Partnership has been appointed to provide financial counselling support to claimants and registered representatives. Financial counsellors help people with budgeting, saving and dealing with debts. They can also provide advice about Centrelink payments and basic tax questions. If you need some advice about what to do with your Stolen Wages payment, contact Cape York Partnership on 0497 473 589. They will be visiting Aurukun, Hope Vale, Mossman Gorge, Yarrabah, Wujal Wujal, Palm Island and Thursday Island and Cairns. The dates of their visits are available [here](#).

For all enquiries regarding the Stolen Wages Settlement Distribution Scheme, including the distribution of Settlement Scheme monies, contact:

**Grant Thornton**  
**Ground Floor, 15 Lake Street, CAIRNS QLD 4870**  
**T 1300 591 545**  
**Email: [stolenwages@au.gt.com](mailto:stolenwages@au.gt.com)**  
**[www.stolenwages.com.au](http://www.stolenwages.com.au)**

# Income support

Information for people getting a Centrelink payment



## Income test

Generally, Services Australia—Centrelink assesses income through an income test to work out how much to pay a customer.

The Settlement Scheme monies are exempt from Centrelink's income tests. This means that the initial lump sum payment won't:

- be counted as income for social security payments
- reduce any social security payments your client receives.

If the lump sum generates ongoing income, it's counted in the Income test. For instance, if your client uses their lump sum to start a business, income from the business will be included in the income test. Similarly, if they deposit savings into an interest bearing account, the interest will be included in the income test. This income must be reported to Centrelink within 14 days to avoid a debt.

Read more at [www.servicesaustralia.gov.au](http://www.servicesaustralia.gov.au)

Services Australia  
Indigenous Call Centre

**1800 136 380**

(Monday to Friday, 8am–5pm)



## Asset test

Centrelink uses the value of people's assets in an assets test to work out their payment rate. If your client uses the Settlement Scheme monies to buy an asset, such as a car, they will need to tell Centrelink within 14 days. This will help them to avoid a debt. Centrelink will include the value of the item in the client's asset test. If your client's assets are over their assets limit, their payment may reduce or stop completely.

Read more at [www.servicesaustralia.gov.au](http://www.servicesaustralia.gov.au)

## Giving away money as gifts

Centrelink includes gifting in the income and assets test if people give money or assets and get nothing or less in return. People can give either \$10,000 in a financial year or \$30,000 over five financial years (this can't include more than \$10,000 in a single financial year) before it affects their payment.

Read more at [www.servicesaustralia.gov.au](http://www.servicesaustralia.gov.au)

## Informing Centrelink

People getting a Centrelink payment must tell Centrelink about the Settlement Scheme monies they get within 14 days of getting it. They should advise Centrelink that the amount is a payment from the Stolen Wages Settlement Class Action lawsuit.

People can phone the Centrelink Indigenous Call Centre or their regular payment line to tell them about the Settlement Scheme money. The Indigenous Call Centre number is 1800 136 380, and the line is open Monday to Friday, 8am to 5pm. Find other Centrelink payment numbers at [www.servicesaustralia.gov.au](http://www.servicesaustralia.gov.au)

of lump sum  
payment within  
14 days

of ongoing income  
from Settlement  
Scheme monies

if account  
increases by  
\$2,000

buy an  
asset

such as a boat,  
caravan, car

tell  
Centrelink

Centrelink needs  
to know

Centrelink

Centrelink might  
reduce your payment  
if over the limit

# Other entitlements

Information on how payments affect other entitlements

## Tax

Payments made from the Settlement Scheme are not taxable due to a [class ruling](#) made by the Australian Taxation Office (ATO).

Recipients of Stolen Wages monies are not required to let the ATO know that they have received money from the scheme as the amount is not subject to tax. This means that recipients do not need to include the payment in their income when lodging a tax return for the year payment is received.

## Social Housing

A 'subsidy review' is done by the Queensland Department of Housing and Public Works to determine if someone is eligible for housing assistance. In general, income is considered in a subsidy review. However, the Settlement Scheme monies are not assessable in a subsidy review. This means that the initial lump sum payment will not be counted as income for the purposes of the subsidy review and will not have any impact on the person's eligibility for public housing.

## National Disability Insurance Scheme (NDIS)

NDIS eligibility is based on an assessment of the level of disability. A person's income and assets are not included in this assessment, so the Settlement Scheme monies do not affect NDIS eligibility.



# Debts and debt collection

Information on how payments relate to debts and how to avoid using the payment to settle debt if there are other options

## Debt Collection

Your clients may want to use their Settlement Scheme monies to pay or settle debts owing to a bank or other creditor. They may have other options for dealing with it. A financial counsellor can help find other options.

Financial Counsellors provide free, independent and confidential services to assess a person's financial situation, identify options, and provide assistance in negotiating with creditors. You can find a financial counselling service near you by contacting 1800 007 007 or see a list of services under 'Contacts' on page 14.

If your client is being chased by a creditor or debt collector, contact a financial counsellor before they use Settlement Scheme monies to pay the debt.

There are important legal protections in relation to debts and debt collection. For instance:

- your client is entitled to ask for a payment plan and some creditors must consider affordable hardship arrangements
- a creditor or debt collector may be chasing a person for a debt that they don't actually owe or that they don't have to pay. A community legal service or a financial counsellor can help identify whether or not the alleged debt is in fact owed.

For financial counselling assistance contact the **National Debt Helpline on 1800 007 007**.

For more information about dealing with debt collectors see [www.moneysmart.gov.au](http://www.moneysmart.gov.au)

## Commonwealth debt

Unknown—please contact Services Australia or the relevant Commonwealth department and/or contact a financial counsellor or legal service.

## State debt

Unknown—please speak with a financial counsellor or legal service. For SPER debts, speak to SPER about accessing a Work Development Order through a Hardship Partner. For more information contact SPER: 1300 365 635

## Bankruptcy

At the time of writing it is not clear whether or not Settlement Scheme monies will be protected in bankruptcy. Seek advice from either a financial counsellor or the Australian Financial Security Authority (AFSA). Tell them it is a payment from the Stolen Wages Settlement Class Action lawsuit. For more information about AFSA see [www.afsa.gov.au](http://www.afsa.gov.au)

# Managing a lump sum

Information to help manage a lump sum

## Your rights, your money

Everyone is entitled to make decisions about how they spend their money in their individual circumstances.

You can help someone receiving Settlement Scheme monies by highlighting options in relation to:

- how to make the money last so it benefits them in the long run
- how to avoid being ripped off by scams or dodgy businesses
- how to manage humbugging and not feeling pressure to give too much money away to family and friends, leaving the recipient without enough money to pay bills and debts and put food on the table
- setting up a budget for each week or fortnight so they have extra money for a longer time
- setting up automatic deductions with their bank
- avoiding overdrawn fees.

For more information about managing large sums of money see [www.moneysmart.gov.au](http://www.moneysmart.gov.au)

## Budgeting

Many people are uncertain about how best to manage a large lump sum payment. Financial counsellors can help people to create a budget. You can find a financial counselling service near you by contacting 1800 007 007 or see a list of services under 'Contacts' on page 14.

For people who want to do this themselves, there are free tools online. ASIC's Moneysmart website is a trusted website with [information and tools relating to budgeting](#)

## Scams

Unfortunately, financial counsellors and regulators see many people who have been ripped off through scams, high-pressure selling (including door-to-door selling) and exploitative business practices. As a worker supporting somebody receiving a lump sum amount, you can talk to them about being aware of high pressure selling and scams.

## KEY MESSAGES

It is worth reminding your clients:

- if a salesperson is pushing you to buy something, tell them you need time to think it over
- if you're really not interested, or you have a bad feeling, just say no. If you are firm, a salesperson is less likely to continue pushing or contacting you. You don't need to explain why.

Moneysmart has some great tips on how to manage high pressure sales:

- [Avoiding sales pressure](#)
- [Door-to-door sales](#)

The ACCC's Scam Watch has a list of current scams that are going around as well as tips for how to avoid getting caught out by a scam [www.scamwatch.gov.au](http://www.scamwatch.gov.au)



## Savings accounts and term deposits

People receiving Settlement Scheme monies do not need to use that money immediately. There are options to place the funds into a savings account or term deposit may be a good option while they take time to decide what to do. The benefits are that there is virtually no risk of losing a deposit and the government guarantees all deposits up to \$250,000 with Authorised Deposit-taking Institutions (ADIs).

### Savings accounts

- Savings accounts help savings grow faster. They pay a higher variable interest rate than basic transaction accounts and you can add to your savings account whenever you like. Some accounts make it harder to access the money, restricting when you can redraw the funds. This makes saving easier and spending harder.
- Talk to your Bank about what savings account products they offer and shop around as there are fee free options available.

### Term deposits

- Term deposits earn a fixed rate of interest over a fixed term that you choose, usually between one month and five years. If you want to access the money before the term deposit agreement ends, you will likely have to pay a penalty—so make sure you check this could be before putting your money in. They may offer smaller returns than other comparable products and rates can drop if the deposit automatically rolls over to a new term.
- If your goal is to earn the most interest you can (and not just make the money harder to spend), be sure to compare what interest rates are available on standard savings accounts.
- Most Banks have term deposit calculators so you can fill in your information and find out what your return will be before you sign up! Talk to your Bank about what term deposit products they offer and shop around and to compare rates and fees.

You can find out more information about [term deposits and savings accounts on the Moneysmart](#)

## Buying cars and boats or other assets

People receiving Settlement Scheme monies may want to put down a deposit or purchase a vehicle or boat outright. It is important that anyone wanting to buy a large asset such as a car or boat seek advice to avoid being ripped off or losing the asset as well as their Settlement Scheme monies.

### KEY MESSAGE

Where possible, support your clients to research any large purchases they want to make so they don't end up buying something that breaks down and costs more in the long-run. It is very difficult to get a refund on a faulty car, boat or other large asset.

Encourage your clients to talk to a financial counsellor about their budget before they enter into a loan to ensure they can afford it.

Watch this great [Moneysmart video on buying a car](#)

And for more on consumer rights see the [Be Smart, Buy Smart publication](#)

### IMPORTANT INFORMATION FOR YOUR CLIENTS

There are additional costs in owning a car and boat like registration, maintenance, fuel and the interest costs of borrowing if you get a loan to pay for it.

There are stronger legal protections for consumers if the vehicle or boat is purchased from a licensed dealer instead of an individual.

Buying large assets like cars and boats on Gumtree or Facebook Marketplace or other online sales is very risky! Always inspect the car or boat before you buy it.

Before you buy a boat or car, get it checked by an independent mobile mechanic! You don't want to buy a lemon because getting your money back for a faulty car or boat is very difficult.

There are risks attached with getting car and boat loans. Even though lenders are meant to assess whether the loan is affordable, they don't always do this or do it well. If the loan repayments are unaffordable then you risk losing the asset and your Settlement Scheme monies with it!

For more information about buying a used car or boat see [www.qld.gov.au](http://www.qld.gov.au)

For more information about buying a new car see [www.qld.gov.au](http://www.qld.gov.au)

For more information about maintaining a vehicle and getting it repaired see [www.qld.gov.au](http://www.qld.gov.au) and [www.qld.gov.au](http://www.qld.gov.au)

## Humbugging

It's important to recognise and respect that we all love to support our family and friends. Aboriginal and Torres Strait Islander peoples are used to taking care of one another by providing and sharing food and shelter, and anything else when they can. But sometimes the same family members or friends ask for money every week or straight after their payday. You can end up giving away too much money to others, not leaving enough for you and your own family.

Feeling this pressure from others is called 'humbugging'. This can make people feel helpless as they really want to help family. They also don't want to leave themselves without any money to make ends meet, as they may be already struggling to pay their own bills.

Don't be afraid to talk to your client about how to have a difficult conversation to say "no" or look at putting in place strategies to protect their payments. Alternatively, some people might want to keep a set amount of money aside in their budget for helping family or friends.

We need to remember that people choose how to spend their own money. It will be helpful to talk about how people are going to manage potential pressure to share among family and friends while balancing their long-term money goals. Referring them to a financial counsellor for assistance with budgeting is a good starting point.

You can find a financial counselling service near you by contacting 1800 007 007 or see a list of services under 'Contacts' on page 14.

For more information go to [www.moneysmart.gov.au](http://www.moneysmart.gov.au)



## Paying for funerals

Funerals cost a lot of money. Some options for managing these costs are much better than others. Funerals can be a sensitive topic for anyone but don't be afraid to engage sensitively with someone about how they are planning for the costs of their funeral. It is important they are aware of their options and the advantages and disadvantages of those options.

Moneysmart has really good information on the different options available and what people should think about. Visit [www.moneysmart.gov.au](http://www.moneysmart.gov.au)

### Funeral cover or insurance

Funeral cover or insurance can cost a lot more than the benefit a family will receive. If repayments are stopped for any reason, the person loses everything that they have already paid. This means a person has to keep paying premiums until they die or their funeral costs won't be covered. In the end, a family may not ever receive all the amounts paid if they add up to more than the costs of the funeral itself. The funeral insurer keeps any additional amounts.

#### ADVICE FOR CLIENTS

Consider other options before taking out funeral cover or insurance!

### Prepaid funeral plans

Prepaid funerals let someone choose and pay for their funeral in advance through their local funeral director. Prepaid funeral plans can be cheaper than funeral insurance or funeral bonds. This is because the cost of the funeral is calculated at today's prices and doesn't increase over time. A person can pay in full or make a deposit and pay the rest off with regular payments.

#### ADVICE FOR CLIENTS

- It is important to shop around, as different funeral directors offer different packages.
- Get a breakdown of all the costs to know exactly what you get!
- Check whether you can transfer your plan to another funeral director if you move to another state.

### Funeral bonds

Funeral bonds involve you paying a deposit and making regular payments over time. Your money grows in value with interest. The money can only be used for your funeral. You can't take it out earlier.

Many funeral bonds let you choose a funeral director. Alternatively, you can let your family choose one at the time of your death.

You can buy a funeral bond from a funeral director, a friendly society or a life insurer. They are not widely advertised, so you will need to ask specifically for a funeral bond.

Make sure you read the product disclosure statement and understand the costs before you sign up.

# Financial advice

Information on getting reputable financial advice if you want to invest your Stolen Wages

## Services Australia's Financial Information Service

The Financial Information Service (FIS) is a free service that helps people make informed decisions about their finances. FIS officers can help people understand:

- the different options to use a lump sum including:
  - investing
  - superannuation
  - providing an income
- the risk of certain financial products
- the roles of financial professionals
- the results of their decisions in the short and long term.

People can speak to a FIS officer by calling 132 300, Monday to Friday, 8am to 5pm. They can find out more about FIS by going to [www.servicesaustralia.gov.au](http://www.servicesaustralia.gov.au)

## Financial advisers\*

A financial planner or financial adviser is a person or authorised representative of an organisation licensed by ASIC to provide advice on finances, which may include investing, superannuation, retirement planning, estate planning, risk management, insurance and taxation.

For more information about financial advisers see the following pages on the Moneysmart website:

[Choosing a financial adviser](#)

[Booklet—Financial advice and you](#)

\*Financial planners/advisers are different from financial counsellors, and they **charge fees** for their time and advice.

For more information about investing, see the following Moneysmart resources:

[Are you ready to invest?](#)

[How to invest facts](#)



# Information and resources

Further information and referrals that may assist your client to make the best decisions about their money

## General information

ASIC's Moneysmart website

<https://moneysmart.gov.au/indigenous>

## Paying for funerals

Paying for funerals (webpage)

<https://moneysmart.gov.au/indigenous/paying-for-funerals>

Paying for funerals (PDF publication)

<https://files.moneysmart.gov.au/media/tpucujl2/paying-for-funerals.pdf>

## Superannuation

Super and us mob (PDF publication)

<https://static.moneysmart.gov.au/files/publications/super-and-us-mob.pdf>

## Scams

Scamwatch website

[www.scamwatch.gov.au](http://www.scamwatch.gov.au)

[www.scamwatch.gov.au/types-of-scams](http://www.scamwatch.gov.au/types-of-scams)

Protect yourself from scams (PDF publication)

<https://static.moneysmart.gov.au/files/publications/protect-yourself-from-scams.pdf>

Avoiding Sales Pressure

<https://moneysmart.gov.au/avoiding-sales-pressure>

Door-to-door sales

<https://moneysmart.gov.au/indigenous/door-to-door-sales#:~:text=Door%2Dto%2Ddoor%20sales%20are,pressure%20you%20into%20buying%20something>

## Budgeting and saving

Managing your money (PDF publication)

<https://files.moneysmart.gov.au/media/rfidt2wm/managing-your-money.pdf>

Managing Large Sums of Money

<https://moneysmart.gov.au/indigenous/managing-large-sums-of-money>

Budget planner (online tool)

<https://moneysmart.gov.au/budgeting/budget-planner>

Savings accounts (webpage)

<https://moneysmart.gov.au/banking/savings-accounts>

Savings goals calculator

<https://moneysmart.gov.au/saving/savings-goals-calculator>

## Buying a car

Buying a car (webpage)

<https://moneysmart.gov.au/buying-a-car>

Be Smart, Buy Smart (PDF publication)

<https://static.moneysmart.gov.au/files/publications/be-smart-buy-smart.pdf>

Queensland Office of Fair Trading information about buying a car (website)

[www.qld.gov.au/law/your-rights/consumer-rights-complaints-and-scams/buying-products-and-services/buying-products/buying-a-car](http://www.qld.gov.au/law/your-rights/consumer-rights-complaints-and-scams/buying-products-and-services/buying-products/buying-a-car)

ACCC complaints about new cars (webpage)

[www.accc.gov.au/update/just-bought-a-new-car](http://www.accc.gov.au/update/just-bought-a-new-car)

## Further assistance

Financial counselling (online search tool)

<https://moneysmart.gov.au/managing-debt/financial-counselling>

Do you need urgent help with money? (PDF publication)

<https://static.moneysmart.gov.au/files/publications/do-you-need-urgent-help-with-money.pdf>

Making complaints

<https://static.moneysmart.gov.au/files/publications/how-to-complain.pdf>

Credit, loans and debt (PDF publication)

<https://static.moneysmart.gov.au/files/publications/credit-loans-and-debt.pdf>

Humbugging

<https://moneysmart.gov.au/indigenous/dealing-with-family-pressure-about-money>

Gambling assistance

[www.gamblinghelponline.org.au](http://www.gamblinghelponline.org.au)

Human Rights and discrimination: a Guide for our Mob (PDF publication)

[https://qhr.qld.gov.au/\\_data/assets/pdf\\_file/0019/26722/QHRC\\_guide\\_humanrightsanddiscrimination\\_aguideforourmob.pdf](https://qhr.qld.gov.au/_data/assets/pdf_file/0019/26722/QHRC_guide_humanrightsanddiscrimination_aguideforourmob.pdf)

## Debts and debt collection

Moneysmart's dealing with debt collectors

<https://moneysmart.gov.au/managing-debt/dealing-with-debt-collectors>

## Contacts

### FINANCIAL COUNSELLING SERVICES AND NO INTEREST LOAN SCHEMES

#### National Debt Helpline

Online financial counselling assistance

**1800 007 007**

[www.ndh.org.au](http://www.ndh.org.au)

#### ICAN

Financial counselling services for North and Far North Queensland residents, with offices in Cairns, Townsville, Palm Island, Yarrabah and Atherton and including services across the Cape, NPA and Torres Strait.

**1800 369 878**

[info@ican.org.au](mailto:info@ican.org.au)

[www.ican.org.au/](http://www.ican.org.au/)

#### Good Shepherd Australia and New Zealand

No Interest Loans Scheme (NILS)

Available from Good Shepherd's Good Money stores (Cairns, Southport) and 80+ community partner organisations in Queensland.

[www.goodshep.org.au](http://www.goodshep.org.au)

#### Good Money Cairns

[www.goodmoney.com.au/contact-us/](http://www.goodmoney.com.au/contact-us/)

#### Good Shepherd Australia and New Zealand

No Interest Loans Scheme (NILS)

Find a community NILS provider near you.

[www.nils.com.au](http://www.nils.com.au)

#### Uniting Community Care

Financial counselling services

[www.unitingcareqld.com.au/services-and-support/counselling-and-wellbeing/financial-counselling](http://www.unitingcareqld.com.au/services-and-support/counselling-and-wellbeing/financial-counselling)

#### The Salvation Army Moneycare Financial Counselling

[www.salvationarmy.org.au/locations/category/financial-counselling](http://www.salvationarmy.org.au/locations/category/financial-counselling)

#### Cape York Partnership (CYP) O-Hub—MPOWER

Financial counselling and money management services for Far North Queensland residents across Cape York communities of Aurukun, Coen, Hope Vale and Mossman Gorge with Cairns office available to community members who have direct links with communities mentioned. These services are provided through our Opportunity Hubs (O-Hubs) which operate Monday to Friday 8.30am–5.00pm. The O-Hub is a one-stop-shop for a suite of Opportunity Products, developed by Cape York Partnership, which encourage and support individuals and families to manage and take responsibility for their finances, their health and their children's education. The O-Hub provides an environment for building self-reliance and responsibility.

**Cairns**—07 4042 7200

302–310 Sheridan Street, Cairns North Q 4870

**Aurukun**—07 4083 4505

5 Kang Kang Road, Aurukun Q 4892

**Hope Vale**—07 4083 8800

3 Muni Street, Hope Vale Q 4895

**Coen**—07 4083 5001

7 Taylor Street, Coen Q 4892

**Mossman Gorge**—07 4084 4400

16 Kankarr Road, Mossman Gorge Q 4873

[info@cyp.org.au](mailto:info@cyp.org.au)

[www.capeyorkpartnership.org.au](http://www.capeyorkpartnership.org.au)

#### Shelter Housing Action Cairns (SHAC)

Financial counselling and financial support services

**07 4080 7400**

[www.shac.org.au/my-money-program](http://www.shac.org.au/my-money-program)

NILS [www.shac.org.au/nils](http://www.shac.org.au/nils)



## Contacts continued

### EXTERNAL DISPUTE RESOLUTION SERVICES

Free Independent Ombudsman schemes that can investigate and make binding determinations against businesses for misconduct.

#### **Australian Financial Complaints Authority (AFCA)**

Investigates complaints about banks, lenders, financial service providers and insurers.

**1800 931 678**

[www.afca.org.au](http://www.afca.org.au)

#### **Energy and Water Ombudsman Qld (EWOQ)**

Investigates complaints about energy and water providers, including in relation to disconnections.

**1800 662 837**

[www.ewoq.com.au](http://www.ewoq.com.au)

#### **Telecommunications Industry Ombudsman (TIO)**

Investigates complaints about telecommunication providers.

**1800 062 058**

[www.tio.com.au](http://www.tio.com.au)

#### **Queensland Human Rights Commission**

Offices in Brisbane, Townsville, Rockhampton, Cairns  
Aboriginal and Torres Strait Islander Unit

**07 3021 9113** Jodie Luck

**07 40372104** Luke Wenitong

[www.qhrc.qld.gov.au/your-rights/for-aboriginal-and-torres-strait-islander-people](http://www.qhrc.qld.gov.au/your-rights/for-aboriginal-and-torres-strait-islander-people)

### LEGAL SERVICES

#### **Aboriginal and Torres Strait Islander Legal Service (Qld) LTD**

Offices across Queensland

**1800 012 255**

[www.atsils.org.au](http://www.atsils.org.au)

#### **Cairns Community Legal Centre**

**07 4031 7688** or **1800 062 608**

[www.cclc.org.au](http://www.cclc.org.au)

#### **Caxton Legal Service**

**07 3214 6333**

[www.caxton.org.au](http://www.caxton.org.au)

#### **Legal Aid Queensland**

Offices across Queensland

**1300 65 11 88** or Indigenous Line **1300 65 01 43**

[www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au)

#### **Townsville Community Legal Service**

**07 4721 5511**

[www.tcls.org.au](http://www.tcls.org.au)

### BANKS

Indigenous customer service lines

#### **National Australia Bank (NAB)**

Indigenous Customer Service Line (ICAL)

**1800 966 100**

[www.nab.com.au/about-us/social-impact/community/indigenous-australian-support](http://www.nab.com.au/about-us/social-impact/community/indigenous-australian-support)

#### **Commonwealth Bank of Australia**

Remote customers call **1800 700 682**

then select option 1, for the ICAL team

[www.commbank.com.au/corporate/industries/indigenous-banking.html](http://www.commbank.com.au/corporate/industries/indigenous-banking.html)

#### **ANZ**

Aboriginal and Torres Strait Islander phone service

**1800 037 366**

#### **Westpac**

Indigenous Call Centre

**1800 230 144**

This service is available

Monday to Friday 8:00am–5:30pm CST

[www.westpac.com.au/about-westpac/sustainability/initiatives-for-you/indigenous-banking](http://www.westpac.com.au/about-westpac/sustainability/initiatives-for-you/indigenous-banking)



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LEGAL CENTRE INC



Energy & Water  
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Queensland



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Government



Australian Government



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Aboriginal & Torres Strait Islander  
Legal Service (Qld) Ltd

# DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL

## BRIEF FOR CORRESPONDENCE

**Date:** 4 December 2020  
**To:** Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence  
**From:** Office of Fair Trading – Liquor, Gaming and Fair Trading  
**Subject:** NP\_Sch4(3)(3) – assistance in seeking a refund

### BACKGROUND SUMMARY

1. The proposed Chief of Staff response contains the department's brief and rationale on the actions undertaken in NP\_Sch4(3)(3) complaint.

### KEY ISSUE/S

2. All information relevant to [redacted] correspondence is detailed in the attached response.

### HUMAN RIGHTS IMPACT ASSESSMENT

3. The decision in this brief does not impact any human right requirements under section 58 and the human rights limitations under section 13 of the *Human Rights Act 2019*.

### CONSULTATION

#### Internal Consultation

- Not applicable.

#### External Consultation

- Not applicable.

### FINANCIAL IMPLICATIONS

4. Not applicable.



NOTED or APPROVED / NOT APPROVED

Comments

**SHANNON FENTIMAN MP**  
**Attorney-General and Minister for Justice,**  
**Minister for Women and Minister for the**  
**Prevention of Domestic and Family**  
**Violence**

**Chief of Staff**

**Policy Advisor**

/ /

/ /

/ /

Contact Officer: Name: Tim Perry  
Position: A/Director, OFT  
Phone: 3878 8600 (0477 306 666)  
Date: 2 December 2020

Approved by: Name: Victoria Thomson  
Position: Deputy Director-General, LGFT  
Phone: 3738 8353 NP\_Sch4(3)(3)  
Date: 3 December 2020

Approved by: Name: Brian Bauer  
Position: Executive Director, OFT  
Phone: 3878 8776 (0409 578 400)  
Date: 3 December 2020

Endorsed:  
David Mackie  
Director-  
General

/ /

☐ Election Commitment

☐ CBRC / Cabinet related

☐ ECM related

**From:** DLO  
**To:** ESB Allocations  
**Subject:** FW: MO.20.33 - [redacted]  
**Date:** Tuesday, 17 November 2020 9:58:29 AM  
**Attachments:** image002.jpg  
image003.png  
image004.jpg  
image005.jpg

Normal – 15 days

LGFT

CoS response – *please note that AG's office has also requested contact be made with [redacted] in relation to his matter*

**Amanda Robles**

Departmental Liaison Officer

Office of the Director-General

Department of Justice and Attorney-General

Ph: 07 3719 7418

**From:** Laura Fraser Hardy <Laura.FraserHardy@ministerial.qld.gov.au>

**Sent:** Monday, 16 November 2020 6:14 PM

**To:** DLO <DLO@justice.qld.gov.au>

**Cc:** Yvette D'Ath <attorney@ministerial.qld.gov.au>

**Subject:** FW: MO.20.33 - NP\_Sch4(3)(3)

CORRESPONDENCE TO ACTION	
<b>MO Ref:</b> MO/2020/33	<b>Dept Ref:</b>
<b>ADVISOR:</b> COS	<b>RESPONSE – MO Use Only:</b> <i>Please highlight required action</i> <ul style="list-style-type: none"><li>Department to contact</li><li>Department to reply</li><li>Department to outcome dot points to MO</li><li>MO response letter (including corro brief)</li><li>Referral letter to:</li><li>Briefing note required about issue:</li><li>No response required – info/action as required:</li></ul>
<b>REPLY FROM:</b> Attorney-General / Chief of Staff / SPA <b>CONCLUDING PARAGRAPH CONTACT:</b> Chief of Staff / SPA / Department	<b>DUE TO MO BY:</b> <i>Please highlight required action</i> <ul style="list-style-type: none"><li>ASAP</li><li>5 days</li><li>15 days</li><li>Other:</li></ul>
<b>MO COMMENTS:</b>	

**From:** NP\_Sch4(3)(3)

**Sent:** Sunday, 15 November 2020 1:28 PM

**To:** mailbox@justice.qld.gov.au; Attorney <attorney@ministerial.qld.gov.au>

**Subject:** Fwd: Complaint outcome C-2020-14436

I am writing to you with a complaint I have with an outcome from the Office of Fair Trading.

I purchased a pair of earbuds online with upgraded memory foam tips. The earbuds will not charge in the charging case supplied. All items were purchased through [redacted] along with the upgraded foam tips. These are suggested prior to entering checkout to add to the sale. I purchased these after research and that the memory foam tips were comfortable and the portability and ease of use.

As soon as I noticed the problem, I contacted [redacted] Firstly their response was my parcel was delivered and supplied a tracking number. I had to correct them with the issue. Their response was the tips were the problem and that I should remove the tips to place in case to charge. This makes no sense as I purchased them being that I would only have to remove the complete buds and tips to use. There is no

place to put these tips in the case. It is made to have buds and tips connected only in the case. If I was to do there suggestion the chance of losing tip/s is highly likely being that they are so small and they would wear out faster and would lose tightness to the connection of the bud. The tips are also an additional cost so I would be left continuously paying for replacement tips. There is no information on their manuals, websites about having to remove the memory foam tips and that they do not fit correctly in the case. All diagrams show tips can be charged in case. [redacted] also admitted they knew about this defect, and advised it was a common problem along with another brand.

When I requested a full refund and cost of shipping (supplying a return label or reimbursement of cost of shipping) they advised I would be charged a restocking fee of 20% and they would not cover shipping. I should not be out of pocket for shipping or restocking fees as the product does not do what I intended it to do and if I had known of this I would not have purchased this product. I feel [redacted] is deceptive with the sale of the premium tips as well and not disclosing this problem prior to purchase.

If I returned to [redacted] under what they were offering I would be out of pocket approx \$50.

All I wanted was what I am entitled to under my consumer rights is a full refund and reimbursement of return shipping.

I now have a pair of \$150 earbuds sitting doing nothing as I can not use them.

The issue I have with the office of fair trading is, why do we actually have this department when they are unable to assist with consumer concerns and problems. This is clearly a defective product and the company had failed to correctly inform customers of an issue with their product. Also the fact that the company has simply ignored the office of fair trading and there is nothing that they will do is mind boggling. I have also been ignored by the person dealing with my complaint at the office of fair trading from my last email which is attached to this email.

I feel as a taxpayer this department is a waste of government funds to simply just send an email and doesn't seem to actually act in the area of fair trading.

There appears to be no consumer protections anymore and businesses can do what they wish and simply ignore government departments.

I have also notified the ACCC but the same thing, nothing, just noted.

The response of me seeking my own legal advice is simply a cop out. Why should I have to do this when there is supposedly a government department that is dedicated to fair trade and that my issue falls under government legislation that is supposed to protect customers. I also am not in a position to pay for a lawyer and the link for legal advice I was advised was an office in brisbane, I live on the gold coast and am unable to get to brisbane. But again realistically this is what you would think we have an office of fair trade.

I would hate to see what happens coming into a season where consumers are going to spend more on online purchases and there isn't really any protection for them and their purchases.

Your assistance in this matter would be greatly appreciated

regards

NP\_Sch4(3)(3)

----- Forwarded message -----

From: NP\_Sch4(3)(3)

Date: Fri, 6 Nov 2020 at 12:11

Subject: Re: Complaint outcome C-2020-14436

To: Azriel Dimitrios <[Azriel.Dimitrios@justice.qld.gov.au](mailto:Azriel.Dimitrios@justice.qld.gov.au)>

Hi Azriel,

Just checking if you tried

[support@\[redacted\].us](mailto:support@[redacted].us)

All my responses I've received when contacting NP\_Sch4(3)(2) have come from this email address.

On Mon, 2 Nov 2020 at 14:18, Azriel Dimitrios <[Azriel.Dimitrios@justice.qld.gov.au](mailto:Azriel.Dimitrios@justice.qld.gov.au)> wrote:

**Contact: Azriel Dimitrios**



**Phone No: 07 4591 8310**

**Email:** [Azriel.Dimitrios@justice.qld.gov.au](mailto:Azriel.Dimitrios@justice.qld.gov.au)

**Reference: C-2020-14436**

Dear NP\_Sch4(3)(3)

I'm writing to you regarding your complaint to the Office of Fair Trading (OFT) about NP\_Sch4(3)(2). In my last email, I advised I would contact the trader on your behalf to try to negotiate a remedy for you.

I regret to inform you that NP\_Sch4(3)(2) has failed to respond to any of my repeated attempts to contact them.

As I advised in my earlier correspondence, the OFT cannot force a trader to participate in conciliation. Unfortunately, this means I am unable to assist you any further.

Unresolved consumer guarantee disputes between consumers and traders may be brought before an appropriate court or tribunal where matters can be independently determined. You may wish to seek independent legal advice about the options available to you.

Following are several organisations that provide free legal advice for eligible people. Each organisation can advise you of their particular eligibility rules.

- **Community Legal Centres Queensland** – [www.communitylegalqld.org.au](http://www.communitylegalqld.org.au)
- **National Association of Community Legal Centres** – [www.naccl.org.au](http://www.naccl.org.au)
- **Legal Aid Queensland** – [www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au)

Please contact me if you have any further questions regarding this matter. I have provided my direct contact details below.

If you should need the OFT's services in the future, please visit [www.qld.gov.au/fairtrading](http://www.qld.gov.au/fairtrading) or call 13 QGOV (13 74 68).

Regards

**Azriel Dimitrios**

Service Delivery Officer

Regional Operations and Engagement

Office of Fair Trading | Department of Justice and Attorney-General

137 Herries Street, Toowoomba Qld 4350 | PO Box 841, Toowoomba Qld 4350

P: 07 4591 8310 | E: [azriel.dimitrios@justice.qld.gov.au](mailto:azriel.dimitrios@justice.qld.gov.au)

[www.qld.gov.au/fairtrading](http://www.qld.gov.au/fairtrading) | Customer Call Centre: 13 QGOV (13 74 68)

**Customers first | Ideas into action | Unleash potential | Be courageous | Empower people**



19\_1195FT\_BuySmart 2020\_email signature



\*\*\*\*\*

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Office of the Honourable Shannon Fentiman MP  
Attorney-General and Minister for Justice  
Minister for Women and Minister for the Prevention of  
Domestic and Family Violence

1 William Street Brisbane Q 4000  
GPO Box 149 Brisbane Q 4001  
Telephone +61 7 3719 7400  
Email [attorney@ministerial.qld.gov.au](mailto:attorney@ministerial.qld.gov.au)

Our ref: 595712/1, 5446072; FTO-5743739

11 DEC 2020

NP\_Sch4(3)(3)



E-MAILED

11/12/20

Dear NP\_Sch4(3)(3)

Thank you for your correspondence dated 15 November 2020 regarding your dissatisfaction with the outcome of a complaint you lodged with the Office of Fair Trading (OFT) against [redacted] (the trader). The Honourable Shannon Fentiman MP, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, has asked me to respond on her behalf.

I am advised the OFT received your complaint seeking assistance to obtain a \$150 refund for a pair of [redacted] earbuds you had purchased from the trader on 3 October 2020. Its assessment of your complaint did not identify any breaches of legislation where the OFT has enforcement powers, and the OFT attempted to conciliate your matter.

In your contact with the OFT you explained the trader mislead consumers as the additional memory foam ear tips you purchased were not compatible with the charger unit. It is noted the trader denied the product was faulty and declined to offer you a refund as the product can be charged if the tips are removed.

I note the OFT informed you its attempt to conciliate your complaint was not successful and advised that you may consider seeking independent legal advice should you elect to pursue your concerns with the trader.

Following your recent correspondence, Ms Susan Fallon, Acting Service Delivery Team Leader, reviewed your complaint in accordance with the OFT's Compliance and Enforcement Policy. As part of the review Ms Fallon attempted to contact the trader. However, the trader did not engage with the OFT and appears to be located overseas. I understand Ms Fallon contacted you to advise of the outcome.

I note your comments about the role of the OFT, in particular the agency being unable to enforce consumer rights. While the OFT has no legislative power in matters like yours to direct a trader to take a particular course of action, such as providing a refund, it still attempts to assist consumers and traders reach an outcome through conciliation. In 2019-20, the OFT conciliated 16,389 complaints between consumers and traders, assisting consumers to obtain \$6.73 million in redress through this process.



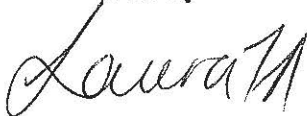
Unfortunately, in your case the OFT's efforts to conciliate were unsuccessful and the advice remains that you may wish to seek independent legal advice on your options of pursuing the trader for redress.

You raised concerns about not being able to afford legal advice and that the contact details the OFT provided to you were for organisations in Brisbane. I regret the advice you received was not relevant to your location and I have taken the liberty of providing you with some contact details of organisations that can provide assistance with free legal advice to the Gold Coast community. These are:

- Gold Coast Community Legal Centre and Advice Bureau on (07) 5532 9611 or at [www.gcclc.org.au](http://www.gcclc.org.au); and
- My Community Legal on 0423 466 286 or at [www.mycommunitylegal.org.au](http://www.mycommunitylegal.org.au).

I acknowledge your frustration about this matter and appreciate this is not the answer you sought. If you have any questions in relation to the above, I invite you to contact Ms Susan Fallon, Acting Service Delivery Team Leader, OFT on (07) 4591 8311 or at [susan.fallon@justice.qld.gov.au](mailto:susan.fallon@justice.qld.gov.au).

Yours sincerely



**Laura Fraser Hardy**

Chief of Staff

Office of the Honourable Shannon Fentiman MP

Attorney-General and Minister for Justice

Minister for Women and Minister for the Prevention of Domestic and Family Violence

# DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL

## BRIEF FOR CORRESPONDENCE

**Date:** 9 December 2020  
**To:** Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence  
**From:** Office of Fair Trading – Liquor, Gaming and Fair Trading  
**Subject:** MCAR 595704/1 NP\_Sch4(3)(3) re concerns with the real estate industry  
**Decision required by:** n/a

---

### BACKGROUND SUMMARY

1. The response contains standard reply paragraphs.

### KEY ISSUE/S

2. All information relevant to this correspondence is detailed in the attached reply.

### HUMAN RIGHTS IMPACT ASSESSMENT

3. The decision in this brief does not impact any human right requirements under section 58 and the human rights limitations under section 13 of the *Human Rights Act 2019*.

### CONSULTATION

#### Internal Consultation

- Not applicable.

#### External Consultation

- Not applicable.

#### Attachment

- Draft response to NP\_Sch4(3)(3) (Attachment 1).

### FINANCIAL IMPLICATIONS

4. Not applicable.

NOTED or APPROVED / NOT APPROVED  
**Attorney-General and Minister for Justice,  
 Minister for Women and Minister for the  
 Prevention of Domestic and Family  
 Violence**  
 Comments

**SHANNON FENTIMAN MP**  
**Attorney-General and Minister for Justice,  
 Minister for Women and Minister for the  
 Prevention of Domestic and Family  
 Violence**

**Chief of Staff**

**Policy Advisor**

/ /

/ /

/ /

**THIS MUST BE PLACED AT THE BOTTOM OF THE PAGE**

Contact Officer:	Name: Brad Walker Position: Director, OFT, Phone: 3878 8873 (ext 98873) Date: 9 December 2020	Approved by:	Name: Victoria Thomson Position: Deputy Director-General, LGFT Phone: 3738 8353 (NP_Sch4(3)(3)) Date: xx December 2020
Approved by:	Name: Brian Bauer Position: Executive Director, OFT, Phone: 3878 8776 Date: 9 December 2020	Endorsed:	David Mackie Director-General / /
<input type="checkbox"/> Election Commitment <input type="checkbox"/> CBRC / Cabinet related <input type="checkbox"/> ECM related			



**From:** [LGFT-Correspondence](#)  
**To:** [OFT-Commissioner](#)  
**Subject:** FW: Normal MCAR 595704/1 DUE 8/12/2020 - [redacted] re - Request for changes to those with real estate licences to include ethics courses  
**Date:** Friday, 20 November 2020 1:40:12 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
JAG-5430891 [redacted] re -  
[Request for changes to those with real estate licences to include ethics courses.MSG.msg](#)

---

Hi Carol  
(sorry all incomings are for OFT today!!!)  
Due to ODDG by 8 December 2020.  
Thanks  
Lucia Ausili  
A/Policy and Research Officer  
Office of the Deputy Director-General  
Liquor, Gaming and Fair Trading  
Department of Justice and Attorney-General  
Level 1, 63 George Street Brisbane Qld 4000  
Phone: 07 3738 8355

---

**From:** ESB Allocations <[ESB.Allocations@justice.qld.gov.au](mailto:ESB.Allocations@justice.qld.gov.au)>  
**Sent:** Wednesday, 18 November 2020 10:40 AM  
**To:** LGFT-Correspondence <[corro.ford@qdjag.onmicrosoft.com](mailto:corro.ford@qdjag.onmicrosoft.com)>  
**Cc:** ESB Allocations <[ESB.Allocations@justice.qld.gov.au](mailto:ESB.Allocations@justice.qld.gov.au)>  
**Subject:** Normal MCAR 595704/1 DUE to ESB: 9/12/2020 - [redacted] re - Request for changes to those with real estate licences to include ethics courses

Good morning

Please prepare a reply for the attached correspondence and, once approved, send to [Executive.Services@justice.qld.gov.au](mailto:Executive.Services@justice.qld.gov.au) by 9/12/2020.

**\*\*Please find attached the new letterhead when preparing responses.**

If you are not able to meet the due date allocated, you need to apply for an extension by emailing [ESB.Allocations@justice.qld.gov.au](mailto:ESB.Allocations@justice.qld.gov.au) **no later than 72 hours prior** to the requested due date, with a brief and concise high level reason along with an estimated date of completion. Please note the Office of the DG is responsible for approving extensions. Once advice is received, ESB Allocations will notify you via email and update the profile form accordingly. Finally, if you determine the MCAR to not be for your division, please reply direct to ESB Allocations as soon as possible to ensure that correspondence is reallocated in a timely manner. Thank you for your assistance.

Kind regards,

**Olivia Martin**  
Administrative Officer, Executive Services Branch  
Office of the Director-General  
Department of Justice and Attorney-General  
Level 36, 1 William Street, Brisbane 4000  
**P:** 3028 7722  
**E:** [olivia.martin@justice.qld.gov.au](mailto:olivia.martin@justice.qld.gov.au)



**From:** DLO  
**To:** ESR Allocations  
**Subject:** FW: MO.20.27 - [redacted] - Leasing Executive  
**Date:** Tuesday, 17 November 2020 9:20:51 AM  
**Attachments:** image003.png

Normal – 15 days

LGFT

AG response – please note that AG's office have requested that the CoS is listed as contact in concluding para

**Amanda Robles**

Departmental Liaison Officer

Office of the Director-General

Department of Justice and Attorney-General

Ph: 07 3719 7418

**From:** Laura Fraser Hardy <Laura.FraserHardy@ministerial.qld.gov.au>

**Sent:** Monday, 16 November 2020 7:03 PM

**To:** DLO <DLO@justice.qld.gov.au>

**Cc:** Yvette D'Ath <yattorney@ministerial.qld.gov.au>

**Subject:** FW: MO.20.27 - [redacted] Leasing Executive

CORRESPONDENCE TO ACTION	
<b>MO Ref:</b> MO/2020/27	<b>Dept Ref:</b>
<b>ADVISOR:</b> COS	<b>RESPONSE – MO Use Only:</b> Please highlight required action <ul style="list-style-type: none"><li>Department to contact</li><li>Department to reply</li><li>Department to outcome dot points to MO</li><li>MO response letter (including corro brief)</li><li>Referral letter to:</li><li>Briefing note required about issue:</li><li>No response required – info/action as required:</li></ul>
<b>REPLY FROM:</b> Attorney-General / Chief of Staff / SPA <b>CONCLUDING PARAGRAPH CONTACT:</b> Chief of Staff / SPA / Department	<b>DUE TO MO BY:</b> Please highlight required action <ul style="list-style-type: none"><li>ASAP</li><li>5 days</li><li>15 days</li><li>Other:</li></ul>
<b>MO COMMENTS:</b>	

**From:** Michael Kely

<Michael.Kely@ministerial.qld.gov.au>

**Sent:** Monday, 16 November 2020 3:53 PM

**To:** Attorney

<attorney@ministerial.qld.gov.au>

**Subject:** Re: TF/20/30684 - Message for [redacted]

Hi Clare

Yep this is for us.

Kindest Regards

Michael Kely

Senior Advisor

Attorney's-General's Office

Sent from my iPhone

On 16 Nov 2020, at 2:50 pm, Attorney

<attorney@ministerial.qld.gov.au>

wrote:

Hi Michael,

Hope you're well!

Just wanted to check with you whether this corro would come under the AG portfolio? Thank you

Kind regards,

<image003.png>

**Clare Francis**

Administrative Officer

**Office of the Hon. Shannon Fentiman MP**

Attorney-General and Minister for Justice

Minister for Women

Minister for the Prevention of Domestic and Family Violence

P 07 3719 7400 | E: [Clare.Francis@ministerial.qld.gov.au](mailto:Clare.Francis@ministerial.qld.gov.au)

**From:** The Premier <[The.Premier@premiers.qld.gov.au](mailto:The.Premier@premiers.qld.gov.au)>

**Sent:** Friday, 13 November 2020 2:59 PM

**To:** NP\_Sch4(3)(3) Attorney <[attorney@ministerial.qld.gov.au](mailto:attorney@ministerial.qld.gov.au)>

**Subject:** TF/20/30684 - Message for Mrs Pearce

**Importance:** High

Dear [redacted]

Thank you for your email of 10 November 2020 regarding the real estate industry. I have been requested to reply to you on behalf of the Premier and Minister for Trade.

As the issue you have raised falls within the responsibility of the Honourable Shannon Fentiman MP, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, your email has been forwarded to her office for consideration and direct response to you on behalf of the Palaszczuk Government.

Again, thank you for taking the time to write to the Premier.

Yours sincerely

**Office of the Premier**

-----Original Message-----

From: [noreply@premiers.qld.gov.au](mailto:noreply@premiers.qld.gov.au) <[noreply@premiers.qld.gov.au](mailto:noreply@premiers.qld.gov.au)>

Sent: Tuesday, 10 November 2020 4:09 PM

To: The Premier <[The.Premier@premiers.qld.gov.au](mailto:The.Premier@premiers.qld.gov.au)>

Cc: NP\_Sch4(3)(3)

Subject: Real Estate Industry

Importance: High

Hello,

Thank you for your email to the Honourable Anastacia Palaszczuk MP, Premier of Queensland and Minister for Trade. The Premier appreciates the time you have taken to contact her with your comments.

The Premier's email inbox is monitored during business hours from Monday to Friday. Please note that if you are sending an email outside of these hours it will be reviewed promptly on the next business day.

If you are in danger, have concerns about your safety or the safety of others, or information regarding a threat against yourself or a member of the public, contact the police on 000 at any time.

If you would like more information about Coronavirus (COVID-19), you can find it on the Queensland Government website at

[www.qld.gov.au/health/conditions/health-alerts/coronavirus-covid-19](http://www.qld.gov.au/health/conditions/health-alerts/coronavirus-covid-19).

If you think you have been exposed to COVID-19 and are feeling unwell, please check the website or call 13 HEALTH (13 43 25 84) for advice. Coordinating the Queensland response to COVID-19 and maintaining essential services are the core priorities of the Queensland Government at this time. A response will be provided if appropriate, in due course. Thank you for your patience during this time.

Privacy statement

The Queensland Government manages personal information in line with the Information Privacy Act 2009. We may use the personal information you have provided to prepare a response to your enquiry, and may forward when necessary, these details to other agencies including (but not limited to):

- relevant Queensland Government department(s) and Statutory Bodies
- relevant State Electorate Office(s)
- relevant Federal Government department(s).

If you do not wish for your information to be provided to other agencies as outlined above, please advise us immediately.

Office of the Premier

Subject: Real Estate Industry

Title: [redacted]  
First Name: [redacted]  
Family Name: [redacted]

Email: NP\_Sch4(3)(3)  
Phone: [redacted]  
Address: [redacted]  
Town: [redacted]  
State: Queensland  
Postcode: [redacted]

Comment:

Dear Anastasia,

Congratulations on your win. I hope you were able to stop and enjoy the moment.

I write to you regarding the Real Estate Industry. NP\_Sch4(3)(3)

NP\_Sch4(3)(3)

I am concerned for this industry, we have bought & sold a few times in the last 2 years and come across very concerning matters when I am looking.

Take this house for example this had a price range starting in the 700,000's it sold for over 1.2million he had 125+ calls/ emails on the property clearly price baiting. [https://u3008840.ct.sendgrid.net/sf/click?upn=aIP4IE6NuGlcyCv2H1pp11IR2vwDEN7MiOlkeWp0JAG2sajc77f-2BgDaWY1WcVb4ngwgl0Wwx6CVk3rsJdVqCBAXkITvuICcqaCQOheJcFE1PgIOFwN5FkYedgk5GkwuXllsy\\_D-2FErAhxDBRmjP6t-2BfOByCmXEtbw7fIP0bap2WUFsuv3q2CvUEH8a3xvg3nR7LCb4nINX37y11IOfdKfZG44xA1rRPf8nIGGSQ220Wzsyb2m2o45J9bNjWvmlDXs67N7S85UiKax-2BHjUX8969M7ihqKSZ67ZHxhZmEVW6tTikgFH6gQsiMMXMyEuWLEOmz-2FRIV6JDutaT4q7Wm1gliDVQQPwKBp-2B0qdHJ9Ptpodgc-3D](https://u3008840.ct.sendgrid.net/sf/click?upn=aIP4IE6NuGlcyCv2H1pp11IR2vwDEN7MiOlkeWp0JAG2sajc77f-2BgDaWY1WcVb4ngwgl0Wwx6CVk3rsJdVqCBAXkITvuICcqaCQOheJcFE1PgIOFwN5FkYedgk5GkwuXllsy_D-2FErAhxDBRmjP6t-2BfOByCmXEtbw7fIP0bap2WUFsuv3q2CvUEH8a3xvg3nR7LCb4nINX37y11IOfdKfZG44xA1rRPf8nIGGSQ220Wzsyb2m2o45J9bNjWvmlDXs67N7S85UiKax-2BHjUX8969M7ihqKSZ67ZHxhZmEVW6tTikgFH6gQsiMMXMyEuWLEOmz-2FRIV6JDutaT4q7Wm1gliDVQQPwKBp-2B0qdHJ9Ptpodgc-3D)

It is a industry where you pay some money and gain a licence you have to have a pretty low IQ to fail the test, yet once you receive your licence you are selling someone's biggest asset.

Between price baiting, putting headlines up like current bid at \$X, not giving multiple offer forms, not showing thru all buyers thru a property and not giving owners all the information I have seen it all and I am appalled at what agents are getting away with.

I propose the following:

All agents who have a real estate licence (this includes shopping centres, commercial & residential) within the next 5 year must complete an ethics and business degree either the same or like a valuation degree. Why is this industry so off kilter? It is because of REIQ? Do they have something in the back pocket somewhere? Why does Domain & RealEstate.com not have report buttons to report agents and homes on listed on the market? Why are there not more people out checking on these agents that are not doing the right thing.

Bring this industry to the year 2020 and let's make it an industry that doesn't have cowboys or people that continue to do the wrong thing.

More needs to be done when someone sells their biggest asset buyers and sellers need to be protected.

Many thanks for reading

NP\_Sch4(3)(3)

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Office of the Honourable Shannon Fentiman MP  
Attorney-General and Minister for Justice  
Minister for Women and Minister for the Prevention of  
Domestic and Family Violence

1 William Street Brisbane Q 4000  
GPO Box 149 Brisbane Q 4001  
Telephone +61 7 3719 7400  
Email [attorney@ministerial.qld.gov.au](mailto:attorney@ministerial.qld.gov.au)

Our ref: 595705/1, 5453336, FTO-5744033

28 JAN 2021

NP\_Sch4(3)(3)

Dear NP\_Sch4(3)(3)

I refer to your correspondence dated 10 November 2020 to the Honourable Annastacia Palaszczuk MP, Premier and Minister for Trade, regarding your concerns about the real estate industry. As this matter falls under the ministerial responsibilities of the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, your correspondence has been referred to the Attorney-General for consideration. The Attorney-General has asked that I respond on her behalf.

I note your concerns, NP\_Sch4(3)(3) about the conduct of real estate agents who engage in bait advertising of properties to entice prospective buyers.

The Australian Consumer Law (ACL) prohibits the making of false or misleading representations or statements. Real estate agents are bound by the ACL and are prohibited from using bait advertising when advertising a property for sale.

While I acknowledge your concerns about the possible use of bait advertising within the real estate industry, a property that sells for a significantly higher price than the advertised price is not necessarily bait advertising. An advertised price or 'offers over' price should reflect the minimum price the owners are willing to accept for the property. If an owner is not willing to consider a price reflected in the advertising, or intentionally places a low price on a property to which they have no intention of settling for, it may be considered as bait advertising. The Office of Fair Trading (OFT) will investigate agents who are found to be misleading consumers in relation to the price of property and will take appropriate enforcement action.

More information regarding property advertising can be found on the OFT website at <https://www.qld.gov.au/law/laws-regulated-industries-and-accountability/queensland-laws-and-regulations/regulated-industries-and-licensing/regulated-industries-licensing-and-legislation/property-industry-regulation/best-practice-for-the-property-industry/property-advertising>.

The Palaszczuk Government appreciates that real estate agents hold a position of significant trust in relation to their clients. In this respect, I note your comments and suggestions regarding the training and competence of real estate agents.

As you may know, to be eligible for a licence under the *Property Occupations Act 2014*, a person must have the educational or other qualifications approved by the chief executive.

As part of the 2020 State election campaign, the Palaszczuk Government committed to working with industry and key stakeholders to examine eligibility criteria for entry to practice as a real estate agent in Queensland.

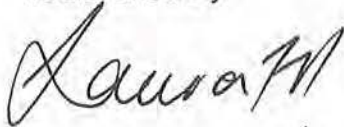
The OFT has been actively working with other states and territories as part of a review of the nationally recognised Property Services Training Package. The training package has been updated and redesigned to ensure an appropriate level of training for those entering the property industry and incorporates ethical practices for real estate salespersons and agents, ensuring they have the appropriate knowledge and skills. The OFT has implemented the new training package in Queensland and will cease to accept any superseded training from 30 September 2021.

As part of the election campaign, the Government also committed to work on mandatory continuing professional development for property agents, subject to the results of further consultation with key stakeholders and a regulatory impact statement.

If you have any questions in relation to the conduct of real estate agents, I invite you to contact Mr Nick Pirie, Acting Manager, Case Assessment, Response and Trust Accounts, OFT, on (07) 3738 8851 or at: [nicholas.pirie@justice.qld.gov.au](mailto:nicholas.pirie@justice.qld.gov.au).

Any questions in relation to real estate licensing and training requirements can be directed to Ms Tamika Travers, Manager, Industry Licensing, OFT, on (07) 3738 8711 or at: [tamika.travers@justice.qld.gov.au](mailto:tamika.travers@justice.qld.gov.au).

Yours sincerely



**Laura Fraser Hardy**

Chief of Staff

Office of the Honourable Shannon Fentiman MP

Attorney-General and Minister for Justice

Minister for Women and Minister for the Prevention of Domestic and Family Violence

Member for Waterford



# DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL

## BRIEF FOR CORRESPONDENCE

**Date:** 2 December 2020  
**To:** Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence  
**From:** Office of Fair Trading – Liquor, Gaming and Fair Trading  
**Subject:** Mark Furner MP – NP\_Sch4(3)(3) – consumer protection caravan sales

---

### BACKGROUND SUMMARY

1. The response contains standard reply paragraphs.

### KEY ISSUES

2. All information relevant to this correspondence is detailed in the attached reply.

### HUMAN RIGHTS IMPACT ASSESSMENT

3. The decision in this brief does not impact any human right requirements under section 58(5) and the human rights limitations under section 13 of the *Human Rights Act 2019*.

### CONSULTATION

#### Internal Consultation

- Not applicable.

#### External Consultation

- Not applicable.

### FINANCIAL IMPLICATIONS

4. Not applicable.



NOTED or APPROVED / NOT APPROVED  
**Attorney-General and Minister for Justice,  
 Minister for Women and Minister for the  
 Prevention of Domestic and Family  
 Violence**  
 Comments

**SHANNON FENTIMAN MP**  
**Attorney-General and Minister for Justice,  
 Minister for Women and Minister for the  
 Prevention of Domestic and Family  
 Violence**

**Chief of Staff**

**Policy Advisor**

/ /

/ /

/ /

Contact Officer: Name: Brad Walker  
 Position: Director, OFT  
 Phone: 3738 8873 (ext 98873)  
 Date: 27 November 2020

Approved by: Name: Victoria Thomson  
 Position: Deputy Director-General, LGFT  
 Phone: 3738 8353 NP\_Sch4(3)(3)  
 Date: 2 December 2020

Approved by: Name: Brian Bauer  
 Position: Executive Director, OFT  
 Phone: 3738 8776 NP\_Sch4(3)(3)  
 Date: 27 November 2020

Endorsed:  
 David Mackie  
 Director-  
 General

/ /

☐ Election Commitment

☐ CBRC / Cabinet related

☐ ECM related

**From:** [LGFT-Correspondence](#)  
**To:** [OFT-Commissioner](#)  
**Subject:** FW: High Priority MCAR 595732/1 – Due 25/11/2020 - MO.20.79 - [REDACTED] - Ferny Grove Electorate Office  
**Date:** Friday, 20 November 2020 1:38:55 PM  
**Attachments:** [image001.png](#)  
JAG-5433156-MO\_20\_79\_- [REDACTED] - Ferny\_Grove\_Electorate\_Office.MSG.msg  
[image002.png](#)

---

Hi Carol

Can you please convert the dot points to a AG letter (and cover brief)  
Due to ODDG by 25 November 2020.

Thanks

Lucia Ausili

A/Policy and Research Officer  
Office of the Deputy Director-General  
Liquor, Gaming and Fair Trading  
Department of Justice and Attorney-General  
Level 1, 63 George Street Brisbane Qld 4000  
Phone: 07 3738 8355

---

**From:** ESB Allocations <ESB.Allocations@justice.qld.gov.au>  
**Sent:** Thursday, 19 November 2020 1:59 PM  
**To:** LGFT-Correspondence <corro.ford@qdjag.onmicrosoft.com>  
**Cc:** ESB Allocations <ESB.Allocations@justice.qld.gov.au>  
**Subject:** High Priority MCAR 595732/1 – Due to ESB: 26/11/2020 - MO.20.79 - NP\_Sch4(3)(3)  
Ferny Grove Electorate Office

Hello, **new AG letterhead attached**

Please prepare a reply for the attached correspondence and, once approved, send to  
[Executive.Services@justice.qld.gov.au](mailto:Executive.Services@justice.qld.gov.au) by the due date.

If you are not able to meet the due date allocated, you need to apply for an extension by emailing [ESB.Allocations@justice.qld.gov.au](mailto:ESB.Allocations@justice.qld.gov.au) **no later than 72 hours prior** to the requested due date, with a brief and concise high level reason along with an estimated date of completion. Please note the Office of the AG is responsible for approving extensions. Once advice is received, ESB Allocations will notify you via email and update the profile form accordingly. Finally, if you determine the MCAR to not be for your division, please reply direct to ESB Allocations as soon as possible to ensure that correspondence is reallocated in a timely manner. Thank you for your assistance.

Regards,

**Alison Bateman**

Ministerial Department Correspondence Officer  
Office of the Director-General  
Department of Justice and Attorney-General  
P (07) 3028 7710  
Level 36, 1 William Street, Brisbane QLD 4000  
GPO Box 149, Brisbane QLD 4001

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**From:** [DLO](#)  
**To:** [FSB Allocations](#)  
**Subject:** FW: MO.20.79 - [REDACTED] - Ferny Grove Electorate Office  
**Date:** Thursday, 19 November 2020 1:05:50 PM

---

Urgent – 5 days

LGFT

AG to MP

*Note: Dot point advice was previously requested - AG's office would like this information in a response back to the MP. Dot points are in below thread for noting.*

**Amanda Robles**

Departmental Liaison Officer

Office of the Director-General

Department of Justice and Attorney-General

Ph: 07 3719 7418

---

**From:** Attorney <[attorney@ministerial.qld.gov.au](mailto:attorney@ministerial.qld.gov.au)>

**Sent:** Thursday, 19 November 2020 12:51 PM

**To:** DLO <[DLO@justice.qld.gov.au](mailto:DLO@justice.qld.gov.au)>

**Cc:** Michael Kely <[Michael.Kely@ministerial.qld.gov.au](mailto:Michael.Kely@ministerial.qld.gov.au)>

**Subject:** MO.20.79 - [NP\\_Sch4\(3\)\(3\)](#) - Ferny Grove Electorate Office

Good afternoon,

Could we please have this advice as an MO response letter? Thank you!

CORRESPONDENCE TO ACTION	
<b>MO Ref:</b> MO/2020/79	<b>Dept Ref:</b>
<b>ADVISOR:</b> Michael	<b>RESPONSE – MO Use Only:</b> <i>Please highlight required action</i> <ul style="list-style-type: none"><li>• Department to contact</li><li>• Department to reply</li><li>• Department to outcome dot points to MO</li><li>• <b>MO response letter (including corro brief)</b></li><li>• Referral letter to:</li><li>• Briefing note required about issue:</li><li>• No response required – info/action as required:</li></ul>
<b>REPLY FROM:</b> Attorney-General / Chief of Staff / SPA <b>CONCLUDING PARAGRAPH CONTACT:</b> Chief of Staff / SPA / Department	<b>DUE TO MO BY:</b> <i>Please highlight required action</i> <ul style="list-style-type: none"><li>• ASAP</li><li>• <b>5 days</b></li><li>• 15 days</li><li>• Other:</li></ul>
<b>MO COMMENTS:</b>	

**From:** DLO <[DLO@justice.qld.gov.au](mailto:DLO@justice.qld.gov.au)>

**Sent:** Thursday, 19 November 2020 10:15 AM

**To:** Attorney <[attorney@ministerial.qld.gov.au](mailto:attorney@ministerial.qld.gov.au)>

**Subject:** RE: FW: Important----Caravan Sales

Good morning,

Please note that the following advice was requested by the previous AG's office and was only returned to us this morning.

- **The sale of second-hand caravans does fall under the motor dealer legislation.**
- Under section 12 of the *Motor Dealer and Chattel Auctioneers Act 2014* (MDCA) a caravan



- is included in the definition of a motor vehicle.
- Therefore, as per section 76 of the MDCA, any person carrying on a business of motor dealing (who acquires and sells motor vehicles including caravans) is required to hold a motor dealer licence.
  - Note - MDCA only covers the sale of second-hand vehicles (including caravans).
  - **However, a statutory trust account is not required in the sale of motor vehicles (including caravans) by a motor dealer who owns the vehicle.**
  - The consumer is not describing an 'agent' transaction where an amount is held on behalf of someone else for reward.
  - A statutory trust account is only required when a motor dealer sells a vehicle (including caravans) on behalf of someone else for reward, known as a 'consignment sale' and not when they sell their own vehicles.
  - Consignment sales require a motor dealer to hold any amounts paid by the buyer in trust and the *Agents Financial Administration Act 2014* then applies.
  - Consumers can make a claim against the claim fund when motor dealers (agents) misuse this trust monies from consignment sales.
  - **Statutory warranty claims can be enforced by the Queensland Civil and Administrative Tribunal (QCAT).**
  - The consumer has advised that sellers in the caravan industry often refuse warranty claims leaving buyers to fix it themselves.
  - The OFT offers a conciliation service that attempts to resolve these types of disputes between consumers and traders.
- As per MDCA schedule 1 section 13, QCAT can enforce an order if a warrantor fails to repair a fault covered under statutory warranty.
  - Under the Australian Consumer Law (ACL), there are numerous consumer guarantees that apply to new and used vehicles (including caravans) sold to a consumer. These are automatic, statutory guarantees relating to the supply of vehicles.
  - Failure to supply goods is an offence under the ACL. For more information about the ACL visit [www.consumerlaw.gov.au](http://www.consumerlaw.gov.au)
  - Should Mr Assink have any further queries regarding this matter, he can contact Ms Janey McGregor, Assistant Principal Compliance Officer, OFT on (07) 3738 8864 or at: [janey.mcgregor@justice.qld.gov.au](mailto:janey.mcgregor@justice.qld.gov.au).

Kind regards,

**Amanda Robles**

Departmental Liaison Officer

Office of the Director-General

Department of Justice and Attorney-General

Ph: 07 3719 7418

---

**From:** Daniel Goodman <[Daniel.Goodman@ministerial.qld.gov.au](mailto:Daniel.Goodman@ministerial.qld.gov.au)>

**Sent:** Monday, 9 November 2020 10:48 AM

**To:** DLO <[DLO@justice.qld.gov.au](mailto:DLO@justice.qld.gov.au)>

**Subject:** FW: FW: Important----Caravan Sales

Do we have anything at hand we can say on this?

---

**From:** TMR\_CLO <[TMR\\_CLO@ministerial.qld.gov.au](mailto:TMR_CLO@ministerial.qld.gov.au)>

**Sent:** Thursday, 5 November 2020 11:54 AM

**To:** External - Ferny Grove Electorate Office <[ferny.grove@parliament.qld.gov.au](mailto:ferny.grove@parliament.qld.gov.au)>

**Cc:** Daniel Goodman <[Daniel.Goodman@ministerial.qld.gov.au](mailto:Daniel.Goodman@ministerial.qld.gov.au)>

**Subject:** RE: FW: Important----Caravan Sales

Hi Ross,

This enquiry is solely about consumer protection issues, so it is not for TMR.

I'd suggest referring to the Office of Fair Trading in the Department of Justice and Attorney-General. They are also responsible for the Motor Dealers and Real Estate Agents legislation referred to in the enquiry.

Dan – anything from your end?

Thanks,  
Finn

---

**From:** Ferny Grove Electorate Office <[Ferny.Grove@parliament.qld.gov.au](mailto:Ferny.Grove@parliament.qld.gov.au)>  
**Sent:** Tuesday, 3 November 2020 3:26 PM  
**To:** TMR\_CLO <[TMR\\_CLO@ministerial.qld.gov.au](mailto:TMR_CLO@ministerial.qld.gov.au)>  
**Subject:** FW: Important----Caravan Sales

Finn

Does this come under your Minister's responsibility and if so can you provide some advice?

**Ross McColm**

**Office of Mark Furner MP, Member for Ferny Grove**  
**Minister for Agricultural Industry Development and Fisheries**

[ferny.grove@parliament.qld.gov.au](mailto:ferny.grove@parliament.qld.gov.au) | [www.markfurnermp.com.au](http://www.markfurnermp.com.au)

Shop 14, 51 McGinn Road, Ferny Grove QLD 4055

PO Box 262 FERNY HILLS DC QLD 4055

P 07 3535 7100 F 07 3535 7109

---

**From:** NP\_Sch4(3)(3)

**Sent:** Wednesday, 28 October 2020 10:08 AM

**To:** Ferny Grove Electorate Office <[Ferny.Grove@parliament.qld.gov.au](mailto:Ferny.Grove@parliament.qld.gov.au)>

**Subject:** Important----Caravan Sales

Mark,

It is of concern to me and thousands of other people that are purchasing a Caravan do not come under the umbrella of the Automotive industry.

The bit that is of concern to me is that when paying a deposit there is no TRUST ACCOUNT requirements unlike the Motor Dealer and Real Estate Industry.

So when paying a deposit there is NO SECURITY for the buyer that the deposit is reasonably secure. It is too easy for a deposit to be used towards creditors when the buyer has not as yet received the ordered caravan. When purchasing a new Caravan, Dealers can reasonably expect a 10% deposit and I feel this should go into a trust account until the product is delivered.

Many Caravans are equal to or above the purchase price of a motor vehicle and the amounts of money involved are huge. I feel it is time that this industry is restructured.

Currently it takes about 6 months from date of order to supply. For 6 months these deposits have no real security compared to a Trust account where at least there is some accountability.

As with Motor Dealers and Real Estate Agents, the interest could go to State revenue and although currently rates are low, it would help as a source of Govt revenue. A fidelity Fund would also be required to protect buyers in the case where the deposit can be refunded, saving families from a lot of grief.

As far as warranty claims are concerned in the Caravan industry it is a debacle. Many buyers are turned away when a warranty claim is made and in many instances the buyer is left to fix it themselves.

I urge the State Government to conduct an inquiry into the Caravan Industry and make the restructuring of the industry a priority.

Yours Sincerely,

NP\_Sch4(3)(3)

Sent from [Mail](#) for Windows 10

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Attorney-General and Minister for Justice  
Minister for Women and Minister for the Prevention of  
Domestic and Family Violence

1 William Street Brisbane Q 4000  
GPO Box 149 Brisbane Q 4001  
Telephone +61 7 3719 7400  
Email [attorney@ministerial.qld.gov.au](mailto:attorney@ministerial.qld.gov.au)

Our ref: 595732/1; 5445936; OFT-5743087

14 DEC 2020

The Honourable Mark Furner MP  
Minister for Agricultural Industry Development and Fisheries and  
Minister for Rural Communities  
Member for Ferny Grove  
[ferny.grove@parliament.qld.gov.au](mailto:ferny.grove@parliament.qld.gov.au)

 E-MAILED  
19/12/20

Dear Minister:

*Mark*

I refer to your correspondence dated 3 November 2020, on behalf of your constituent, NP\_Sch4(3)(3) regarding his concerns about the caravan industry.

The Office of Fair Trading (OFT) regulates the sale of second-hand caravans under the *Motor Dealer and Chattel Auctioneers Act 2014* (MDACA) as a caravan is included in the definition of a motor vehicle under the legislation. Any person carrying on the business of second-hand motor dealing (who acquires and sells motor vehicles including caravans) is required to hold a motor dealer licence under the MDACA.

I note NP\_Sch4(3)(3) concerns that no trust account is required for the purchase of caravans. The MDACA provides that a statutory trust account is not required in the sale of motor vehicles, including caravans, by a motor dealer who owns the vehicle being sold. A statutory trust account is only required when a motor dealer sells a vehicle or caravan on behalf of someone else for reward, which is known as a 'consignment sale'.

Consignment sales require a motor dealer to hold any amounts paid by the buyer in trust. This requirement is regulated under the *Agents Financial Administration Act 2014* (AFAA). Consumers can make a claim against the AFAA Claim Fund when motor dealers (agents) misuse trust monies received from consignment sales.

[redacted] also raises concerns about problems experienced by purchasers when sellers refuse to honour statutory warranties. The OFT offers a conciliation service that attempts to resolve these types of disputes between consumers and traders. Statutory warranty claims can be enforced by the Queensland Civil and Administrative Tribunal if a warrantor fails to repair a fault covered under a statutory warranty.

The Australian Consumer Law (ACL) contains consumer guarantees that apply to new and used vehicles (including caravans) sold to a consumer. These are automatic, statutory guarantees relating to the supply of vehicles. The failure to supply goods paid for is an offence under the ACL.

(2)

If you have any questions in relation to the above, I invite you to contact my Chief of Staff, Laura Fraser Hardy, on (07) 3719 7400 or [laura.fraserhardy@ministerial.qld.gov.au](mailto:laura.fraserhardy@ministerial.qld.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shannon Fentiman', written in a cursive style.

**Shannon Fentiman MP**

Attorney-General and Minister for Justice

Minister for Women and Minister for the Prevention of Domestic and Family Violence



## DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL BRIEF FOR DECISION/ACTION

**Date:** 15 December 2020  
**To:** Attorney-General and Minister for Justice  
Minister for Women and Minister for the Prevention of  
Domestic and Family Violence  
**From:** Office of Fair Trading – Liquor, Gaming and Fair Trading  
**Subject:** 2021 Buy Smart competition launch  
**Requested by:** Internally generated  
**Decision required by:** 8 January 2021 – to enable sufficient time to organise the launch

---

### RECOMMENDATIONS

That you:

1. **note** the Office of Fair Trading (OFT) will conduct the Buy Smart competition again in 2021 commencing the first week of the school year;
2. **advise** if you would like to participate in a formal launch event in the week commencing 8 February 2021, at one of the south east Queensland schools which won a 2020 award **or** if you would prefer a soft launch via media statement **or** the launch be conducted by the Commissioner for Fair Trading; and
3. **advise** of your preference for the 2021 award ceremony in mid-October (being Parliament House or a virtual ceremony) and should your preference be Parliament House, provide your approval to book the Premiers' and Speakers' Halls.

### BACKGROUND SUMMARY

1. The youth demographic is a vulnerable consumer group and the OFT undertakes the Buy Smart competition annually to engage with this target audience to provide them with consumer and financial information and advice.
2. The competition has been held annually since 2002 and aims to achieve as broad a reach as possible by making it easy for schools to teach students about consumer protection and financial literacy in class.
3. The OFT has developed classroom kits for teachers, available free of charge on its website, with class plans and activities mapped to the curriculum for years four through to 12. The OFT's wider program also includes displays, videos, panel discussions and classroom presentations by Fair Trading officers.
4. The competition is launched at the beginning of the school year. The OFT has identified Parklands Christian College, Logan, as a possible venue for the 2021 launch. Parklands won the School Champion prize in 2020 and was also awarded third place in the years seven to nine categories. Preliminary enquiries have been made with this school and they have provided informal confirmation of availability to host the launch in the week of 8 February 2021 should this option be selected.

5. Provisional working dates for major milestones of the 2021 Buy Smart competition are:
- week commencing 8 February 2021 – launch date (some flexibility to move a week if required, but is subject to school availability);
  - February – March 2021 – Buy Smart Blitz (promotion of the competition to schools and classroom presentations throughout the state);
  - 17 September 2021 (last day of term three) – entries close; and
  - mid-October 2021 – award ceremony.

## **ISSUES**

6. Should you wish to participate in a launch event, the OFT will confirm with the nominated host school as soon as possible. A launch date early in the school calendar year enables OFT to effectively promote the Buy Smart program while teachers are finalising 2021 teaching plans. If you do not wish to participate in the launch event, it can be conducted by the Commissioner for Fair Trading.
7. The OFT has previously been advised Government Advertising and Communication Committee approval is not required for the Buy Smart competition.
8. In relation to the 2021 awards ceremony, two options are available. Option one is the traditional Parliament House ceremony involving the prize winners, parents and teachers. Option two would involve a repeat of the virtual ceremony held in 2020 due to COVID-19. To enable option one, your approval to book the Parliament House venue is necessary.

## **HUMAN RIGHTS IMPACT ASSESSMENT**

9. Not applicable.

## **EMPLOYMENT IMPACT**

10. Not applicable.

## **CONSULTATION WITH STAKEHOLDERS**

11. The OFT consistently receives positive feedback about this initiative from parents, teachers and schools.

## **FINANCIAL IMPLICATIONS**

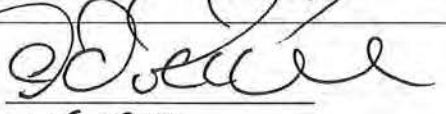
12. Funding to support the Buy Smart competition in 2021 of \$34,000 has been obtained through an allocation from the Consumer Fund. The \$34,000 includes over \$15,200 in prize money awarded to students and schools, collateral to support the education component of the program, and ceremony expenses.

## **POTENTIAL MEDIA**

13. The Buy Smart competition launch traditionally generates positive media and social media attention. The OFT's communication officers will attend the launch event and produce digital media content for proactive distribution.



NOTED or <u>APPROVED</u> / NOT APPROVED		
Comments		
Participate in launch @ schools		
2021 to discuss		
		
<b>SHANNON FENTIMAN MP</b> Attorney-General and Minister for Justice, Minister for Women and Minister For the Prevention of Domestic and Family Violence 16/12/2020	<b>Chief of Staff</b>  / /	<b>Policy Advisor</b>  15/12/20

Contact Officer: Name: Sharon Simmers Position: Director, OFT Phone: 3738 8600 (ext 98600) Date: 25 November 2020	Approved by: Name: Victoria Thomson Position: Deputy Director-General, LGFT Phone: 3738 8353- Date: 14 December 2020
Approved by: Name: Brian Bauer Position: Executive Director, OFT Phone: 3738 8776 (ext 98776) Date: 11 December 2020	Endorsed: David Mackie Director-General  15/12/20
<input type="checkbox"/> Election Commitment <input type="checkbox"/> CBRC / Cabinet related <input type="checkbox"/> ECM related	



# DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL

## BRIEF FOR CORRESPONDENCE

**Date:** 2 December 2020  
**To:** Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence  
**From:** Office of Fair Trading – Liquor, Gaming and Fair Trading  
**Subject:** NP\_Sch4(3)(3) – NP\_Sch4(3)(2) Association Incorporated

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### BACKGROUND SUMMARY

1. The response contains standard reply paragraphs.

### KEY ISSUES

2. All information relevant to this correspondence is detailed in the attached reply.

### HUMAN RIGHTS IMPACT ASSESSMENT

3. The decision in this brief does not impact any human right requirements under section 58 and the human rights limitations under section 13 of the *Human Rights Act 2019*.

### CONSULTATION

#### Internal Consultation

- Not applicable.

#### External Consultation

- Not applicable.

### FINANCIAL IMPLICATIONS

4. Not applicable.

NOTED or APPROVED / NOT APPROVED  
**Attorney-General and Minister for Justice,  
 Minister for Women and Minister for the  
 Prevention of Domestic and Family  
 Violence**  
 Comments

**SHANNON FENTIMAN MP**  
**Attorney-General and Minister for Justice,  
 Minister for Women and Minister for the  
 Prevention of Domestic and Family  
 Violence**

**Chief of Staff**

**Policy Advisor**

/ /

/ /

/ /

Contact Officer: Name: Peter Reinhold  
 Position: Director, ILR, OFT  
 Phone: 3878 8748  
 Date: 2 December 2020

Approved by: Name: Victoria Thomson  
 Position: Deputy Director-General, LGFT  
 Phone: 3738 8353 NP\_Sch4(3)(3)  
 Date: 3 December 2020

Approved by: Name: Brian Bauer  
 Position: Executive Director, OFT  
 Phone: 3738 8776 NP\_Sch4(3)(3)  
 Date: 2 December 2020

Endorsed:  
 David Mackie  
 Director-  
 General

/ /

☐ Election Commitment

☐ CBRC / Cabinet related

☐ ECM related

**From:** [LGFT-Correspondence](#)  
**To:** [OFT-Commissioner](#)  
**Subject:** FW: Caretaker Response MCAR 595452/1 NP\_Sch4(3)(3) Association  
**Date:** Friday, 16 October 2020 4:33:09 PM  
**Attachments:** [image001.png](#)  
[JAG-5398260-](#) Association.MSG.msg  
[image002.png](#)

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Hi Carol  
Incoming MCAR for DG response.  
Due to ODDG by 27/10/2020  
thanks  
Lucia Ausili  
A/Policy and Research Officer  
Office of the Deputy Director-General  
Liquor, Gaming and Fair Trading  
Department of Justice and Attorney-General  
Level 1, 63 George Street Brisbane Qld 4000  
Phone: 07 3738 8355

---

**From:** ESB Allocations <ESB.Allocations@justice.qld.gov.au>  
**Sent:** Thursday, 15 October 2020 5:00 PM  
**To:** LGFT-Correspondence <corro.ford@qdjag.onmicrosoft.com>  
**Cc:** ESB Allocations <ESB.Allocations@justice.qld.gov.au>  
**Subject:** Caretaker Response MCAR 595452/1 NP\_Sch4(3)(3) Association  
Afternoon

Please prepare a **Director-General Caretaker response** for the attached correspondence on **the attached template. Please save this template into eDocs** and, once approved, send to [Executive.Services@justice.qld.gov.au](mailto:Executive.Services@justice.qld.gov.au) by 4/11/2020.

If you are not able to meet the due date allocated, you will need to contact [ESB.Allocations@justice.qld.gov.au](mailto:ESB.Allocations@justice.qld.gov.au) to advise, no later than 72 hours prior to the requested due date, with a brief and concise high level reason along with an estimated date of completion. Finally, if you determine the MCAR to not be for your division, please reply direct to ESB Allocations as soon as possible to ensure that correspondence is reallocated in a timely manner.”  
Many thanks.

Kind Regards,

**Alison Bateman**

Ministerial Department Correspondence Officer  
Office of the Director-General  
Department of Justice and Attorney-General  

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P (07) 3028 7710 **Tuesday to Friday**  
Level 36, 1 William Street, Brisbane QLD 4000  
GPO Box 149, Brisbane QLD 4001

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**From:** [DLO](#)  
**To:** [FSB Allocations](#)  
**Subject:** FW: ATTN : Hon. Yvette D'Ath - RE: AGM - NP\_Sch4(3)(2) Association  
**Date:** Thursday, 15 October 2020 4:02:13 PM  
**Attachments:** [FORM-OF-APPOINTMENT-OF-PROXY-FOR-MEETING-OF-NP\\_Sch4\(3\)\(2\) ASSOCIATION.docx](#)  
[IA05364-lodged-Model-Rules-from-Office-of-Fair-Trading.pdf](#)

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Normal

DG caretaker

LGFT

**Anders Berquier**

Senior Departmental Liaison Officer

Office of the Director-General

Department of Justice and Attorney-General

Ph: 07 3719 7419

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**From:** Attorney <[attorney@ministerial.qld.gov.au](mailto:attorney@ministerial.qld.gov.au)>

**Sent:** Thursday, 15 October 2020 3:42 PM

**To:** DLO <[DLO@justice.qld.gov.au](mailto:DLO@justice.qld.gov.au)>

**Cc:** Michael Kely <[Michael.Kely@ministerial.qld.gov.au](mailto:Michael.Kely@ministerial.qld.gov.au)>

**Subject:** FW: ATTN : Hon. Yvette D'Ath - RE: AGM - NP\_Sch4(3)(2) Association

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**From:** Anna Fridolfsson <[a\\_fridolfsson@hotmail.com](mailto:a_fridolfsson@hotmail.com)>

**Sent:** Thursday, 15 October 2020 3:36 PM

**To:** Attorney <[attorney@ministerial.qld.gov.au](mailto:attorney@ministerial.qld.gov.au)>

**Cc:** External - Redcliffe Electorate Office <[redcliffe@parliament.qld.gov.au](mailto:redcliffe@parliament.qld.gov.au)>

**Subject:** ATTN : Hon. Yvette D'Ath - RE: AGM - NP\_Sch4(3)(2) Association

ATTENTION: Hon. Yvette D'Ath Attorney General and Minister For Justice

Dear Hon Yvette D'Ath (or) Whom It May Concern

I write to you to seek your professional opinion regarding uncertainties that arose during Annual General

Meeting (AGM) of the NP\_Sch4(3)(2) Association on 12<sup>th</sup> October 2020 at 19:30. It is important to note that this meeting was limited to 30 people due to COVID 19 restrictions.

During the meeting in question, the President's report and a statement of income and associated reports were presented and accepted. The auditor's report was received and an auditor was appointed. The Management Committee positions were declared vacant. A Police Officer NP\_Sch4(3)(3) assumed the Chair position. Nominations for the now vacant positions were taken (and accepted as final) from the floor only. Nominations forwarded to the [redacted] via email prior to the AGM (using the form provided by the [redacted] were not accepted for reasons unknown to myself.

Some issues arose when the time to vote via secret ballot presented itself.

There were several people at the meeting (including myself) that had been appointed proxy holders from members of the [redacted] that were not present (or could not be present) to vote. (NB- These proxy forms were presented to the secretary before the AGM commenced as stipulated in the [redacted] model rules). Discussions regarding whether or not proxy votes could be accepted at this type meeting and how many votes a person would be able to have if they were a proxy holder were debated. These concerns could not be resolved at the AGM and the meeting was postponed until 9<sup>th</sup> November 2020 at 18:00.

I have attached the Model Rules of the [redacted] and an example of the proxy form used for your reference.

It would certainly be appreciated if you could clarify the following so that the adjourned AGM can be conducted without similar problems:

1. Are proxy votes allowed at AGM elections? Concerns were raised amongst some members that proxies could only be used for resolutions at general meetings only.
2. What are the voting rights of the person holding a proxy form? For example, if I am a member of the [redacted] and hold x3 proxy votes, am I entitled to make x 4 votes in total or 1 vote only? I have been appointed as a proxy for numerous [redacted] members so this is of particular interest to me.

In addition to this, (bearing in mind that the AGM has been adjourned and the all management committee positions are currently vacant) could you also please clarify to the best of your knowledge:

3. Can new proxy forms be submitted when the AGM meeting re-adjourns in November? (or)  
Are the proxy forms that were submitted before the start of the AGM in October the only proxy votes

that can be considered? In this instance, x15 proxy voting forms were submitted between 3 people, prior to the AGM on the 12 October 2020. Are these the only proxy votes that can be considered at the re-adjourning of the meeting on November 2020?

4. If an  member was present at the AGM meeting on the 12<sup>th</sup> October, but cannot attend the continued meeting on the 9<sup>th</sup> November, is it appropriate that an exemption be made to allow them to vote via proxy (if they choose to) in this instance?

I thank you for your time and look forward to receiving your professional advice regarding this matter.

Kind Regards,

NP\_Sch4(3)(3)

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FORM OF APPOINTMENT OF PROXY FOR MEETING OF NP\_Sch4(3)(2) ASSOCIATION

I .....

(Name)

Of .....

(Address)

Being a member of: NP\_Sch4(3)(2) Association Inc.

Appoint .....

(Name of proxy holder)

Of .....

(Address or proxy holder)

Being a member of the Incorporated Association, as my proxy to vote for me on my behalf at the annual general meeting of the Association to be held on 12th October 2020 (and all committee meetings held before 1st January 2021) unless I serve you with a prior written withdrawal of the appointment. I authorize my proxy to vote on my behalf at their discretion in respect of any resolution.

.....

(Signed)



M O D E L   R U L E S

NAME

1. The name of the incorporated association shall be  
(in these Rules called "the Association")  
NP\_Sch4(3)(2) *ASSOCIATION INC.*

OBJECTS

2. The objects for which the Association is established are:—  
(the objects should be set out fully)  
*AS ATTACHED*

POWERS

3. The powers of the Association are:—
- (1) To take over the funds and other assets and the liabilities of the present unincorporated association known as the  
NP\_Sch4(3)(2) *ASSOCIATION*
  - (2) To subscribe to, become a member of and co-operate with any other association, club or organization, whether incorporated or not, whose objects are altogether or in part similar to those of the Association provided that the Association shall not subscribe to or support with its funds any club, association or organization which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on the Association under or by virtue of rule 28 (10);
  - (3) In furtherance of the objects of the Association to buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid, for the members of the Association or persons frequenting the Association's premises;
  - (4) To purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property, real and personal, and any rights or privileges which may be requisite for the purposes of, or capable of being conveniently used in connexion with, any of the objects of the Association:  
Provided that in case the Association shall take or hold any property which may be subject to any trusts the Association shall only deal with the same in such manner as is allowed by law having regard to such trusts;
  - (5) To enter into any arrangements with any Government or Authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association; to obtain from any such Government or Authority any rights, privileges and concessions which the Association may think it desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions;

.. / 2

- (6) To appoint, employ, remove or suspend such managers, clerks, secretaries, servants, workmen and other persons as may be necessary or convenient for the purposes of the Association;
- (7) To remunerate any person or body corporate for services rendered, or to be rendered, and whether by way of brokerage or otherwise in placing or assisting to place or guaranteeing the placing of any unsecured notes, debentures or other securities of the incorporated association, or in or about the incorporated association or promotion of the incorporated association or in the furtherance of its objects;
- (8) To construct, improve, maintain, develop, work, manage, carry out, alter or control any houses, buildings, grounds, works or conveniences which may seem calculated directly or indirectly to advance the Association's interests, and to contribute to, subsidise or otherwise assist and take part in the construction, improvement, maintenance, development, working, management, carrying out, alteration or control thereof;
- (9) To invest and deal with the money of the Association not immediately required in such manner as may from time to time be thought fit; *SUBJECT TO REGULATIONS 32 (14) OF THE COLLECTION REGULATIONS 1975*
- (10) To take, or otherwise acquire, and hold shares, debentures or other securities of any company or body corporate;
- (11) In furtherance of the objects of the Association to lend and advance money or give credit to any person or body corporate; to guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or body corporate, and otherwise to assist any person or body corporate;
- (12) To borrow or raise money either alone or jointly with any other person or legal entity in such manner as may be thought proper and whether upon fluctuating advance account or overdraft or otherwise to represent or secure any moneys and further advances borrowed or to be borrowed alone or with others as aforesaid by notes secured or unsecured, debentures or debenture stock perpetual or otherwise, or by mortgage, charge, lien or other security upon the whole or any part of the incorporated association's property or assets present or future and to purchase, redeem or pay-off any such securities;
- (13) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments;
- (14) In furtherance of the objects of the Association to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association;

.../3



- (15) To take or hold mortgages, liens or charges, to secure payment of the purchase price, or any unpaid balance of the purchase price, of any part of the Association's property of whatsoever kind sold by the Association, or any money due to the Association from purchasers and others;
- (16) To take any gift of property whether subject to any special trust or not, for any one or more of the objects of the Associations but subject always to the proviso in sub-rule (4);
- (17) To take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Association, in the shape of donations, annual subscriptions or otherwise;
- (18) To print and publish any newspapers, periodicals, books or leaflets that the Association may think desirable for the promotion of its objects;
- (19) In furtherance of the objects of the Association to amalgamate with any one or more incorporated associations having objects altogether or in part similar to those of the Association and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as that imposed upon the Association under or by virtue of rule 28 (10);
- (20) In furtherance of the objects of the Association to purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or more of the incorporated associations with which the Association is authorised to amalgamate;
- (21) In furtherance of the objects of the Association to transfer all or any part of the property, assets, liabilities and engagements of the Association to any one or more of the incorporated associations with which the Association is authorised to amalgamate;
- (22) To make donations for patriotic, charitable or community purposes;
- (23) To transact any lawful business in aid of the Commonwealth of Australia in the prosecution of any war in which the Commonwealth of Australia is engaged;
- (24) To do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association.

../4



#### CLASSES OF MEMBERS

4. (1) The membership of the Association shall consist of ordinary members, and any of the following classes of members:-

\*insert the classes required and a definition for each class. (a) *JUNIOR MEMBERS. 12 TO 14 YEARS*  
(b) *..... NO VOTING RIGHTS*  
(c) *.....*

(2) The number of members in each class shall be unlimited.

5. (1) Every person who at the date of incorporation of the Association was a member of the unincorporated association and who on or before the day of incorporation agrees in writing to become a member of the Association shall be admitted by the Management Committee to the same class of membership of the Association as that member held in the unincorporated association, and shall not be required to pay any further subscription until the next due date for payment of that subscription.

(2) Every applicant for any class of membership of the Association (other than the members of the unincorporated Association referred to in sub rule (1)) shall be proposed by one member of the Association and seconded by another member. The application for membership shall be made in writing, signed by the applicant and his proposer and seconder and shall be in such form as the Management Committee from time to time prescribes.

#### MEMBERSHIP FEES

6. (1) The membership fees for each class of membership shall be such sum as the members shall from time to time at any general meeting so determine.

(2) The membership fees for each class of membership shall be payable at such time and in such manner as the Management Committee shall from time to time determine.

#### ADMISSION AND REJECTION OF MEMBERS

7. (1) At the next meeting of the Management Committee after the receipt of any application and the fee applicable for any class of membership, such application shall be considered by the Management Committee, who shall thereupon determine upon the admission or rejection of the applicant.

(2) Any applicant who receives a majority of the votes of the members of the Management Committee present at the meeting at which such application is being considered shall be accepted as a member to the class of membership applied for.

.. /5

(3) Upon the acceptance or rejection of an application for any class of membership the secretary shall forthwith give the applicant notice in writing of such acceptance or rejection.

#### TERMINATION OF MEMBERSHIP

8. (1) A member may resign from the Association at any time by giving notice in writing to the secretary. Such resignation shall take effect at the time such notice is received by the secretary unless a later date is specified in the notice when it shall take effect on that later date.

(2) If a member—

- (i) is convicted of an indictable offence; or
- (ii) fails to comply with any of the provisions of these Rules; or
- (iii) has membership fees in arrears for a period of two months or more; or
- (iv) conducts himself in a manner considered to be injurious or prejudicial to the character or interests of the Association,

the Management Committee shall consider whether his membership shall be terminated.

(3) The member concerned shall be given a full and fair opportunity of presenting his case and if the Management Committee resolves to terminate his membership it shall instruct the secretary to advise the member in writing accordingly.

#### APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP

9. (1) A person whose application for membership has been rejected or whose membership has been terminated may within one month of receiving written notification thereof, lodge with the secretary written notice of his intention to appeal against the decision of the Management Committee.

(2) Upon receipt of a notification of intention to appeal against rejection or termination of membership the secretary shall convene, within three months of the date of receipt by him of such notice, a general meeting to determine the appeal. At any such meeting the applicant shall be given the opportunity to fully present his case and the Management Committee or those members thereof who rejected the application for membership or terminated the membership subsequently shall likewise have the opportunity of presenting its or their case. The appeal shall be determined by the vote of the members present at such meeting.

(3) Where a person whose application is rejected, does not appeal against the decision of the Management Committee within the time prescribed by these Rules or so appeals but the appeal is unsuccessful, the secretary shall forthwith refund the amount of any fee paid.

../6



## REGISTER OF MEMBERS

10. (1) The Management Committee shall cause a Register to be kept in which shall be entered the names and residential addresses of all persons admitted to membership of the Association and the dates of their admission.

(2) Particulars shall also be entered into the Register of deaths, resignations, terminations and reinstatements of membership and any further particulars as the Management Committee or the members at any general meeting may require from time to time.

(3) The Register shall be open for inspection at all reasonable times by any member who previously applies to the secretary for such inspection.

## MEMBERSHIP OF MANAGEMENT COMMITTEE

11. (1) The Management Committee of the Association shall consist of a President, Vice-President, Secretary, Treasurer, all of whom shall be members of the Association, and such number of other members as the members of the Association at any general meeting may from time to time elect or appoint.

(2) At the annual general meeting of the Association, all the members of the Management Committee for the time being shall retire from office, but shall be eligible upon nomination for re-election.

(3) The election of officers and other members of the Management Committee shall take place in the following manner:—

- (a) Any two members of the Association shall be at liberty to nominate any other member to serve as an officer or other member of the Management Committee;
- (b) The nomination, which shall be in writing and signed by the member and his proposer and seconder, shall be lodged with the secretary at least fourteen days before the annual general meeting at which the election is to take place;
- (c) A list of the candidates' names in alphabetical order, with the proposers' and seconds' names, shall be posted in a conspicuous place in the office or usual place of meeting of the Association for at least seven days immediately preceding the annual general meeting.
- (d) Balloting lists shall be prepared (if necessary) containing the names of the candidates in alphabetical order, and each member present at the annual general meeting shall be entitled to vote for any number of such candidates not exceeding the number of vacancies;
- (e) Should, at the commencement of such meeting, there be an insufficient number of candidates nominated, nominations may be taken from the floor of the meeting.

..//



12. Any member of the Management Committee may resign from membership of the Management Committee at any time by giving notice in writing to the secretary but such resignation shall take effect at the time such notice is received by the secretary unless a later date is specified in the notice when it shall take effect on that later date, or such member may be removed from office at a general meeting of the Association where that member shall be given the opportunity to fully present his case. The question of removal shall be determined by the vote of the members present at such a general meeting.

#### VACANCIES ON MANAGEMENT COMMITTEE

13. (1) The Management Committee shall have power at any time to appoint any member of the Association to fill any casual vacancy on the Management Committee until the next annual general meeting.

(2) The continuing members of the Management Committee may act notwithstanding any casual vacancy in the Management Committee, but if and so long as their number is reduced below the number fixed by or pursuant to these Rules as the necessary quorum of the Management Committee, the continuing member or members may act for the purpose of increasing the number of members of the Management Committee to that number or of summoning a general meeting of the Association, but for no other purpose.

#### FUNCTIONS OF THE MANAGEMENT COMMITTEE

14. (1) Except as otherwise provided by these Rules and subject to resolutions of the members of the Association carried at any general meeting the Management Committee—

- (a) shall have the general control and management of the administration of the affairs, property and funds of the Association; and
- (b) shall have authority to interpret the meaning of these Rules and any matter relating to the Association on which these Rules are silent.

(2) The Management Committee may exercise all the powers of the Association—

- (a) to borrow or raise or secure the payment of money in such manner as the members of the Association may think fit and secure the same or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Association in any way and in particular by the issue of debentures, perpetual or otherwise, charged upon all or any of the Association's property, both present and future, and to purchase, redeem or pay off any such securities;



- (b) to borrow money from members at a rate of interest not exceeding interest at the rate for the time being charged by bankers in Brisbane for overdrawn accounts on money lent, whether the term of the loan be short or long, and to mortgage or charge its property or any part thereof and to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the Association, and to provide and pay off any such securities; and
- (c) to invest in such manner as the members of the Association may from time to time determine.

#### MEETINGS OF MANAGEMENT COMMITTEE

15. (1) The Management Committee shall meet at least once every calendar month to exercise its functions.

(2) A special meeting of the Management Committee shall be convened by the secretary on the requisition in writing signed by not less than one-third of the members of the Management Committee, which requisition shall clearly state the reasons why such special meeting is being convened and the nature of the business to be transacted thereat.

(3) At every meeting of the Management Committee a simple majority of a number equal to the number of members elected and/or appointed to the Management Committee as at the close of the last general meeting of the members, shall constitute a quorum.

(4) Subject as previously provided in this rule, the Management Committee may meet together and regulate its proceedings as it thinks fit: Provided that questions arising at any meeting of the Management Committee shall be decided by a majority of votes and, in the case of equality of votes, the question shall be deemed to be decided in the negative.

(5) A member of the Management Committee shall not vote in respect of any contract or proposed contract with the Association in which he is interested, or any matter arising thereout, and if he does so vote his vote shall not be counted.

(6) Not less than fourteen days notice shall be given by the secretary to members of the Management Committee of any special meeting of the Management Committee. Such notice shall clearly state the nature of the business to be discussed thereat.

(7) The President shall preside as Chairman at every meeting of the Management Committee, or if there is no President, or if at any meeting he is not present within ten minutes after the time appointed for holding the meeting, the Vice-President shall be Chairman or if the Vice-President is not present at the meeting then the members may choose one of their number to be Chairman of the meeting.

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(8) If within half an hour from the time appointed for the commencement of a Management Committee meeting a quorum is not present, the meeting, if convened upon the requisition of members of the Management Committee, shall lapse. In any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other time and place as the Management Committee may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the meeting shall lapse.

16. (1) The Management Committee may delegate any of its powers to a sub-committee consisting of such members of the Association as the Management Committee thinks fit. Any sub-committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the Management Committee.

(2) A sub-committee may elect a Chairman of its meetings. If no such Chairman is elected, or if at any meeting the Chairman is not present within ten minutes after the time appointed for holding the meeting, the members present may choose one of their number to be Chairman of the meeting.

(3) A sub-committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present and, in the case of an equality of votes, the question shall be deemed to be decided in the negative.

17. All acts done by any meeting of the Management Committee or of a sub-committee or by any person acting as a member of the Management Committee shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such member of the Management Committee or person acting as aforesaid, or that the members of the Management Committee or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a member of the Management Committee.

18. A resolution in writing signed by all the members of the Management Committee for the time being entitled to receive notice of a meeting of the Management Committee shall be as valid and effectual as if it had been passed at a meeting of the Management Committee duly convened and held. Any such resolution may consist of several documents in like form, each signed by one or more members of the Management Committee.

#### ANNUAL GENERAL OR GENERAL MEETINGS

19. The first general meeting shall be held at such time, not being less than one month nor more than three months after the incorporation of the Associations, and at such place as the Management Committee may determine.

20. (1) The annual general meeting shall be held within three months of the close of the financial year.

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(2) The business to be transacted at every annual general meeting shall be—

- (a) the receiving of the Management Committee's report and the statement of income and expenditure, assets and liabilities and mortgages, charges and securities affecting the property of the association for the preceding financial year;
- (b) the receiving of the auditor's report upon the books and accounts for the preceding financial year;
- (c) the election of members of the Management Committee; and
- (d) the appointment of an auditor.

21. The secretary shall convene a special general meeting—

- (a) when directed to do so by the Management Committee; or
- (b) on the requisition in writing signed by not less than one-third of the members presently on the Management Committee or not less than the number of ordinary members of the Association which equals double the number of members presently on the Management Committee plus one. Such requisition shall clearly state the reasons why such special general meeting is being convened and the nature of the business to be transacted thereat; or
- (c) on being given a notice in writing of an intention to appeal against the decision of the Management Committee to reject an application for membership or to terminate the membership of any person.

22. (1) At any general meeting the number of members required to constitute a quorum shall be double the number of members presently on the Management Committee plus one.

(2) No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business. For the purposes of this rule "member" includes a person attending as a proxy or as representing a corporation which is a member.

(3) If within half an hour from the time appointed for the commencement of a general meeting a quorum is not present, the meeting, if convened upon the requisition of members of the Management Committee or the Association, shall lapse. In any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other time and place as the Management Committee may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present shall be a quorum.

(4) The Chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for thirty days or more, notice of the adjourned meeting shall be given as in the case of an original meeting.

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Save as aforesaid it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

23. (1) The secretary shall convene all general meetings of the Association by giving not less than 14 days notice of any such meeting to the members of the Association.

(2) The manner by which such notice shall be given shall be determined by the Management Committee: Provided that notice of any meeting convened for the purpose of hearing and determining the appeal of a member against the rejection or termination of his membership by the Management Committee, shall be given in writing. Notice of a general meeting shall clearly state the nature of the business to be discussed thereat.

24. Unless otherwise provided by these Rules, at every general meeting—

- (1) the President shall preside as Chairman, or if there is no President, or if he is not present within fifteen minutes after the time appointed for the holding of the meeting or is unwilling to act, the Vice-President shall be the Chairman or if the Vice-President is not present or is unwilling to act then the members present shall elect one of their number to be Chairman of the meeting;
- (2) the Chairman shall maintain order and conduct the meeting in a proper and orderly manner;
- (3) every question, matter or resolution shall be decided by a majority of votes of the members present;
- (4) every member present shall be entitled to one vote and in the case of an equality of votes the Chairman shall have a second or casting vote: Provided that no member shall be entitled to vote at any general meeting if his annual subscription is more than one month in arrears at the date of the meeting;
- (5) voting shall be by show of hands or a division of members, unless not less than one-fifth of the members present demand a ballot, in which event there shall be a secret ballot. The Chairman shall appoint two members to conduct the secret ballot in such manner as he shall determine and the result of the ballot as declared by the Chairman shall be deemed to be the resolution of the meeting at which the ballot was demanded;
- (6) a member may vote in person or by proxy or by attorney and on a show of hands every person present who is a member or a representative of a member shall have one vote and in a secret ballot every member present in person or by proxy or by attorney or other duly authorised representative shall have one vote;



- (7) the instrument appointing a proxy shall be in writing, in the common or usual form under the hand of the appointor or of his attorney duly authorised in writing or, if the appointor is a corporation, either under seal or under the hand of an officer or attorney duly authorised. A proxy may but need not be a member of the Association. The instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a secret ballot;
- (8) where it is desired to afford members an opportunity of voting for or against a resolution the instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances permit:—

ASSOCIATION:

I, \_\_\_\_\_ of \_\_\_\_\_, being a member of the abovenamed Association, hereby appoint \_\_\_\_\_ of \_\_\_\_\_, or failing him, \_\_\_\_\_ of \_\_\_\_\_, as my proxy to vote for me on my behalf at the (annual) general meeting of the Association, to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and at any adjournment thereof.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signature.

This form is to be used <sup>\*in favour of</sup> \_\_\_\_\_ the resolution.  
<sub>\*against</sub>

*\*Strike out whichever is not desired. (Unless otherwise instructed, the proxy may vote as he thinks fit.);*

- (9) the instrument appointing a proxy shall be deposited with the secretary prior to the commencement of any meeting or adjourned meeting at which the person named in the instrument proposes to vote; and
- (10) the secretary shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of every Management Committee meeting and general meeting to be entered in a book to be open for inspection at all reasonable times by any financial member who previously applies to the secretary for that inspection. For the purposes of ensuring the accuracy of the recording of such minutes; the minutes of every Management Committee meeting shall be signed by the Chairman of that meeting or the Chairman of the next succeeding Management Committee meeting verifying their accuracy. Similarly, the minutes of every general meeting shall be signed by the Chairman of that meeting or the Chairman of the next succeeding general meeting:

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Provided that the minutes of any annual general meeting shall be signed by the Chairman of that meeting or the Chairman of the next succeeding general meeting or annual general meeting.

#### BY-LAWS

25. The Management Committee may from time to time make, amend or repeal by-laws, not inconsistent with these Rules, for the internal management of the Association and any by-law may be set aside by a general meeting of members.

#### ALTERATION OF RULES

26. Subject to the provisions of the *Associations Incorporation Act 1981*, these Rules may be amended, rescinded or added to from time to time by a special resolution carried at any general meeting: Provided that no such amendment, rescission or addition shall be valid unless the same shall have been previously submitted to and approved by the ~~Under Secretary, Department of Justice, Brisbane.~~ *HON. THE MINISTER FOR JUSTICE AND ATTORNEY GENERAL*  
COMMON SEAL

27. The Management Committee shall provide for a Common Seal and for its safe custody. The Common Seal shall only be used by the authority of the Management Committee and every instrument to which the seal is affixed shall be signed by a member of the Management Committee and shall be countersigned by the secretary or by a second member of the Management Committee or by some other person appointed by the Management Committee for the purpose.

#### FUNDS AND ACCOUNTS

28. (1) The funds of the Association shall be banked in the name of the Association in such bank as the Management Committee may from time to time direct.

(2) Proper books and accounts shall be kept and maintained either in written or printed form in the English language showing correctly the financial affairs of the Association and the particulars usually shown in books of a like nature.

(3) All moneys shall be banked as soon as practicable after receipt thereof.

(4) All amounts of twenty dollars or over shall be paid by cheque signed by any two of the president, secretary, treasurer or other member authorised from time to time by the Management Committee.

(5) Cheques shall be crossed "not negotiable" except those in payment of wages, allowances or petty cash recoupments which may be open.

(6) The Management Committee shall determine the amount of petty cash which shall be kept on the imprest system.

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(7) All expenditure shall be approved or ratified at a Management Committee meeting.

(8) As soon as practicable after the end of each financial year the treasurer shall cause to be prepared a statement containing particulars of—

- (a) the income and expenditure for the financial year just ended; and
- (b) the assets and liabilities and of all mortgages, charges and securities affecting the property of the Association at the close of that year.

(9) All such statements shall be examined by the auditor who shall present his report upon such audit to the secretary prior to the holding of the annual general meeting next following the financial year in respect of which such audit was made.

(10) The income and property of the Association whencesoever derived shall be used and applied Solely in promotion of its objects and in the exercise of its powers as set out herein and no portion thereof shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst the members of the Association provided that nothing herein contained shall prevent the payment in good faith of interest to any such member in respect of moneys advanced by him to the Association or otherwise owing by the Association to him or of remuneration to any officers or servants of the Association or to any member of the Association or other person in return for any services actually rendered to the Association provided further that nothing herein contained shall be construed so as to prevent the payment or repayment to any member of out of pocket expenses, money lent, reasonable and proper charges for goods hired by the Association or reasonable and proper rent for premises demised or let to the Association.

#### DOCUMENTS

29. The Management Committee shall provide for the safe custody of books, documents, instruments of title and securities of the Association.

#### FINANCIAL YEAR

30. The financial year of the Association shall close on 30 TH JUNE ..... in each year.

#### DISTRIBUTION OF SURPLUS ASSETS

31. If the Association shall be wound up in accordance with the provisions of the *Associations Incorporation Act 1981*, and there remains, after satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the Association, but shall be given or transferred to some other institution or institutions having objects similar to the objects of the Association, and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Association under or by virtue of rule 28 (10), such institution or institutions to be determined by the members of the Association.





Office of the Honourable Shannon Fentiman MP  
Attorney-General and Minister for Justice  
Minister for Women and Minister for the Prevention of  
Domestic and Family Violence

17 DEC 2020

Our ref: 595452/1, 5419331; OFT-5741611

POST

17 DEC 2020

1 William Street Brisbane Q 4000  
GPO Box 149 Brisbane Q 4001  
Telephone +61 7 3719 7400  
Email [attorney@ministerial.qld.gov.au](mailto:attorney@ministerial.qld.gov.au)

NP\_Sch4(3)(3)

Dear NP\_Sch4(3)(3)

Thank you for your correspondence dated 15 October 2020 regarding NP\_Sch4(3)(2) Association Incorporated [redacted] The Honourable Shannon Fentiman MP, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, has asked me to respond on her behalf.

I can advise [redacted] is incorporated under the *Associations Incorporation Act 1981* (the Act), which is administered by the Office of Fair Trading (OFT). The Act primarily provides non-profit groups with a method of registration which gives an association certain legal advantages in return for accepting certain responsibilities.

The role of the OFT in administering the Act is to primarily provide for the incorporation of associations, maintain a public register and generally ensure an association meets its reporting requirements. The actual management of an incorporated association and the day to day oversight of its activities, rests with its management committee.

[redacted] rules provide the board with the authority to exercise the powers set out in the rules, including to interpret the meaning of the rules, and any matter relating to the association on which the rules are silent.

I am aware Mr Gordon Phillips, Principal Business Services Officer, OFT, has been in contact with you to discuss your concerns. I understand Mr Phillips explained the OFT's role in matters of this nature and confirmed the obligations of associations to conduct their operations in accordance with legislation and with the association's rules.

The OFT's review of the [redacted] rules confirmed that proxy voting is permitted. However, if members are uncertain about the use of proxies at meetings, [redacted] may wish to consider amending the rules to provide more details on this issue.

If you have any questions in relation to the above, I invite you to contact Mr Gordon Phillips, Principal Business Services Officer, Registration Services, OFT on (07) 3738 8755 or at [gordon.phillips@justice.qld.gov.au](mailto:gordon.phillips@justice.qld.gov.au).

Yours sincerely

**Laura Fraser Hardy**

Chief of Staff

Office of the Honourable Shannon Fentiman MP

Attorney-General and Minister for Justice

Minister for Women and Minister for the Prevention of Domestic and Family Violence



## DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL BRIEF FOR NOTING

**Date:** 4 January 2021  
**To:** **Attorney-General and Minister for Justice**  
**Minister for Women and Minister for the Prevention of Domestic and Family Violence**  
**From:** Liquor, Gaming and Fair Trading  
**Subject:** Office of Liquor and Gaming Regulation Statistical Report 2019-20  
Office of Fair Trading Outcomes Report 2019-20  
**Requested by:** Internally generated

---

### RECOMMENDATIONS

That you **note**:

1. the release of the Office of Liquor and Gaming Regulation's (OLGR) Annual Statistical Report 2019-20 (**Attachment 1**);
2. the release of the Office of Fair Trading's (OFT) Outcomes Report 2019-20 (**Attachment 2**); and
3. that both reports include a Regulator Model Practices Report 2019-20 as required by the Queensland Government Guide to Better Regulation.

### BACKGROUND

1. OLGR and OFT produce annual reports of their strategies, initiatives, functions, activities and operational outcomes. The reports provide detailed information for the public and stakeholders of regulatory activities, focus and achievements, and legislative updates.
2. In January 2019, the Queensland Government adopted the Better Regulation Strategy, including the Regulator Performance Framework (the Framework). Under the arrangements, regulators must on an annual basis, publicly report the extent to which they are implementing the model practices included in the Framework. The Framework stipulates that where agencies already produce a public report annually, their Regulator Performance Reports may be published within that document.
3. The reports are not printed but uploaded to the OFT and OLGR's websites. Social media and direct electronic messaging to key stakeholders is used to promote the reports.

### ISSUES

4. All Regulator Performance Reports or links to them, will be collectively published on the Queensland Productivity Commission website. Achievements noted in this year's reports include:
  - continuous improvement by contributing to projects and research through national and interjurisdictional forums, liaison and trend monitoring, to ensure contemporary and consistent responses to key industry challenges;
  - ensuring fit for purpose compliance programs that do not place unnecessary burden on industry;

- enhancing digital services, business processes, education and information activities to continue to improve the client experience and transparency around decision-making; and
- a staff engagement strategy to ensure high performing, valued and motivated officers across the state providing consistent and quality service delivery.

5. Some key highlights of the OLGR Annual Statistical Report include:

- issuing 655 new licences, to make a total of 9,021 Queensland liquor licences as at 30 June 2020 (the subsidiary on-premises licence was the most common licence type of new licences issued (484));
- processing 1,756 gaming applications;
- undertaking 7,898 compliance inspections;
- undertaking 2,218 compliance inspections under the *Public Health Act 2005* (as per the Queensland Government response to COVID-19, OLGR compliance officers were granted powers under the *Public Health Act 2005*);
- issuing \$953,580 in infringement notices; and
- processing 2,021 successful Gambling Community Benefit Fund applications (from 4,728 applications assessed) totalling \$44,165,467.43.

6. Some key highlights of the OFT Outcomes Report include:

- conciliating 16,389 consumer complaints, with 83% satisfactorily finalised and 82% finalised in 30 days;
- obtaining more than \$9.3 million in redress for consumers;
- processing more than 83,000 applications for new occupational licences and licence renewals in OFT regulated sectors;
- engaging with more than 23,500 attendees through education and engagement activities;
- providing information and advice more than 3.3 million times through its website, the contact centre, and by responding to general enquiries; and
- conducted 12 outreach visits to Indigenous communities with over 860 people attending OFT activities.

## **HUMAN RIGHTS IMPACT ASSESSMENT**

7. The information in this brief does not impact any human rights requirements under section 58 nor the human rights limitations under section 13 of the *Human Rights Act 2019*.

## **EMPLOYMENT IMPACT**

8. Not applicable.

## **CONSULTATION WITH STAKEHOLDERS**

9. OLGR has consulted with recipients of the Gambling Community Benefit Fund for the featured case studies within the report.

## **FINANCIAL IMPLICATIONS**

10. Not applicable.



**POTENTIAL MEDIA**

11. Not applicable.

NOTED or APPROVED / NOT APPROVED		
Comments		
		
<b>SHANNON FENTIMAN MP</b> <b>Attorney-General and Minister for Justice</b> <b>Minister for Women and Minister for the</b> <b>Prevention of Domestic and Family Violence</b>	<b>Chief of Staff</b>	<b>Policy Advisor</b>
18 / 1 / 21	1 / 1	06 / 01 / 21

<b>Contact Officer:</b> Name: Karen Abrahams Position: Director, Organisational Services Phone: 3738 8550 Date: 18 December 2020	<b>Approved by:</b> Name: Victoria Thomson Position: Deputy Director-General, LGFT Phone: 3738 8353 ( ) Date: 22 December 2020
Name: Tim Perry Position: A/Director, Regional Operations, OFT Phone: 3738 8600 Date: 18 December 2020	<b>Endorsed:</b> Acting Director-General  5 / 1 / 21
<b>Approved by:</b> Name: Brian Bauer Position: Executive Director, OFT Phone: 3878 8776 NP_Sch4(3)(3) Date: 21 December 2020	
<input type="checkbox"/> Election Commitment <input type="checkbox"/> CBRC / Cabinet related <input type="checkbox"/> ECM related	



## 2019–20 Statistical Report

Office of  
**Liquor and Gaming**  
Regulation





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## FOREWORD

The Office of Liquor and Gaming Regulation (OLGR) is pleased to present the OLGR Annual Statistical Report for 2019–20. The report provides an overview of figures relating to OLGR's liquor, gaming, compliance and harm minimisation activities over the past 12 months.

Where relevant, comparative data from previous years is shown to highlight areas of industry trends, growth and change. Unless otherwise mentioned, the data in this report is current as of 30 June 2020.

In March 2020, the Queensland Government directed all licensed venues to close in response to the coronavirus (COVID-19) pandemic. The easing of restrictions commenced in May 2020. Statistics found in this report will reflect business closures and easing of restrictions. This is noted where practicable.

This is the 11th report in the series, all of which can be accessed at [justice.qld.gov.au](https://justice.qld.gov.au).

**Director-General**  
Department of Justice and Attorney-General

**Deputy Director-General and Commissioner for Liquor and Gaming**

**Office of Liquor and Gaming Regulation**

**Executive Director**

**Compliance**

- Compliance and technical audits of liquor and gaming operators
- Inspections under the various liquor and gaming Acts
- Complaints, investigations and enforcement actions
- Risk assessment of liquor licence applications
- Assisting safe night precinct boards to form and become fully operational

**Licensing**

- Licensing of persons and organisations under the liquor and wine Acts and various gaming Acts.
- Applications for changes to licence conditions, variations to hours of trading, alterations to the number of gaming machines in clubs/hotels and other ancillary approvals
- Assessment and approval of game rules, operator control systems and gambling equipment
- Approval of gaming products, concepts and schemes
- Evaluation of ID scanners
- Probity investigations into the suitability of major participants in the gaming industry

**Organisational Services**

- Financial and information management services
- Media, marketing and strategic communications
- Asset management
- Administrative services
- Gambling Community Benefit Fund
- Business systems support
- Corporate capability

**Office of Regulatory Policy**

**Office of the Executive Director**

**Policy and Legislation**

- Develop and manage liquor and gambling harm minimisation policies
- Research, monitor and report on industry trends to assist in policy development and the regulation of the liquor and gaming industries





## PAST & PRESENT

### Present

OLGR is part of the Department of Justice and Attorney-General (DJAG) and comprises the Office of the Executive Director, Organisational Services and the Licensing and Compliance divisions. Policy, legislative and research functions are the responsibility of the Office of Regulatory Policy.

Collaboratively, these areas are responsible for:

- developing a responsible liquor and hospitality industry
- regulating the sale and supply of liquor and gaming products through probity, licensing, proactive and reactive compliance strategies
- implementing initiatives that minimise harm associated with the consumption of liquor and gaming activity
- processing more than \$44 million\* in Gambling Community Benefit Fund grants to the not-for-profit sector<sup>1</sup>.

OLGR reports through the Deputy Director-General Liquor, Gaming and Fair Trading, who is also the Commissioner for Liquor and Gaming and Commissioner for Fair Trading.

OLGR's key clients and stakeholders are:

- licensees, permit holders and their staff
- licence and permit applicants
- liquor and gaming industry associations
- not-for-profit organisations
- community groups and individuals affected by the sale and supply of liquor and gambling activities
- other government and regulatory control bodies.

*\* Down from \$55 million last year after round 104 was paid in July due to coronavirus (COVID-19).*

## Past

The regulation of liquor and gaming in Queensland has occurred since the 1800s.

1843	First race meeting held in Brisbane
Pre-1860	Clerk of Petty Sessions introduced four different types of liquor licences
1863	<i>Publicans Act 1863</i> —clerk of Petty Sessions reduced the licensing types from four to two
1885	<i>Licensing Act 1885</i> —the legal age that takeaway liquor can be purchased is 14 and that a person can drink on-premises is 18 years or over
1912	<i>Liquor Act 1912</i> —four types of licences introduced (licensed victuallers, winemakers, packet, billiard); legal drinking age increased to 21 years
1917	Golden Casket conducted first lottery
1935	Licensing Commission established
1961	Beginning of restaurant licences
1962	TAB provides legal off-course betting
1970	Women allowed to drink in public bars
1974	Types of licences increased to 29 and permits to 16; Licensing Court introduced and legal drinking age reduced from 21 to 18 years
1982	24-hour trading introduced for Commonwealth Games <i>Casino Control Act 1982</i> commenced
1985	Conrad Jupiters Casino opened on the Gold Coast
1986	Sheraton Townsville Hotel and Casino opened
1988	Detached bottle shops introduced
1991	<i>Gaming Machine Act 1991</i> commenced
1992	<i>New Liquor Act 1992</i> commenced resulting in Licensing Commission and Court being abolished, decision-making powers to the Chief Executive, appeals to a tribunal and number of licence types reduced to seven and permit types to five Gaming machines started operating in hotels/taverns
1994	<i>Wine Industry Act 1994</i> commenced
1995	Conrad International Treasury Casino opened in Brisbane
1996	Reef Hotel Casino opened in Cairns Problem Gambling Advisory Committee established (name changed to Responsible Gambling Advisory Committee in 1998) Annual licence fees charged on liquor purchases abolished <i>Keno Act 1996</i> commenced

1997	Queensland Government began withdrawing from gaming machine ownership and monitoring Keno play available at non-casino venues <i>Lotteries Act 1997</i> commenced Lottery licence issued to Golden Casket Lottery Corporation Ltd
1998	<i>Interactive Gambling (Player Protection) Act 1998</i> commenced <i>Wagering Act 1998</i> commenced
1999	Licensed monitoring operators began monitoring machine gaming sites Regulation of UNITAB began TAB Queensland privatised <i>Charitable and Non-Profit Gaming Act 1999</i> commenced
2000	Policy direction for gambling in Queensland released Gaming sites with a liquor nominee required to have a gaming nominee Clubs with more than 50 gaming machines required to lodge community benefit statements
2001	Cap on hotel-operated gaming machines Hotels with monthly gaming machine revenue over \$100,000 liable for major facilities levy Gaming machine bank note acceptors limited to accepting \$5, \$10 and \$20 notes
2002	Queensland Responsible Gambling Strategy launched The voluntary industry Queensland Responsible Gambling Code of Practice launched Gambling taxes, major facilities levy and Keno licence fee collected by the Office of State Revenue
2003	Reallocation scheme for hotel gaming machine operating authorities within statewide cap of 18,843
2005	17-point City Safety Action plan introduced major facilities levy replaced with health services levy
2006	Cap on maximum number of hotel-operated gaming machines increased from 18,843 to 20,000, with operating authorities to be released in stages over five years

■ liquor ■ gaming ■ liquor and gaming



2008	<p>Harm minimisation initiatives announced, including:</p> <ul style="list-style-type: none"> <li>statewide moratorium on the approval of new gaming machines in clubs</li> <li>two-year moratorium on the release of further gaming machine operating authorities for hotels (extended for a further two years in 2010)</li> </ul> <p>The number of club-operated gaming machines in Queensland permanently capped</p> <p>Liquor Licensing Division and the Queensland Office of Gaming Regulation merged</p>
2009	<p>Liquor Act amendments:</p> <ul style="list-style-type: none"> <li>harm minimisation as first object of the Liquor Act</li> <li>assessment of community impact statements and risk</li> <li>management plans</li> <li>licence types reduced to two and five permits</li> <li>beginning of annual licence fees based on risk</li> <li>new mandatory requirement for responsible service of alcohol training for all employees and responsible management of licensed venues for all licensees</li> <li>irresponsible supply provisions</li> <li>ministerial banning power on undesirable liquor products</li> <li>glassing legislation</li> </ul> <p>Reallocation scheme for club gaming machine entitlements commenced with the number of gaming machines for Queensland clubs capped at 24,705</p>
2012	<p>Maximum number of gaming machines at a single hotel premises increased to 45 (on application to the Commissioner)</p> <p>Maximum number of gaming machine operating authorities available to hotels under statewide cap reduced from 20,000 to 19,500</p> <p>Gaming employees no longer required to be licensed</p>
2013	<p>Queensland Liquor and Gaming Commission abolished and replaced with a single Commissioner for Liquor and Gaming</p> <p>Regulatory burden decreased across liquor and gaming legislation. For example:</p> <ul style="list-style-type: none"> <li>exemption of low-risk community organisations from requiring a liquor permit to conduct not-for-profit events</li> <li>increased adult entertainment permit term from one to three years</li> <li>removed requirement for certain liquor and gaming licences to be advertised in local newspaper and Government Gazette</li> <li>introduction of ticket-in ticket-out technology</li> </ul> <p>Gaming machines no longer restricted from accepting \$50 and \$100 notes</p>

2014	<p>Introduction of safe night precincts for identified areas with a concentration of liquor licensed premises, and ongoing development of networked ID scanners across safe night precincts</p> <p>Minimum technical requirements for ID scanners and third-party monitoring system approved</p>
2015	<p>Restriction on granting new approvals to sell takeaway liquor after 10pm</p>
2016	<p>Government releases Tackling Alcohol-Fuelled Violence Policy, including the reduction of available liquor service hours to 2am statewide and 3am in safe night precincts and ban on sale or supply of rapid intoxication drinks after midnight</p> <p>Queen's Wharf Brisbane Act 2016 commenced</p>
2017	<p>Release of independent Interim Evaluation Report on the Tackling Alcohol-Fuelled Violence Policy</p> <p>Temporary late-night extended hours permit framework for liquor licensed premises amended to:</p> <ul style="list-style-type: none"> <li>reduce the number of available permits from 12 to 6</li> <li>ensure permits are only granted for genuine 'special occasions'</li> <li>restrict the duration and frequency of permits.</li> </ul> <p>Repealed proposed 1am lockout for safe night precincts</p> <p>Enforcement of mandatory networked ID scanners in safe night precincts</p>
2018	<p>Relevant liquor licensees in Broadbeach CBD and Surfers Paradise CBD safe night precincts afforded an additional hour of late-night trading for the period of the Commonwealth Games</p> <p>Point-of-consumption betting tax introduced</p> <p>11 November 2018 prescribed as a designated day for two-up</p>
2019	<p>A concessional fee scheme for commercial hotels and small community clubs in very remote Australia introduced</p>
2020	<p>Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020 commenced 25 May 2020, introducing a range of liquor and gaming amendments in response to the COVID-19 public health emergency</p>

liquor
  gaming
  liquor and gaming

## LEGISLATIVE AMENDMENTS

During 2019–20, the following legislative amendments affecting liquor and gaming commenced:

**Liquor (Rural Hotels Concession) Amendment Act 2019** (1 July 2019)—introduced a concessional fee scheme for commercial hotels and small community clubs in very remote Australia.

**Liquor (Rural Hotels Concession) Amendment Regulation 2019** (1 July 2019)—prescribed concessional fees for commercial hotels and small community clubs in very remote Australia.

**Liquor (Prescribed Quantity for Palm Island) Amendment Regulation 2019** (18 October 2019)—modified the alcohol carriage limit for Palm Island.

**Liquor Amendment Regulation 2019** (29 November 2019)—prescribed a community club licence as an exempt class of licence for the purpose of ID scanning obligations.

**Holidays and Other Legislation Amendment Act 2019** (5 December 2019)—amended the *Liquor Act 1992* to modify the days on which mandatory ID scanning applies and introduced a re-entry pass system for ID scanning.

**Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020** (25 May 2020)—amended the *Liquor Act 1992* to allow for the issue of a ‘Takeaway Liquor Authority’ and introduces a discretionary power under the *Gaming Machine Act 1991*, *Casino Control Act 1982*, *Keno Act 1996* and *Lotteries Act 1997* to defer or waive gambling taxes and levies via a Gaming Tax Notice.

**Gaming Tax Notice 2020** (from 1 March 2020)—deferred payment of March 2020 gaming machine taxes until 2021, with the taxes to be collected across three instalments in February, April and June 2021.

**Liquor (Kowanyama and Pormpuraaw) Amendment Regulation 2020** (5 June 2020)—temporarily increased the alcohol carriage limit and supports the temporary sale of takeaway liquor in the Kowanyama and Pormpuraaw restricted areas during the declared COVID-19 health emergency.

The following amendments were passed during 2019–2020:

**Liquor (Fee Relief) and Other Legislation Amendment Regulation 2020** (commenced 1 July 2020)—waives liquor and wine licence fees for the 2020–21 licence period for existing licensees.



## Regulation during a health crisis

Queensland liquor, wine and gaming and gaming industries have been impacted by closures and restrictions put in place as a result of the COVID-19 pandemic.

On 23 March 2020, the Chief Health Officer directed all licensed venues to close. OLGR responded to the direction and worked to assist a range of licensees with the closures. The Queensland Government's Roadmap to easing restrictions was released on 8 May 2020, with Stage 1 set to commence on 15 May 2020.

The roadmap detailed three stages of easing restrictions and each brought about changing regulations for industry.

## OLGR actions for COVID-19 response:

- implemented a series of legislative changes to accommodate changed business operations\*
- worked with key industry bodies to develop industry specific COVID Safe plans and checklists
- compliance offices given powers under the **Public Health Act 2005** to inspect and investigate licensed venues to ensure adherence to restrictions\*\*
- continued communication via email, media, social media and through industry bodies to help licensees navigate restrictions and the staged reopening
- implemented the government's financial assistance package that included:
  - waiving 2020–21 liquor licensing fees for licensees trading as at 30 June 2020
  - deferring payment of March 2020 gaming machine taxes with the first instalment due in February 2021
  - waiving certain application fees for liquor licensees
- facilitating remote self-exclusion for at-risk gamblers and developed awareness campaigns to minimise gambling harm due to potential increased risks as venues reopened
- redeploying staff as part of the government's response to assist with border and other exemption request enquiries, monitor people in quarantine and self-isolation and administer grants for financial assistance.

A whole-of-government approach has been crucial to our response. We worked closely with the Department of the Premier and Cabinet, Queensland Health, the Department of Employment, Small Business and Training, Queensland Police Service and Workplace Health and Safety Queensland to share industry concerns and inform decision-making.

This work will continue as we move towards recovery into the next financial year.

*\*See page 10 of report 'Legislative amendments'*

*\*\* See Tables 42 and 43 for 'Compliance statistics under Public Health Act 2005'*

## OLGR FINANCIAL EXPENDITURE

This section summarises OLGR's financial expenditure, Gambling Community Benefit Fund, liquor licensing, gaming and compliance operations for 2019–20.

Percentages and dollar amounts may not add up to 100% due to rounding.

**Table 1: OLGR statement of financial expenditure 2019–20**

Category	Expenditure (SM)*	Liquor (SM)**	Gaming (SM)**	Grants (SM)*	Full-time equiv.staff
Office of Executive Director	0.582	0.279	0.279	0.024	3
Organisational Services Branch	3.210	1.411	1.767	0.032	16
Community Benefit Funds Unit	1.676			1.676	16.8
OLGR licensing operations	8.483	3.818	4.665		76.4
OLGR compliance	15.871	7.942	7.855	0.074	130.4
<b>Total</b>	<b>29.822</b>	<b>13.450</b>	<b>14.566</b>	<b>1.806</b>	<b>242.6</b>

\* Figures provided are rounded. \*\* Estimates only

## GAMBLING COMMUNITY BENEFIT FUND

The fund is Queensland's largest one-off community grants program.

Generally, applications are considered by the independent Gambling Community Benefit Committee on a quarterly basis. Appointed by the Minister, the committee makes recommendations on funding not-for-profit community groups for grants between \$500 and \$35,000.

**Table 2: Summary of Gambling Community Benefit Fund applications and approvals**

Funding round	Applications	Approved	\$ Total approved
Round 101 (closed 31 May 2019)	1742	669	14,415,031.57
Round 102 (closed 31 August 2019)	1606	701	14,954,550.76
Round 103 (closed 31 October 2019)	1380	651	14,795,885.10
<b>Totals</b>	<b>4728</b>	<b>2021</b>	<b>44,165,467.43</b>





## Liquor licensing

A number of different licence types are available in Queensland under the Liquor Act and Wine Industry Act. Each licence type varies in the extent to which it authorises the sale of liquor.

**Table 3: Queensland liquor licences at 30 June 2020\***

The number of licensed premises across Queensland has increased by 3.1% from the previous financial year.

Licence type	No. of licences
Commercial hotel	1377
Commercial other	
—bar	90
—industrial canteen	43
—producer/wholesaler	348
—subsidiary off-premises	158
—subsidiary on-premises**	5396
Commercial special facility	98
Community club	864
Community other	423
Nightclub	72
Wine merchant (Wine Industry Act)	19
Wine producer (Wine Industry Act)	133
<b>Total</b>	<b>9021</b>

\*This table includes suspended licences.

\*\*See Table 6 for a further breakdown of this licence type by business conducted.

## Suspended licences

**Table 4: Suspended licences by licence type**

Licence type	Suspended as at 30 June 2020
Commercial hotel	39
Commercial other – bar	2
Commercial other – industrial canteen	1
Commercial other – subsidiary on premises	93
Commercial special facility	3
Community club	4
Nightclub	2
<b>Total</b>	<b>144</b>

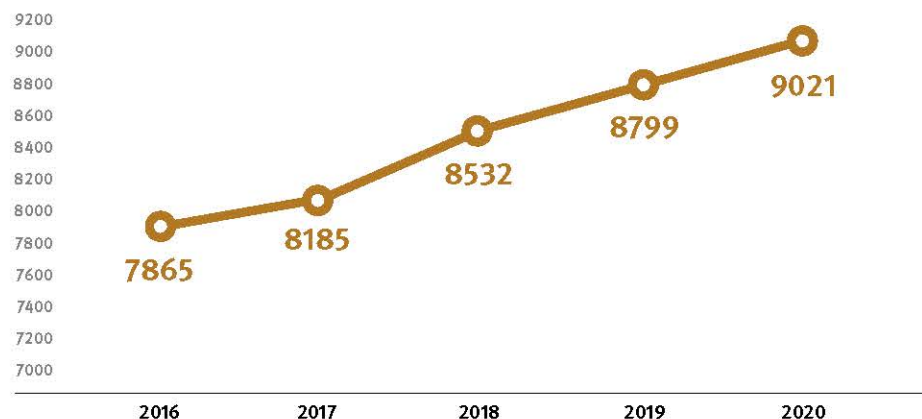
**Table 5: Suspended liquor licences over past five years**

Financial year as at 30 June	Total
2016	105
2017	115
2018	124
2019	179
2020	144



**Figure 1: Queensland liquor licence growth over past five years\***

Over five years, the number of liquor licences in Queensland has grown by 19.9%.



\*includes suspended licences

**Table 6: Commercial other—subsidiary on-premises licence**

The largest licence category is the commercial other subsidiary on-premises, which is predominantly restaurants. This licence authorises the sale of liquor (for consumption at the licensed premises) as a subsidiary aspect to the main business conducted at the venue. The number of commercial other subsidiary on-premises licences is up by 3.1%, with licensed restaurants increasing by 1.8%.

Business type	No. licences
Restaurant	3372
Other	897
Motel	628
Vessel	205
Indoor sporting area	107
Theatre/cinema	80
Resort	59
Tourist attraction	48
<b>Total</b>	<b>5396</b>

up by  
3.1%

**Table 7: Other additional licensed areas**

These licensed areas are contingent upon a primary licence being held under the Liquor Act or Wine Industry Act (e.g. up to three detached bottle shops associated with a commercial hotel licence). The number of other licensed areas in Queensland has remained relatively stable with an overall decrease of six sites.

Additional approved licensed areas*	No.
Detached bottle shop	845
Satellite cellar door (Wine Industry Act)	125
Catering away areas	19
Approved sporting areas	48
<b>Total</b>	<b>1037</b>

\*These licensed areas relate to the main licences outlined in Table 3.

**Table 8: Adult entertainment permits**

Local government area	No.
Brisbane	15
Cairns	1
Gladstone	1
Gold Coast	3
Mackay	1
Rockhampton	1
Sunshine Coast	1
Toowoomba	1
Townsville	2
<b>Total</b>	<b>26</b>

Table 9: Community liquor permits

Statistical area	Received	Approved*	Withdrawn
Brisbane—inner city	79	74	10
Greater Brisbane (combined)	120	114	18
Cairns	47	45	4
Central Queensland	215	185	41
Darling Downs/Maranoa	161	130	35
Gold Coast	81	66	13
Ipswich	55	47	6
Logan/Beaudesert	31	32	1
Mackay/Isaac/Whitsunday	109	115	5
Moreton Bay (combined)	62	58	8
Queensland — outback	217	210	34
Sunshine Coast	137	118	17
Toowoomba	83	61	20
Townsville	137	124	17
Wide Bay	138	121	21
<b>Total</b>	<b>1672</b>	<b>1500</b>	<b>250</b>

\*Includes those received in the last financial year but not approved

Note: There were no formal refusals during the period as applications were withdrawn.

## Restricted liquor permits

A restricted liquor permit is issued for non-proprietary clubs to trade for up to a maximum of 10 hours per week or 25 hours per week.

This permit is most appropriate for clubs that operate on a seasonal basis and/or share the premises with other organisations.

Table 10: Restricted liquor permits

Statistical area	Received	Approved*	Withdrawn
Brisbane—inner city	2	1	1
Greater Brisbane (combined)	1	2	1
Cairns	3	2	1
Central Queensland	3	3	0
Darling Downs/Maranoa	2	2	0
Gold Coast	6	2	0
Ipswich	3	2	0
Logan/Beaudesert	0	0	0
Mackay/Isaac/Whitsunday	2	2	0
Moreton Bay (combined)	7	3	2
Queensland — outback	0	0	0
Sunshine Coast	7	7	1
Toowoomba	0	0	0
Townsville	1	1	0
Wide Bay	1	1	0
<b>Total</b>	<b>38</b>	<b>28</b>	<b>6</b>

\*Includes those received in the last financial year but not approved



## Restricted area permits

Restricted area permits may be issued under the Liquor Act. The permits allow liquor, in amounts greater than a carriage limit, to be carried into a restricted area.

They are only issued in exceptional circumstances and mostly to tourism operators and members of the clergy for religious ceremonies. The relevant community is consulted prior to any permit being issued.

*Table 11: Restricted area permits*

Restricted area	Received	Approved	Withdrawn
Cherbourg	2	2	0
Hope Vale	1	1	0
Northern Peninsular Area	19	19	0
Woorabinda	8	8	0
<b>Total</b>	<b>30</b>	<b>30</b>	<b>0</b>

## Regional breakdown of liquor licences

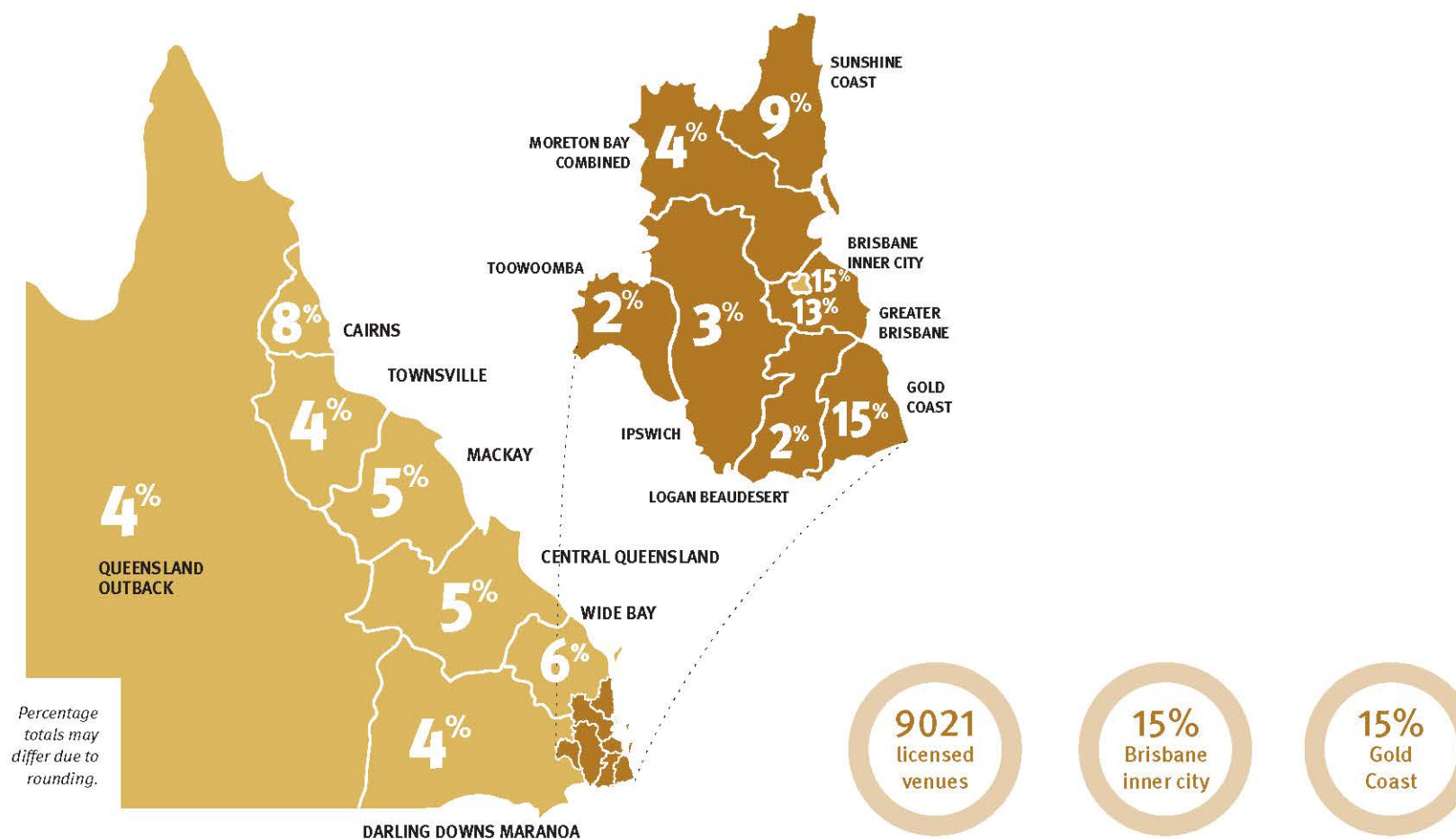




Table 12: Distribution of licences by area

Area	Commercial other						Commercial special facility	Community club	Community other	Night-club	Wine merchant	Wine producer	Total
	Commercial hotel	Bar*	Industrial canteen*	Producer/wholesaler*	Subsidiary off-premises*	Subsidiary on-premises*							
Brisbane—inner city	173	39		66	27	947	14	38	15	26	4		1349
Greater Brisbane (combined)	87	10		85	41	751	19	122	57	1	4	1	1178
Cairns	109	9		19	22	489	12	61	21	6		6	754
Central Queensland	119	3	6	9	2	215	4	68	25	2		3	456
Darling Downs/Maranoa	109	1	10	6	1	109	2	73	33		2	55	401
Gold Coast	103	12		55	29	998	22	72	49	18	3	9	1370
Ipswich	75	2		18	2	118	1	48	19		2	11	296
Logan/Beaudesert	30			10	1	130		27	17			2	217
Mackay /Isaac/Whitsunday	94	2	12	9	5	214	6	52	19	5		1	419
Moreton Bay (combined)	43	3		19	3	185	2	41	36		1	10	343
Queensland—outback	117		15		1	110		48	30			2	323
Sunshine Coast	60	5		36	13	582	7	59	16	3		5	786
Toowoomba	44	1		5	3	131	1	23	10	3		4	225
Townsville	89	3		5	4	195	6	40	34	6			382
Wide Bay	125			6	4	222	2	92	42	2	3	24	522
<b>Total</b>	<b>1377</b>	<b>90</b>	<b>43</b>	<b>348</b>	<b>158</b>	<b>5396</b>	<b>98</b>	<b>864</b>	<b>423</b>	<b>72</b>	<b>19</b>	<b>133</b>	<b>9021</b>

\*Commercial other licence principal activity.

## Liquor licences processed in 2019–20

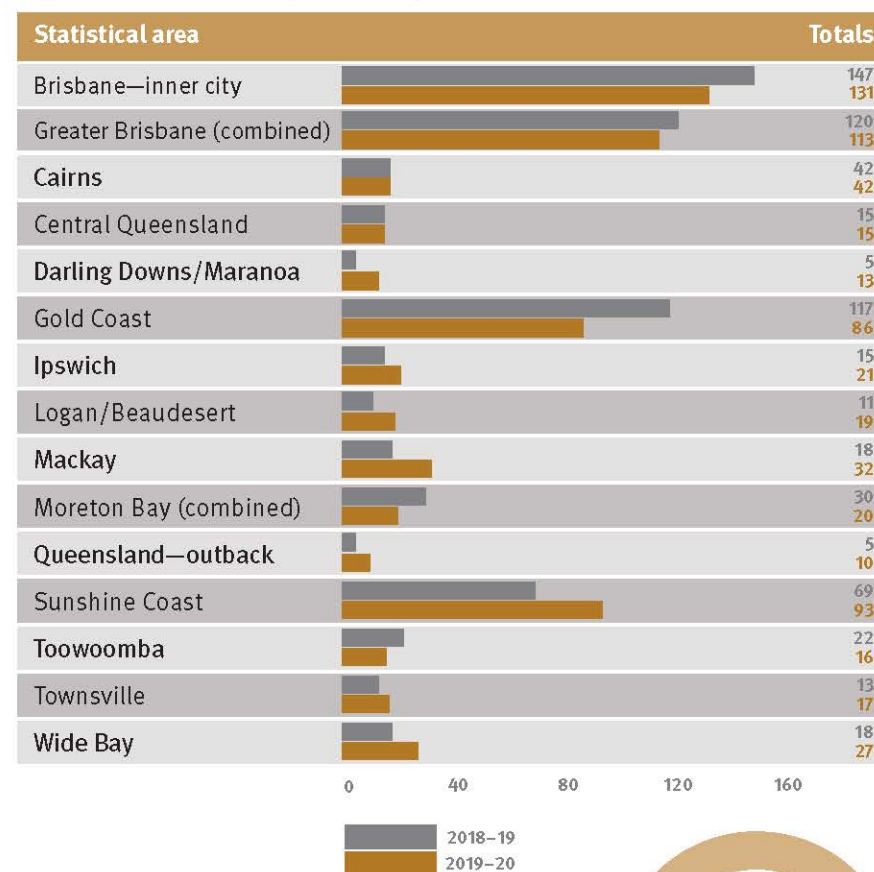
Table 13: New licences issued

Licence type	No. of licences	%
Commercial hotel	31	4.7%
Commercial other		
—bar	8	1.2%
—industrial canteen	4	0.6%
—producer/wholesaler	47	7.2%
—subsidiary off-premises	42	6.4%
<b>—subsidiary on-premises</b>	<b>484</b>	<b>73.9%</b>
Commercial special facility	4	0.6%
Community club	15	2.3%
Community other	6	0.9%
Nightclub	2	0.3%
Wine merchant (Wine Industry Act)	5	0.8%
Wine producer (Wine Industry Act)	7	1.1%
<b>Total</b>	<b>655</b>	<b>100%</b>

Up  
**1.2%**  
from last  
year

most  
common  
licence type  
issued

Figure 2: New licences by area comparison



TOTAL  
**655**



Table 14: Licensing approvals by area

Statistical area	New licences	Detached bottle shops	Extended trading hours (permanent)
<b>Brisbane—inner city</b>	<b>131</b>	<b>4</b>	<b>18</b>
Greater Brisbane (combined)	113	6	14
Cairns	42	1	1
Darling Downs/Maranoa	15	2	7
Central Queensland	13	1	1
Gold Coast	86	1	14
Ipswich	21	3	7
Logan/Beaudesert	19	1	1
Mackay	32	0	3
Moreton Bay (combined)	20	2	4
Queensland—outback	10	0	1
Sunshine Coast	93	2	6
Toowoomba	16	0	2
Townsville	17	3	4
Wide Bay	27	2	5
<b>Total</b>	<b>655</b>	<b>28</b>	<b>88</b>



most  
new  
licences


Table 15: Licence transfers

Licence type	2019-20
Commercial hotel	153
Commercial other	
—bar	11
—industrial canteen	1
—producer/wholesaler	7
—subsidiary off-premises	5
—subsidiary on-premises	483
Commercial special facility	6
Community club	6
Community other	1
Nightclub	13
Wine producer (Wine Industry Act)	2
<b>Total</b>	<b>688</b>



down by  
**3.9%**

## Approved managers



approved manager  
applications  
(including renewals)

**2594**

up by  
**4.6%**

Table 16: Temporary variations of liquor licences by type

Licence type	Temporary change of licensed area	Temporary change of licensed conditions	Temporary change of hours	Temporary trading hours
Commercial hotel	89	86	20	249
Commercial other				
—bar	19	13	1	9
—producer/wholesaler	15	10	2	0
—subsidiary off-premises	1	1	0	0
Commercial—subsidiary on-premises	158	115	15	63
Commercial special facility	18	18	0	11
Community club	76	44	6	96
Community other	80	0	20	0
Nightclub	11	1	0	69
<b>Total</b>	<b>467</b>	<b>288</b>	<b>64</b>	<b>497</b>

Table 17: Revenue generated by annual liquor licence fees

Licence type	Total received (\$)
Commercial hotel	12,804,176
Commercial other	
—bar	157,515
—industrial canteen	28,171
—producer/wholesaler	236,633
—subsidiary off-premises	95,226
—subsidiary on-premises	3,987,210
Commercial special facility	1,444,634
Community club	1,836,958
Community other	151,451
Nightclub	910,484
Wine merchant (Wine Industry Act)	8625
Wine producer (Wine Industry Act)	77,629
<b>Total</b>	<b>21,738,712</b>



up by  
**.85%**



## Liquor application processing times

Table 18: Liquor application processing times

Application	Processing time
<b>Primary applications*</b>	
New liquor licence	4 – 6 months
New liquor licence (low risk)	2 – 3 months
Extended trading hours	4 – 5 months
Variation of licence	4 – 5 months
Detached bottle shop	4 – 5 months
Adult entertainment	4 – 6 months
<b>Transactional applications</b>	
Transfer of liquor licence	8 – 10 weeks
<b>Permits</b>	
Community liquor permits	1 – 2 weeks
<b>Individual licensing**</b>	
Approved manager	2 – 4 weeks

\* Processing times for the above will vary depending on applicant response times and whether objections are lodged to the application.

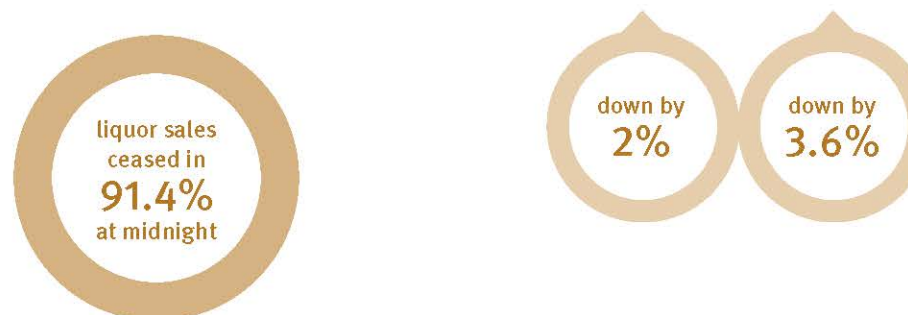
\*\* Actual processing times will vary depending on a range of factors including the applicant's timely submission of all application requirements and, where relevant, the outcome of criminal history checks.

## Liquor licence trading hours

For most licences, ordinary trading hours are from 10am to midnight.

Table 19: Liquor trading hours as at 30 June 2020

Licence type	Trading to midnight	Trading post-midnight to 2am	Trading post-2am	Total	% Total licences
Commercial hotel	843	414	120	1377	15.3
Commercial other					
—bar	76	11	3	90	1.0
—industrial canteen	43			43	0.5
—producer/ wholesaler	347	1		348	3.9
—subsidiary off-premises	158			158	1.8
—subsidiary on-premises	5337	56	3	5396	59.8
Commercial special facility	77	14	7	98	1.1
Community club	784	78	2	864	9.6
Community other	423			423	4.7
Nightclub	6	12	54	72	0.8
Wine merchant (Wine Industry Act)	19			19	0.2
Wine producer (Wine Industry Act)	133			133	1.5
<b>Total</b>	<b>8246</b>	<b>586</b>	<b>189</b>	<b>9021</b>	<b>100</b>



## Post-midnight and 3am trading venues

Table 20: Post-midnight trading venues  
(including 24-hour venues)  
by area as at 30 June 2020

Statistical area	
Brisbane—inner city	170
Greater Brisbane (combined)	91
Cairns	47
Central Queensland	48
Darling Downs/Maranoa	16
Gold Coast	115
Ipswich	27
Logan/Beaudesert	28
Mackay/Isaac/Whitsunday	43
Moreton Bay (combined)	33
Queensland—outback	15
Sunshine Coast	44
Toowoomba	22
Townsville	40
Wide Bay	36
<b>Total</b>	<b>775</b>



Table 21: Post-2am traders by local government  
area (including 24-hour venues)  
as at 30 June 2020

Local government area	Total
Brisbane	88
Bundaberg	5
Cairns	10
Gladstone	4
Gold Coast	33
Ipswich	1
Mackay	7
Rockhampton	6
Sunshine Coast	10
Toowoomba	8
Townsville	12
Whitsunday	5
<b>Total</b>	<b>189</b>



Table 22: Post-2am traders (including 24-hour venues) by licence type and trading days as at 30 June 2020

Licence type	Weekends only	Weekends and any weekday	Total
Commercial hotel	14	106	120
Commercial other			
—bar	0	3	3
—subsidiary on premises	0	3	3
Commercial special facility	0	7	7
Community club	0	2	2
Nightclub	2	52	54
<b>Total</b>	<b>16</b>	<b>173</b>	<b>189</b>

Table 23: Pre-10am trading licences

Licence type	No. of venues	% licence type
Commercial hotel (excluding takeaway sales)	75	13.9
Commercial other		
—industrial canteen	25	4.6
—subsidiary off-premises	3	0.6
—subsidiary on-premises	44	8.2
Commercial special facility	56	10.4
Community club	197	36.6
Wine merchant* (Wine Industry Act)	16	3.0
Wine producer* (Wine Industry Act)	122	22.7
<b>Total</b>	<b>538</b>	<b>100</b>

\*Ordinary trading hours under the Wine Industry Act are 8am–midnight.

## Responsible Management of Licensed Venues training

It is mandatory for liquor licensees (if individuals), approved managers and some permit holders to have a current **Responsible Management of Licensed Venues (RMLV) certificate**.

Since 1 July 2013, the Australian Government has been responsible for the regulation of **Responsible Service of Alcohol (RSA) trainers**.



A list of RMLV approved trainers can be found at [www.business.qld.gov.au/liquor](http://www.business.qld.gov.au/liquor). Search for RMLV.





Table 24: Gaming licences by type at 30 June 2020

Licence type	Number of licences
Casino*	5
Casino employee**	3466
Casino key employee***	1166
Category 3 gaming licence	37
Club	367
Gaming nominee	1894
Gaming repairer	370
Hotel	743
Keno	1
Keno employee	281
Key employee—wagering	80
Key interactive person	3
Key lottery employee	272
Key monitoring employee	80
Lottery	1
Lottery operator	1
Lucky envelope printer	3
On-course wagering permit	3
Race wagering licence	1
Service contractor—category 1	19
Service contractor—category 2	6
Service contractor—individual	1
Special category 3 gaming machine licence	0
Sports wagering licence	1
Supplier licence—major dealer	8
Supplier licence—monitoring operator	4
Supplier licence—secondary dealer	1
Supplier licence—testing facility	3
<b>Total</b>	<b>8817</b>

down  
marginally  
by  
**.6%**

## Regional breakdown of gaming venue licences

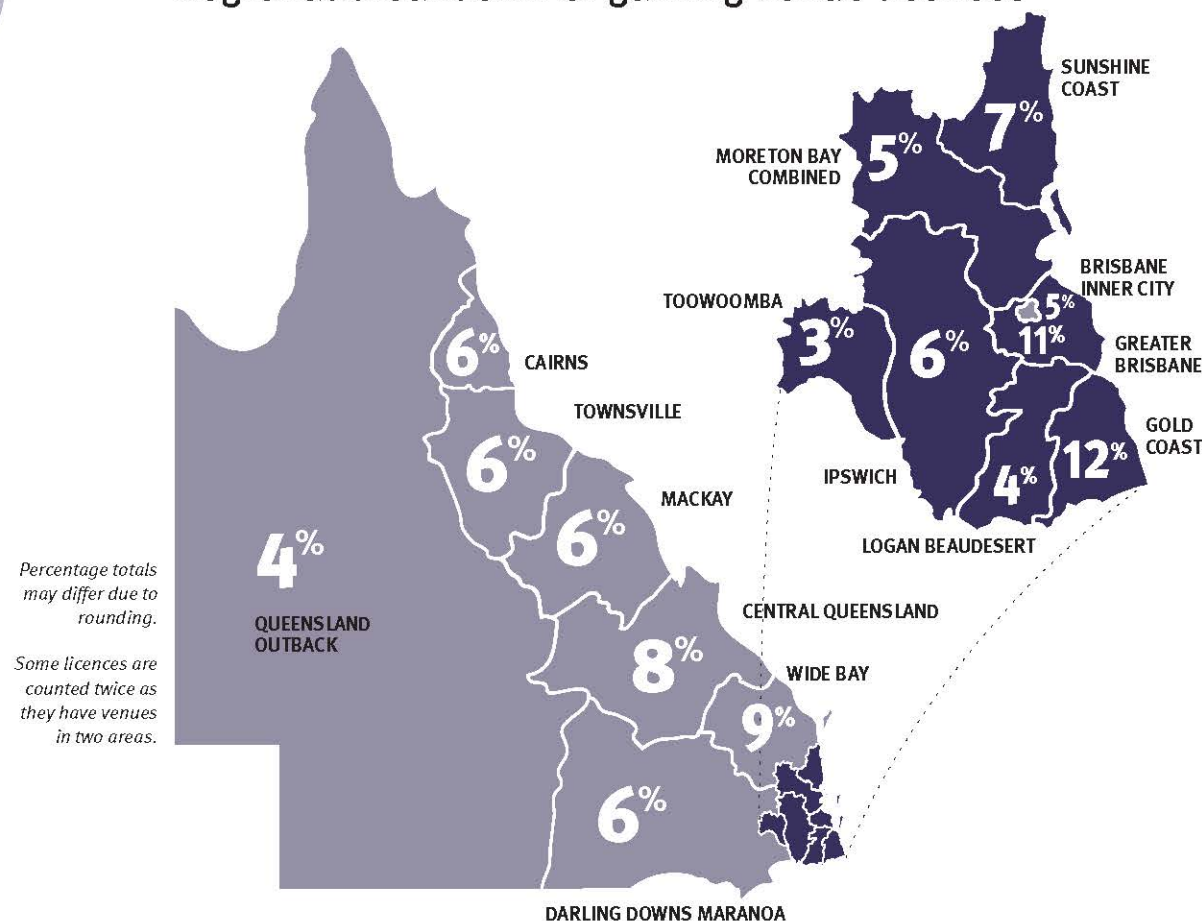


Table 25: Gaming sites at 30 June 2020

Approved sites as at 30 June 2020\*



Operational sites as at 29 February 2020\*\*



\* Includes club additional premises operating under a single licence

\*\* Due to COVID-19, gaming sites were closed at 30 June 2020.

\* The Queen's Wharf Brisbane casino is not operational

\*\* Includes casino employee downgrade licences

\*\*\* Includes upgrade to casino key employee licences



## Gaming applications processed

Table 26: Gaming applications processed

Licence type	Received*	Approved	Refused	Withdrawn
Casino employee	273	270		11
Casino key employee†	58	63		
Category 3 gaming licence	41	34		7
Other miscellaneous gaming site approvals**	803	712	1	74
Club	6	1		1
—Additional premises	2	1		
Hotel	59	66		11
Gaming nominee	313	306	1	18
Gaming repairer	64	63		2
Keno employee	46	42		6
Keno key operator				
Key employee—wagering	13	11		1
Key interactive person				
Key lottery employee	13	12		1
Key monitoring employee	32	25		5
Lucky envelope printer	1	1		
On-course wagering permit				
Race wagering licence				
Service contractor—category 1	3	3		
Service contractor—category 2	1			
Special category 3 gaming machine licence	2	2		1
Supplier licence—major dealer	23	24		
Supplier licence—monitoring operator	2	3		
Supplier licence—secondary dealer	1	1		
<b>Total</b>	<b>1756</b>	<b>1640</b>	<b>2</b>	<b>138</b>

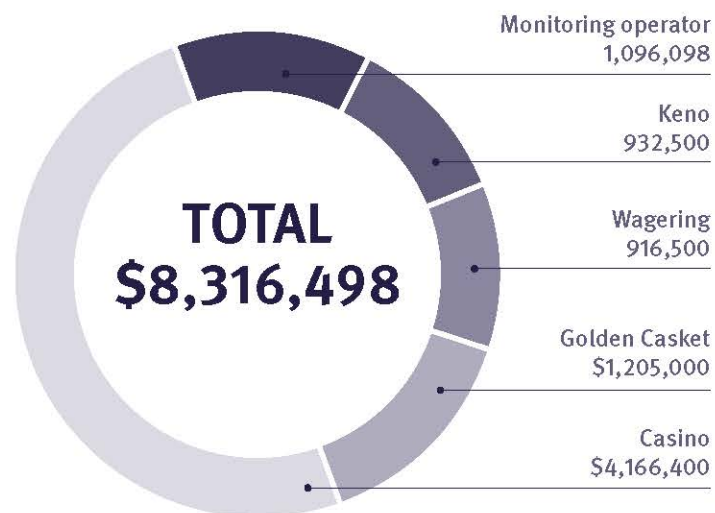
\*Applications received include applications on hand at 1 July 2020.

\*\*These figures also include miscellaneous gaming site post-licensing approvals.

†Includes upgrade to casino key employee



Figure 3: Revenue generated by annual gambling licence fees



## Gaming application processing times

Table 27: Gaming application processing times

Gaming application	Processing time
<b>Individual licensing*</b>	
Gaming nominee/casino employee/key casino employee	3 – 5 weeks
<b>Organisation licensing</b>	
New gaming licence—in conjunction with a liquor trading licence	8 – 10 weeks
New gaming licence	6 – 9 months
Large increase of gaming machines	4 – 6 months
Minor increase of gaming machines	4 – 6 weeks
Extended gaming trading hours	4 – 8 weeks
Miscellaneous	4 – 8 weeks

\* Actual processing times will vary depending on a range of factors, including the applicant's timely submission of all application requirements and, where relevant, the outcome of criminal history checks. The nature of public comments in response to advertised applications may also affect processing timeframes.

Table 28: Reviews of liquor and gaming decisions before the Queensland Civil and Administrative Tribunal

Reviews of liquor and gaming decisions	Completed reviews
Commercial hotel licence (overturned)	1
Change of licensed area to include a nearby detached bottle shop (upheld)	1
Adult entertainment permit granted (upheld)	1
Cancellation of gaming nominee licence and approved manager (upheld)	1
<b>Total</b>	<b>4</b>

## Gaming machines

Statewide caps apply to the number of gaming machines that clubs and hotels may operate across Queensland. The separate club and hotel gaming machine caps are managed through the allocation of gaming machine operating authorities (for hotels) and entitlements (for clubs). One operating authority or entitlement is required for each gaming machine a licensee is approved to operate.

Authorities and entitlements are traded under entirely separate market-based reallocation schemes, which are exclusive to each sector.

*Table 29: Gaming machines*

Site type	Approved machines	Operational machines	Cap on operational machines
Clubs	24,552	21,968	24,705
Hotels	21,049	19,127	19,500
<b>Total</b>	<b>45,601</b>	<b>41,095</b>	<b>44,205</b>

*Note: The cap sets a limit on the number of gaming machines that may be operational, regardless of the number approved.*

*\* Operational gaming machines as at 29 February 2020 due to COVID-19 response.*

Table 30: Gaming machines by region as at 30 June 2020

Area	Clubs					Hotels					Total clubs and hotels				
	Oper- ational sites	Approved sites	Approved machines	Oper- ational machines	Metered win (\$M)*	Oper- ational sites	Approved sites	Approved machines	Oper- ational machines	Metered win (\$M)*	Oper- ational sites	Approved sites	Approved machines	Oper- ational machines	Metered win (\$M)*
Brisbane—inner city	11	11	498	444	12.1	45	45	1395	1344	63.3	56	56	1893	1788	75.4
Greater Brisbane (combined)	64	64	4903	4396	168.2	60	64	2433	2273	155.7	124	128	7336	6669	323.9
Cairns	20	20	1380	1311	48.9	50	52	1444	1349	62.9	70	72	2824	2660	111.7
Central Queensland	23	23	915	813	30.5	62	66	1556	1442	59.9	85	89	2471	2255	90.4
Darling Downs/Maranoa	21	21	479	456	10.7	50	51	851	738	22.4	71	72	1330	1194	33.1
Gold Coast	52	52	3189	3001	89.9	73	77	2785	2574	164.5	125	129	5974	5575	254.5
Ipswich	19	19	1602	1412	54.1	46	49	1227	1109	75.3	65	68	2829	2521	129.3
Logan/Beaudesert	12	13	1208	1144	46.1	26	29	1124	945	82.1	38	42	2332	2089	128.2
Mackay/Isaac/Whitsunday	24	25	1190	1129	38.8	41	44	1308	1156	51.9	65	69	2498	2285	90.6
Moreton Bay (combined)	27	28	2331	2164	84.4	34	35	1288	1165	78.6	61	63	3619	3329	163.0
Queensland—outback	12	12	463	382	17.2	34	35	662	587	25.7	46	47	1125	969	42.8
Sunshine Coast	39	40	2403	2022	67.6	43	44	1400	1282	68.0	82	84	3803	3304	135.6
Toowoomba	12	12	737	662	21.0	24	27	851	728	31.9	36	39	1588	1390	52.9
Townsville	12	13	1170	860	34.3	49	55	1399	1176	62.4	61	68	2569	2036	96.7
Wide Bay	38	38	2084	1772	60.7	70	70	1326	1259	52.5	108	108	3410	3031	113.2
<b>Total**</b>	<b>386</b>	<b>391</b>	<b>24,552</b>	<b>21,968</b>	<b>784.5</b>	<b>707</b>	<b>743</b>	<b>21,049</b>	<b>19,127</b>	<b>1057.1</b>	<b>1093</b>	<b>1134</b>	<b>45,601</b>	<b>41,095</b>	<b>1841.3</b>

\*Operational sites and machines as at 29 February 2020 due to coronavirus (COVID-19) response

\*\*Totals may differ due to rounding.

Note: some double-counting of operational machines may occur (e.g. if transferred from one site to another).



Table 31: Operating authorities (hotels) offered and sold

Region name	Authorities offered	Authorities sold	Average price 15/08/19	Average price 20/11/19	Average price 01/04/20
South-East	46	46	161,293	181,000	N/A
Western	83	23	25,000	20,000	16,500
<b>Total</b>	<b>129</b>	<b>69</b>			

Table 32: State government entitlements (clubs) offered and sold

Region name	Entitlements offered	Entitlements sold	Average price
Statewide	0	0	0

Table 33: Commercial hotels and community clubs with and without operational gaming machines as at 29 Feb 2020

	Total sites	Sites with gaming machines	Sites without gaming machines
Clubs	868	386	482
Hotels	1366	707	659

Total	2234	1093	1141
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**Table 34: Casino—Gaming machines and table games as at 30 June 2020**

Casino	Approved machines	Operational machines*	Approved table games	Operational table games*	Fully automated table games
Treasury Casino and Hotel	1632	1632	136	78	190
The Star Gold Coast	1651	1386	142	140	191
The Ville Resort-Casino	353	351	37	21	20
The Reef Hotel Casino	660	454	50	37	26
Queen's Wharf Casino	2500				
<b>Total</b>	<b>6796</b>	<b>3823</b>	<b>365</b>	<b>276</b>	<b>427</b>

\* Operational gaming machines and table games as at 29 February 2020 due to coronavirus (COVID-19) response.

Note: The Queen's Wharf development is due for completion in 2022. Once commissioned, the Treasury Casino will close,

**Table 35: Gaming machine products approved and rejected**

EGM products	Approved	Rejected	Average turnaround time (days)*
Machine games	277	23	9.0
Machine hardware	23	3	10.5
<b>Total</b>	<b>300</b>	<b>26</b>	<b>9.2</b>

\* Time taken from the date OLGR either receives a submission or a recommendation from an approved evaluator until the date of approval

**Table 36: Systems products approved and refused**

Systems products	Approved	Refused	Average turnaround time (days)***
Complex systems*	64	-	49.7
Minor systems**	173	-	14.8
<b>Total</b>	<b>237</b>		<b>24.2</b>

\* New systems or significant upgrades to existing systems

These usually involve extensive internal and external consultation with clients (e.g. a new lottery system).

\*\* Routine upgrades to existing systems and new small scale products (e.g. basic casino equipment).

\*\*\* Time taken from the date OLGR either receives a submission or a recommendation from an approved evaluator until the date of approval.

## Top 50 licensed clubs

Table 37: Top 50 clubs (based on machine gaming metered win).

Top 10	Next 10	Next 10	Next 10	Next 10
Caboolture Sports Club Limited	Brisbane Bears-Fitzroy Football Club	Across the Waves Sports Club, Norville	Bribie Island RSL & Citizens Memorial Club Inc	Aspley Leagues Club Limited
Carina Leagues Club Limited	Brothers Leagues Club (Townsville) Ltd	Arana Leagues Club Limited	Brothers Leagues Club - Ipswich Inc	Brothers Sports Club Bundaberg Incorporated
Cazalys Cairns Limited	Caloundra Sub-Branch RSL Services Club Incorporated	Brisbane Broncos Leagues Club Limited	Club Helensvale	Carpentaria Buffalo Club Mount Isa Incorporated
Coorparoo Easts Leagues Club	Cowboys Leagues Club Ltd, Townsville	Brothers Leagues Club (Cairns) Limited	Currumbin Palm Beach RSL & Services Memorial Club Incorporated	Diggers Services Club, Logan
Greenbank RSL Services Club Inc	Hervey Bay RSL And Services Memorial Club Inc	Club Southport Inc	Mackay Cricket Association Inc T/A Harrup Park Country Club	Ipswich Jets Rugby League Football Club Incorporated
Kedron-Wavell Services Club Inc	Nerang RSL And Memorial Club Inc	Goodna Services Club Inc	North Lakes Sports Club	Ipswich RSL Services Club Inc
Maroochy RSL	Redcliffe Leagues Club Limited	Magpies Sporting Club Ltd, Mackay	Redlands Sporting Club Inc.	Southport RSL Memorial Club Incorporated
Kallangur Norths Leagues and Services Club	Southside Sport and Community Club Inc	Nambour RSL Club	Returned & Services League Of Australia (Queensland Branch) Redlands Sub Branch Inc	Tewantin-Noosa RSL & Citizens Memorial Club Incorporated
Southport Australian Rules Football Club Ltd	Sunnybank Rugby Union Club Ltd	Pine Rivers Memorial Bowls Club Limited	Returned and Services League Of Australia (Queensland Branch) Redcliffe Sub-Branch Inc	The Frenchville Sports Club Ltd
The Lion Richlands	The City Gold Club Inc, Toowoomba.	Wynnum Manly Leagues Club Limited	Rockhampton Leagues Club Limited	Toowoomba Sports Club Inc



## Top 50 licensed hotels

Table 38: Top 50 licensed hotels (based on machine gaming metered win).

Top 10	Next 10	Next 10	Next 10	Next 10
Browns Plains Hotel	Bracken Ridge Tavern	Acacia Ridge Hotel Motel	Club Hotel—Waterford	Cleveland Sands Hotel
Dalrymple Hotel	Calamvale Hotel Motel	Ashmore Tavern	Deception Bay Tavern	Hinterland Hotel, Nerang
Isa Hotel	Dog and Parrot, Robina	Bay Central Tavern, Pialba	Eden Brewhouse, Redbank Plains	Jimboomba Country Tavern
Morayfield Tavern	Dublin Docks - Harbourside	Captain Cook's Tavern Kippa-Ring	Kensington Junction, Crestmead	Koala Tavern, Capalaba
Runaway Bay Tavern	Fitzzy's Loganholme	Ferry Road Tavern	Lucky Star Tavern (Sunnybank)	Mango Hill Tavern
Runcorn Tavern	Forest Lake Hotel	Helensvale Tavern	Pimpama Tavern	Parkwood Tavern
Springwood Hotel	Glen Hotel	Hotel HQ, Underwood	Smithfield Tavern	Queenslander - Marsden Tavern
Sunnybank Hotel	Greenbank/Park Ridge Tavern	Prince Alfred Hotel, Ipswich	Stafford Tavern	Redbank Plains Tavern
Taigum Tavern	Hamilton Hotel	Southern Hotel-Motel, Toowoomba	The Meadowbrook Hotel	The Kawana Waters Hotel
The Cock & Bull, Cairns	Kirwan Tavern	Victoria Point Tavern	Villa Noosa Hotel/Motel	Tom's Tavern, Aitkenvale

## Gaming expenditure

Figure 4: Gaming player expenditure

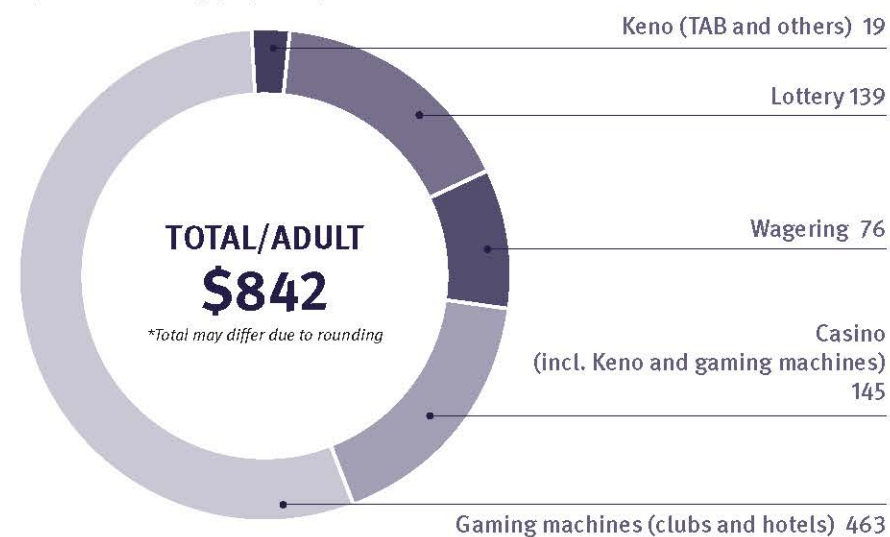
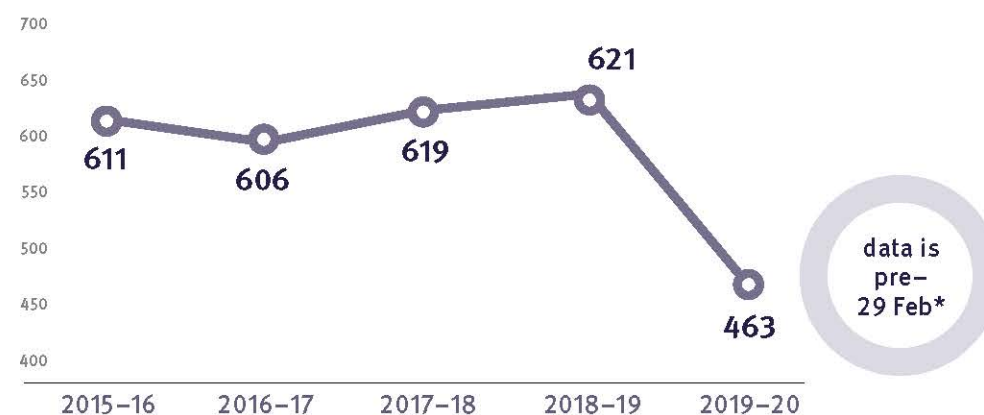


Figure 5: Club and hotel gaming machine expenditure per adult—five-year comparison (\$)



\* Data available as at 29 February 2020 due to coronavirus (COVID-19)

Table 39: Gaming expenditure for the past five years

Financial year	Casino		Keno—TAB and others		Lotteries		Machine gaming*		Wagering	
	\$M	Expenditure per adult (\$)	\$M	Expenditure per adult (\$)	\$M	Expenditure per adult (\$)	\$M	Expenditure per adult (\$)	\$M	Expenditure per adult (\$)
2015-16	701.87	189	104.9	28	437.18	118	2266.51	611	361.75	98
2016-17	715.86	190	101.15	27	410.46	109	2286.28	606	352.76	93
2017-18	805.85	210	97.91	25	432.98	113	2378.54	619	350.53	91
2018-19	917.07	235	100.83	26	522.43	134	2427.18	621	337.12	86
2019-20	575.51	145	76.61	19	551.99	139	1841.51	463	303.36	76

\* Club and hotels

\*\* Data available as at 29 February 2020 due to coronavirus (COVID-19)

## Charitable and non-profit gaming expenditure

Table 40: Category 3 games expenditure for the past five years

	15–16	16–17	17–18	18–19	19–20
Category 3 games conducted	260	259	199	194	178
Returns received	245	246	1192	189	160
Gross proceeds (\$M)	283.42	301.64	312.25	342.74	341.06
Profit (\$M)	120.86	142.21	146.66	167.12	167.94
Profit (%)	43	47	47	49	52

A category 3 game is a game other than bingo where gross proceeds are more than \$50,000 (e.g. art union, Calcutta sweep).

## HARM MINIMISATION FIGURES

### Gambling-related exclusions

Table 41: Individuals excluded by financial years 2015–20

Individual	2015–16	2016–17	2017–18	2018–19	2019–20*
Clubs and hotels	1452	1373	1526	1587	851
Casinos	368	392	398	462	228
UBET	797	810	1107	1086	303
<b>Total</b>	<b>2617</b>	<b>2575</b>	<b>3031</b>	<b>3135</b>	<b>1382</b>

Note: figures include both self-exclusions and venue directed exclusions.

\* July–December 2019 only (January–June 2020 data is unavailable)





## COVID Safe compliance actions

Table 42: Compliance inspections under Public Health Act 2005 by approval/site type and date/stage of easing restrictions\*

Approval/Site Type	Closure period (23 Mar–14 May)	Stage 1 (15 May–31 May)	Stage 2 (1 Jun–30 Jun)	Total
Commercial hotel	303	80	198	581
Commercial hotel and adult entertainment permit			2	2
Commercial other—bar	19	1	8	28
Commercial other—producer/wholesaler	4	2	1	7
Commercial other—subsidiary off-premises	3			3
Commercial other—subsidiary on-premises	523	339	100	962
Commercial special facility	6	2	4	12
Community club	89	14	43	146
Community other	7			7
Detached bottle shop	411	3	4	418
Nightclub	4		5	9
Nightclub and adult entertainment permit	1		1	2
Satellite cellar door	2	3		5
Temporary or unlicensed site	23	8	5	36
<b>Total</b>	<b>1395</b>	<b>452</b>	<b>371</b>	<b>2218</b>

\*As per Queensland Government response to COVID-19, OLGR Compliance were granted powers under the Public Health Act.

Table 43: Compliance Investigations under Public Health Act 2005 by approval/site type and date/stage of easing restrictions\*

Approval/Site Type	Closure period (23 Mar–14 May)	Stage 1 (15 May–31 May)	Stage 2 (1 Jun–30 Jun)	Total
Commercial hotel	7	2	5	14
Commercial other—subsidiary on-premises	4	1	1	6
Community club	3			3
Nightclub and adult entertainment permit	1			1
<b>Total</b>	<b>15</b>	<b>3</b>	<b>6</b>	<b>24</b>

\*As per Queensland Government response to COVID-19, OLGR Compliance were granted powers under the Public Health Act 2005.



## Liquor compliance

Table 44: Licensed premises by licence type or site and location (incl. detached bottle shops, satellite cellar doors, catering away areas and approved sporting areas)\*

Safe night precinct and rest of state	Commercial hotel	Commercial hotel and adult entertainment permit	Commercial other					Commercial special facility	Community club	Community other	Night-club	Nightclub and adult entertainment permit	Wine Industry Act			Approved sporting area	Catering away area	Detached bottle shop	Total
			Bar	Industrial canteen	Producer/wholesaler	Subsidiary off-premises	Subsidiary on-premises						Wine merchant	Wine producer	Satellite cellar door				
Airlie Beach	7		1				25		1		3							1	38
Brisbane	36	1	7		1	6	182	1	2		2	3			1			7	249
Broadbeach	5		1		3	2	68	1	1		3							4	88
Bundaberg	7				1		15		2	1									26
Cairns	16		7		3	6	151	3	1		3	1			2			2	195
Fortitude Valley	46	2	12		5	1	82	1			13	5	1					2	170
Gladstone	4						9					1							14
Inner west Brisbane	11	2	2			1	14	1				1							32
Ipswich	10		1				11			1								1	24
Mackay	11	1					35	1	1		2							1	52
Rockhampton	16		1				19		2			1						1	40
Sunshine Coast	12		3		1	2	150		6									6	180
Surfers Paradise	17		1		1		116	2	2		11	3						5	158
Toowoomba	16		1				34		2		2	1			1				57
Townsville	21		2			1	50	1	4		4	2						2	87
Rest of state	1136		51	43	333	139	4435	87	840	422	9	2	18	133	121	48	19	813	8649
<b>Total</b>	<b>1371</b>	<b>6</b>	<b>90</b>	<b>43</b>	<b>348</b>	<b>158</b>	<b>5396</b>	<b>98</b>	<b>864</b>	<b>424</b>	<b>52</b>	<b>20</b>	<b>19</b>	<b>133</b>	<b>125</b>	<b>48</b>	<b>19</b>	<b>845</b>	<b>10,059</b>

\* One licence may include multiple authorities (e.g. a commercial hotel licensee can apply to operate up to three detached bottle shops away from the main premises, or a wine producer licensee can apply for a satellite cellar door to sell or sample wine on other premises).



## Compliance inspections

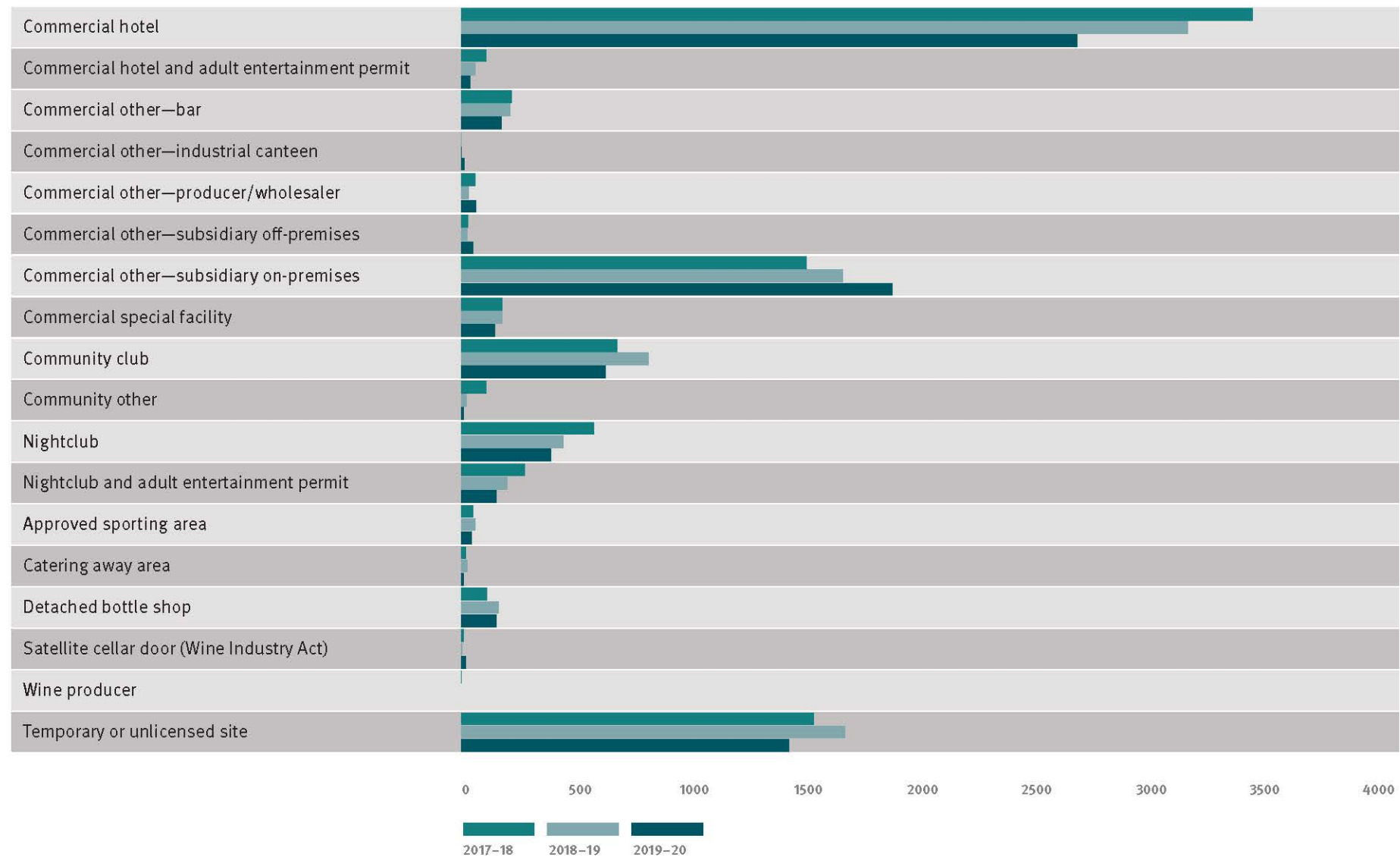
Table 45: Compliance inspections by licence type or location comparison 2018–19 and 2019–20

Safe night precinct and rest of state	Commercial hotel		Commercial hotel and adult entertainment permit		Commercial other		Commercial special facility		Community club		Community other		Nightclub		Nightclub and adult entertainment permit		Approved sporting area		Catering away area		Detached bottle shop		Satellite cellar door (Wine Industry Act)		Temporary or unlicensed site		Total	
	18-19	19-20	18-19	19-20	18-19	19-20	18-19	19-20	18-19	19-20	18-19	19-20	18-19	19-20	18-19	19-20	18-19	19-20	18-19	19-20	18-19	19-20	18-19	19-20	18-19	19-20	18-19	19-20
Airlie Beach	36	44			30	43			11	9			23	29							1				7	2	108	127
Brisbane	169	143	10	5	88	45	23	9		1			14	11	26	20					1	2			7	5	338	241
Broadbeach	28	31			64	88	27	13	4	2			26	27								5			5		154	166
Bundaberg	39	36			7	12			6	2																	52	50
Cairns	43	49			40	59	13	19					8	11	4	6					2				1	5	111	149
Fortitude Valley	249	229	23	17	53	63	10	15					89	68	29	29						1			9	4	462	426
Gladstone	19	30	9		6	11			6						16	17									2	4	58	62
Inner west Brisbane	94	58	12	13	7	8	2							7	19										2		136	86
Ipswich	10	10			1	3							1									1				1	12	15
Mackay	48	68	6	5	14	20		1	5	1			19	24							1				1	3	94	122
Rockhampton	81	67			9	19			3						25	13					1				6	11	125	110
Sunshine Coast	92	68			92	103			28	12			26	2							2	5			7	8	247	198
Surfers Paradise	116	102			43	139	1	1	1	4			119	131	34	33					2	7			9	3	325	420
Toowoomba	70	47			26	25			5	4			2	2	9	4										1	112	83
Townsville	111	116			45	58	12	13	21	23			40	44	18	15					2	1			6	5	255	275
Rest of state	1996	1584			1368	1482	86	70	708	556	90	72	69	33	15	8	58	44	26	16	148	143	3	6	1573	1354	6140	5368
<b>Total</b>	<b>3201</b>	<b>2682</b>	<b>60</b>	<b>40</b>	<b>1893</b>	<b>2178</b>	<b>174</b>	<b>141</b>	<b>798</b>	<b>614</b>	<b>90</b>	<b>72</b>	<b>436</b>	<b>389</b>	<b>195</b>	<b>145</b>	<b>58</b>	<b>44</b>	<b>26</b>	<b>16</b>	<b>160</b>	<b>165</b>	<b>3</b>	<b>6</b>	<b>1635</b>	<b>1406</b>	<b>8729</b>	<b>7898</b>

Table 46: Compliance inspections by site closing time and location comparison 2018–19 and 2019–2020

Safe night precinct and rest of state	Trading up to midnight		Trading post- midnight to 2am		Trading post-2am		Total	
	2018–19	2019–20	2018–19	2019–20	2018–19	2019–20	2018–19	2019–20
Airlie Beach	58	62	6	5	44	60	108	127
Brisbane	97	44	23	31	218	166	338	241
Broadbeach	49	85	27	14	78	67	154	166
Bundaberg	9	15	6	3	37	32	52	50
Cairns	56	73	7	15	48	61	111	149
Fortitude Valley	49	53	32	42	381	331	462	426
Gladstone	17	16			41	46	58	62
Inner west Brisbane	25	22	6	16	105	48	136	86
Ipswich	9	11			3	4	12	15
Mackay	19	33	17	24	58	65	94	122
Rockhampton	36	49	4	12	85	49	125	110
Sunshine Coast	90	106	34	28	123	64	247	198
Surfers Paradise	52	116	24	44	249	260	325	420
Toowoomba	39	44	10	7	63	32	112	83
Townsville	115	140	28	11	112	124	255	275
Rest of state	4417	4073	1719	1295	4		6140	5368
<b>Total</b>	<b>5137</b>	<b>4942</b>	<b>1943</b>	<b>1547</b>	<b>1649</b>	<b>1409</b>	<b>8729</b>	<b>7898</b>

Figure 6: Compliance inspections by licence and site type





## Compliance inspections by type and location

### Compliance officers conduct a variety of compliance inspections.

**Full inspection:** A comprehensive compliance inspection, primarily undertaken during peak trading hours, relating to a wide range of legislative requirements under the Liquor Act and the Gaming Machine Act (if applicable).

**Covert inspection:** An inspection where the compliance officers do not disclose themselves to the licensee during the visit.

**Critical elements inspection:** These inspections include officers making observations/ investigating issues relating to a set of key legislative obligations associated with the responsible service of liquor; providing a safe environment for patrons and staff; and ensuring minors are not on the premises unlawfully.

**Re-inspection (desk or field):** A re-inspection checks whether a licensee has remedied matters of concern identified at a previous inspection or during an investigation. A field re-inspection is completed at the premises, while a desk re-inspection is performed where there is an ability to complete the necessary assessment without visiting the premises.

**Risk assessment—monitored:** Inspection completed to assess applications that have an inherently high risk.

**Risk assessment—unmonitored:** All other inspections to risk assess applications.

**Targeted inspection:** An inspection targeting a specific issue. These issues may vary across inspection programs.

Table 47: Inspection type by location comparison 2018–19 and 2019–20

Safe night precinct and rest of state	Covert inspection		Critical elements inspection		Full inspection*		Re-inspection desk*		Re-inspection field*		Risk assessment monitored		Risk assessment unmonitored		Targeted inspection		Total	
	2018–19	2019–20	2018–19	2019–20	2018–19	2019–20	2018–19	2019–20	2018–19	2019–20	2018–19	2019–20	2018–19	2019–20	2018–19	2019–20	2018–19	2019–20
Airlie Beach		6	33	24	14	11			6	7	6	3	47	43	2	33	108	127
Brisbane	4	1	118	51	106	80	5		25	3	11	10	34	31	35	65	338	241
Broadbeach			88	94	23	12			6	1			17	19	20	40	154	166
Bundaberg	1		19	13	22	21			1	1		1	9	4		10	52	50
Cairns		5	41	40	43	29	1		7	7	4	5	10	25	5	38	111	149
Fortitude Valley	3	2	122	91	126	113	21	1	12	8	25	13	110	93	43	105	462	426
Gladstone			19	29	22	14			4			1	13	7		11	58	62
Inner west Brisbane			45	18	23	23			2	2	3	4	53	19	10	20	136	86
Ipswich			5	10	4	3			1					1	2	1	12	15
Mackay	2		20	43	40	31			4	6	4	1	19	16	5	25	94	122
Rockhampton	2	1	54	29	36	24	1	1	14	7		3	17	21	1	24	125	110
Sunshine Coast	2		124	65	40	48	4	4	16	9	16	13	26	16	19	43	247	198
Surfers Paradise			135	205	75	35			3	4	3	1	77	79	32	96	325	420
Toowoomba		4	53	38	44	20	1		1	2	3	6	9	5	1	8	112	83
Townsville		2	90	66	54	36	8	3	13	12	2	2	74	82	14	72	255	275
Rest of state	20	31	954	743	1750	1244	91	23	218	158	192	217	2486	2077	429	875	6140	5368
<b>Total</b>	<b>34</b>	<b>52</b>	<b>1920</b>	<b>1559</b>	<b>2422</b>	<b>1744</b>	<b>132</b>	<b>32</b>	<b>333</b>	<b>227</b>	<b>269</b>	<b>280</b>	<b>3001</b>	<b>2538</b>	<b>618</b>	<b>1466</b>	<b>8729</b>	<b>7898</b>

## Compliance investigations

The majority of investigations are instigated due to a complaint from the general public, the QPS or as the result of an OLGR inspection. Other investigations originate from risk-based targeting undertaken by OLGR.

Table 48: Compliance investigations by licence type or location comparison 2018–19 and 2019–20

Safe night precinct and rest of state	Commercial hotel		Commercial hotel and adult entertainment permit		Commercial other		Commercial special facility		Community club		Community other		Nightclub		Nightclub and adult entertainment permit		Catering away area		Detached bottle shop		Satellite cellar door (Wine Industry Act)		Temporary or unlicensed site		Total	
	18–19	19–20	18–19	19–20	18–19	19–20	18–19	19–20	18–19	19–20	18–19	19–20	18–19	19–20	18–19	19–20	18–19	19–20	18–19	19–20	18–19	19–20	18–19	19–20	18–19	19–20
Airlie Beach	9	11			13	10			1				7	12									1	30	34	
Brisbane	52	49	1	1	15	16	5	4					5	1	2	1						3	1	83	73	
Broadbeach	3	3			25	21	20	10					8	8										56	42	
Bundaberg	21	17				6			1															22	23	
Cairns	15	23			14	11	10	6					1	2	1	1								41	43	
Fortitude Valley	67	67	4	2	19	18	9	6					28	18	3	2						3	2	133	115	
Gladstone	6	5	3		1	2									5	6								15	13	
Inner west Brisbane	17	4	1	1		3									1									19	8	
Ipswich	3	4			1	2							3									1		8	6	
Mackay	15	12			5	7			1				7	16										28	35	
Rockhampton	11	18			2	3									4	3							2	17	26	
Sunshine Coast	35	42			27	29			5	1			3	1										70	73	
Surfers Paradise	29	19			22	22		2					37	34	6	10			1			3	1	97	89	
Toowoomba	15	18			1	4							1		2									19	22	
Townsville	21	22			6	5	3	11		2			15	11	3	1								48	52	
Rest of state	612	732			606	606	30	17	133	168	38	52	33	31	2		3	3	3	5		3	203	162	1663	1779
Total	931	1046	9	4	757	765	77	56	141	171	38	52	148	134	29	24	3	3	3	6		3	213	169	2349	2433



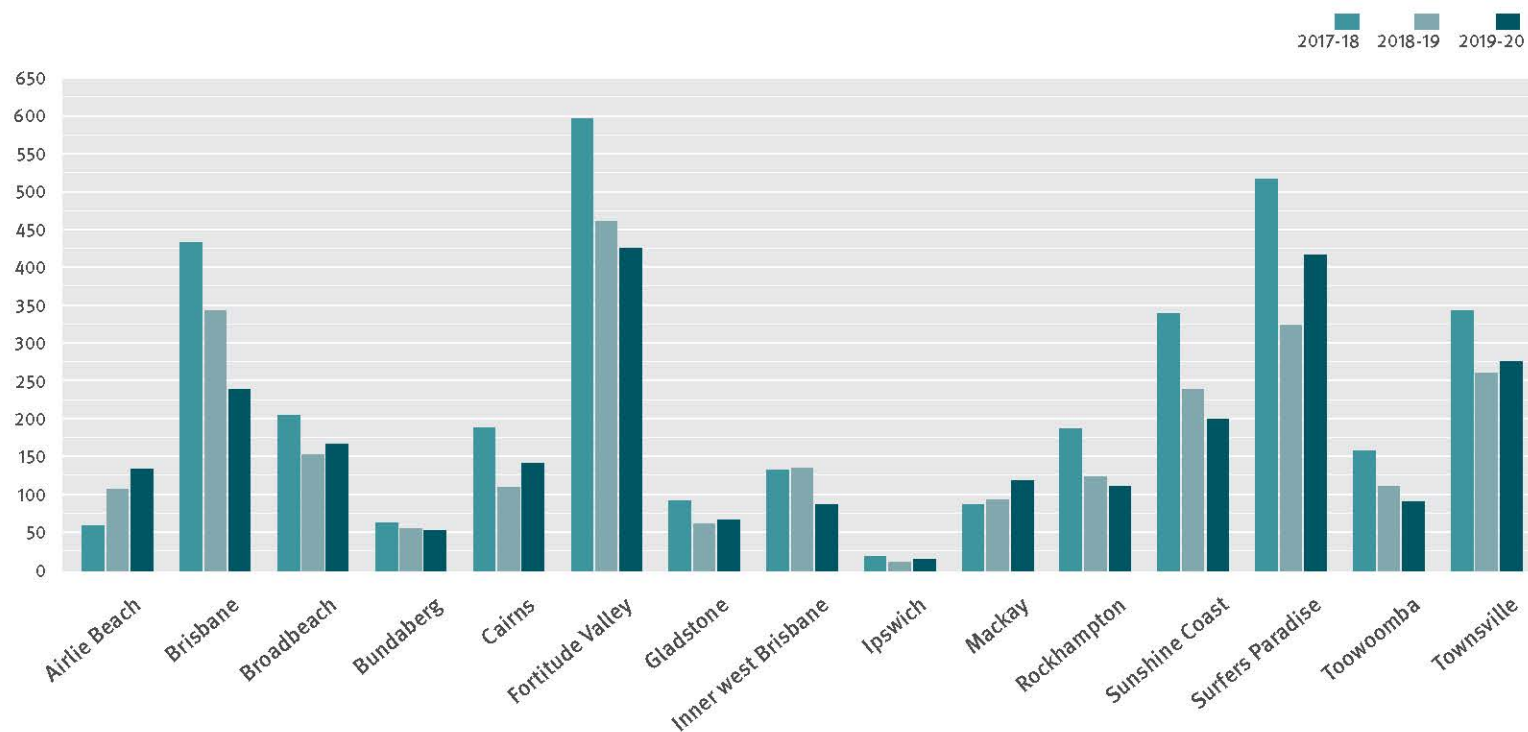
Table 49: Compliance investigations by site closing time and location comparison 2018–19 and 2019–20

Safe night precinct and rest of state	Trading up to midnight		Trading post- midnight to 2am		Trading post-2am		Total	
	2018–19	2019–20	2018–19	2019–20	2018–19	2019–20	2018–19	2019–20
Airlie Beach	17	11	2	1	11	22	30	34
Brisbane	19	17	3	5	61	51	83	73
Broadbeach	17	15	8	6	31	21	56	42
Bundaberg		6	1		21	17	22	23
Cairns	17	18	7	1	17	24	41	43
Fortitude Valley	18	18	14	8	101	89	133	115
Gladstone	1	2			14	11	15	13
Inner west Brisbane	3	3	7	3	9	2	19	8
Ipswich	5	4			3	2	8	6
Mackay	9	10	5	5	14	20	28	35
Rockhampton	4	10	1	2	12	14	17	26
Sunshine Coast	23	24	6	3	41	46	70	73
Surfers Paradise	29	14	4	13	64	62	97	89
Toowoomba	5	9		3	14	10	19	22
Townsville	12	14	3	1	33	37	48	52
Rest of state	1129	1221	534	558			1663	1779
<b>Total</b>	<b>1308</b>	<b>1396</b>	<b>595</b>	<b>609</b>	<b>446</b>	<b>428</b>	<b>2349</b>	<b>2433</b>

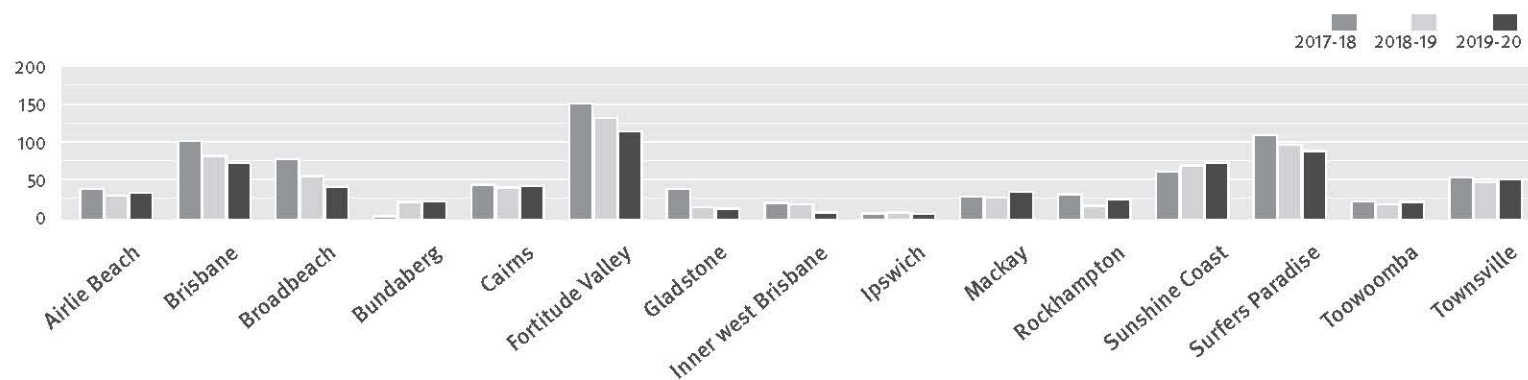
Figure 7: Compliance inspections and investigations by safe night precinct—three-year comparison

Note: COVID-19 closures and restrictions applied to licensed venues from 23 March 2020

## Inspections



## Investigations



*Table 50: Liquor investigation enforcement outcomes—prosecution*

Type	No. of prosecutions	No. of offences	Fines (\$)
Licensed premises	8	46	201,000
Individual	1	1	20,000
<b>Total</b>	<b>9</b>	<b>47</b>	<b>221,000</b>

*Table 51: Liquor show cause notices / finalised outcome*

Action under Liquor Act	Employees	Licensees (disciplinary action)
Show cause notices issued	4	0
Action imposed	3	0
Warning	1	0



Table 52: Infringement notices by location

Safe night precinct and state wide	No. issued to persons		No. issued to licensees/employees		Totals		Person fines (\$)		Licensee/employee fines (\$)		Total fines (\$)	
	OLGR	Police	OLGR	Police	OLGR	Police	OLGR	Police	OLGR	Police	OLGR	Police
Airlie Beach		12				12		5859				5859
Brisbane	2	94	2	7	4	101	1067	47,118	2668	6878	3735	53,996
Broadbeach	4	38	1	1	5	39	2134	16,802	667	667	2801	17,469
Bundaberg		18				18		5811				5811
Cairns		11	2	2	2	13		3599	1334	2668	1334	6267
Fortitude Valley	3	190	5	12	8	202	1182	101,826	6612	14,941	7794	116,767
Gladstone		23				23		11,822				11,822
Inner west Brisbane		1	1	1	1	2		667	1334	1334	1334	2001
Ipswich		5				5		1199				1199
Mackay		13				13		5731				5731
Rockhampton		27	1		1	27		874	1305		1305	8741
Sunshine Coast		66	1		1	66		33,451	667		667	33,451
Surfers Paradise	152	95	2	2	154	97	52,630	31,771	3336	1334	55,966	33,105
Toowoomba		359		1		360		100,682		667		101,349
Townsville	1	36	3	2	4	38	667	19,907	4002	933	4669	20,840
Rest of state	9	1002	33	57	42	1059	5830	352,080	45,798	45,859	51,628	397,939
Category totals	171	1990	51	85	222	2075	63,510	739,199	67,723	75,281	131,233	822,347
Total infringement notices	2161		136		2297		\$810,576		\$143,004		\$953,580	

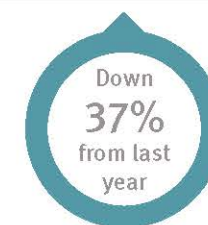
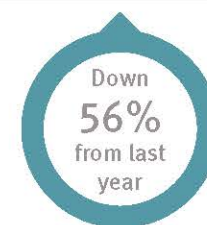
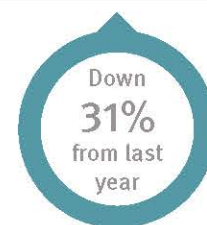
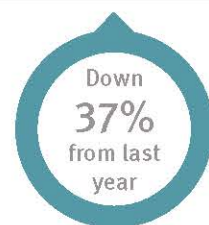
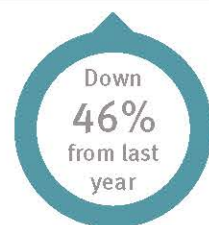
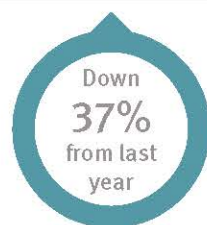


Table 53: Noise complaints completed by local government area

Local government area	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Banana									1				1
Brisbane	14	17	15	9	12	13	6	8	7	17		5	123
Bundaberg				1			2	4					7
Cairns	6	2	4	2	6	1	1	1	3	3		1	30
Cassowary Coast				1									1
Central Highlands	2	1				1		1	2				7
Charters Towers		1											1
Cloncurry				1									1
Cook								1	1				2
Douglas			1	2	3		1						7
Fraser Coast			2					1	1	3			7
Gold Coast	14	13	16	21	3	6	17	31	19	14	2		156
Gympie			3	1						1			5
Ipswich						1		1					2
Isaac			1		1						1		3
Livingstone	1	1		1	1				1	1			6
Lockyer Valley								1					1
Logan			1										1
Mackay	1	1		1		1		1	1		1		7
Mareeba				1	1					1			3
Moreton Bay	2	3	5		2	1		1		2			16
Mount Isa									1				1
Noosa		1	2	2		1	1	2	1	3	1		14
Redland	1	1	3		1								6
Rockhampton			1	1	1			1		1			5
Scenic Rim				1	1		1						3
Somerset		1		2						1			4
South Burnett		1	1					1					3
Southern Downs										1			1
Sunshine Coast	2		13	4	1	5	1	7	5	10			48
Townsville	3	1	2	4	1	4	1						16
Western Downs	1				1								2
Whitsunday		4	3	1	4	2	2		2	4	1		23
<b>Total</b>	<b>47</b>	<b>48</b>	<b>73</b>	<b>56</b>	<b>39</b>	<b>36</b>	<b>33</b>	<b>62</b>	<b>45</b>	<b>62</b>	<b>6</b>	<b>6</b>	<b>513</b>

Note: Figures are representative of completed investigations relating to noise complaints and not the number of individual complaints, as published in previous OLGR annual reports.

## Gaming compliance

Figure 8: Non-casino gaming audit and inspection comparison over three years

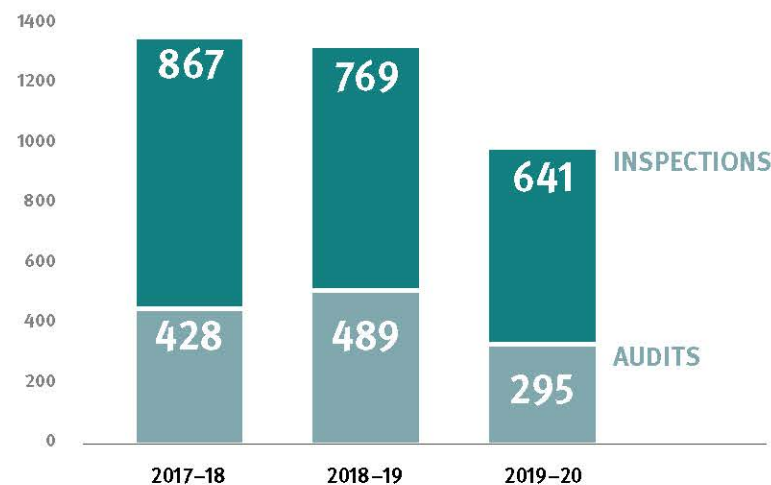


Figure 9: Gaming complaint investigations comparison

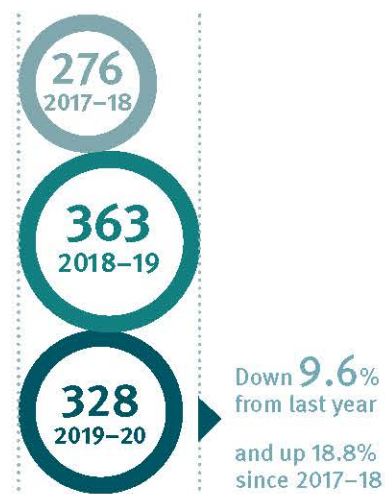


Table 54: Gaming activity by gaming Act

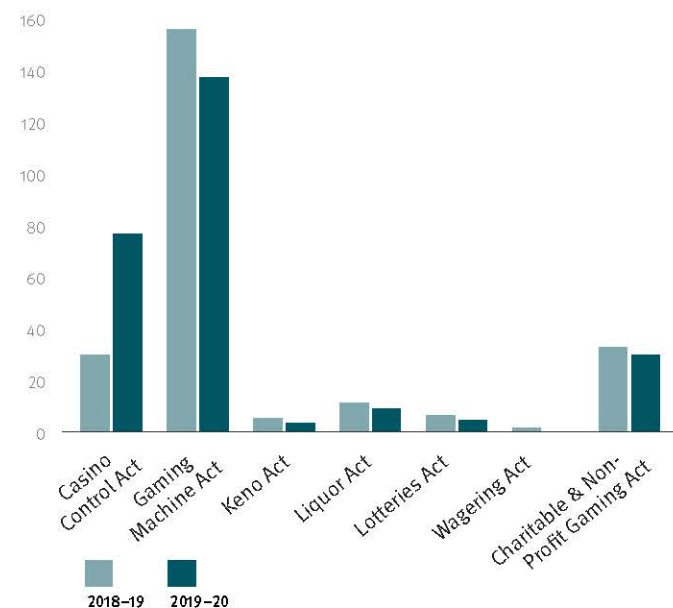
Gaming Act	Gaming audit	Gaming inspection	Major audit	Gaming complaint investigation	Total
Casino Control Act 1982	655		2	51	708
Charitable and Non-Profit Gaming Act 1999		203	1	58	262
Gaming Machine Act 1991	295	372	2	176	845
Keno Act 1996		45		9	54
Lotteries Act 1997		1205		13	1218
Miscellaneous				1	1
Wagering Act 1998		22		19	41
<b>Total</b>	<b>950</b>	<b>1847</b>	<b>5</b>	<b>327</b>	<b>3129</b>

Table 55: Casino audits

Activity classification	Brisbane	Cairns	Gold Coast	Townsville	Total
Gaming integrity	70	79	85	72	306
Gaming revenue	84	69	90	58	301
Harm minimisation	14	8	18	7	47
Other				1	1
<b>Total</b>	<b>168</b>	<b>156</b>	<b>193</b>	<b>138</b>	<b>655</b>



Figure 10: Probity investigations comparison

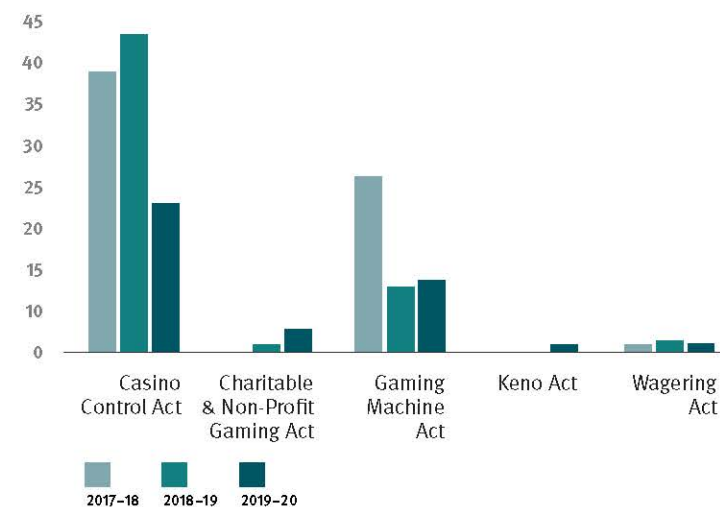


## Gaming prosecutions

Table 56: Gaming prosecutions by gaming Act

Location	Individual	Offence	Fines (\$)
Gaming Machine Act	2	6	4500
Keno Act	1	2	2500
Wagering Act	1	1	1000
<b>Total</b>	<b>4</b>	<b>9</b>	<b>8000</b>

Figure 11 Gaming infringement notices by gaming Act





## OUR REGULATORY FRAMEWORK

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.

OLGR uses a regulatory framework, including a set of regulator model practices and supporting principles that align with similar best-practice principles adopted in other jurisdictions, including the Australian and UK governments.

The five regulator model practices are to:



ensure  
regulation is  
proportionate to  
risk and minimises  
unnecessary  
burden

consult and  
engage  
meaningfully  
with  
stakeholders

provide  
appropriate  
information and  
support to  
assist  
compliance

commit to  
continuous  
improvement

be transparent  
and accountable  
in actions

## Appendix A: Reporting against model practices

Regulator model practices	Examples of where regulatory practices aligned or could be enhanced	Actions taken in 2019-20 (or being taken) to improve regulatory activities and business practices
<p><b>1</b> <i>Ensure regulatory activity is proportionate to risk and minimises unnecessary burden</i></p> <ul style="list-style-type: none"> <li>A proportionate approach is applied to compliance activities, engagement and regulatory enforcement actions</li> <li>Regulations do not unnecessarily impose on regulated entities</li> <li>Regulatory approaches are updated and informed by intelligence gathering so that effort is focussed towards risk</li> </ul>	<ul style="list-style-type: none"> <li>OLGR adopts an escalation model of enforcement, where the conduct and compliance history of a venue can have a significant bearing on any action taken.</li> <li>Inspection programs are risk-targeted having regard to both inherent risk (e.g. type of licence held, trading hours) and specific risk (e.g. compliance history from our previous inspections and investigations) and intelligence (such as police incident data).</li> <li>Police checks are not sought for low risk applications unless the applicant declares a criminal history.</li> </ul>	<ul style="list-style-type: none"> <li>OLGR undertook a study to assess whether, without having to engage an acoustic engineer to produce an acoustic report, it would be feasible for default noise limits to be set at locations external to licensed premises in certain circumstances. This would mean that those licensees able to contain noise within their premises could provide occasional amplified entertainment without the expense of an acoustic report. It is expected this would also be of benefit to the live music industry. The study confirmed that such an approach would be feasible in some circumstances. Testing will be undertaken before a decision is made around practicality of introducing this as another option for noise conditioning.</li> <li>OLGR has been developing an automated, online individual licensing process. This development will, for relevant applications, be easy to use and is expected to substantially cut down processing times.</li> </ul>
<p><b>2</b> <i>Consult and engage meaningfully with stakeholders</i></p> <ul style="list-style-type: none"> <li>Formal and informal consultation mechanisms are in place for stakeholder input</li> <li>Engagement is undertaken in ways that help regulators develop an understanding of regulated operating environment</li> <li>Cooperative and collaborative relationships are being established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework</li> </ul>	<ul style="list-style-type: none"> <li>OLGR is a regular participant in cross-jurisdictional forums including the Australasian Liquor Licensing Authorities Forum (ALLAF), Australian Casino and Gaming Regulators' CEO Forum and the interjurisdictional liquor and gaming regulators managers' conference.</li> <li>OLGR has formed a joint taskforce with the QPS to improve coordination, communication, cooperation and consistency between the agencies in regulating the Queensland Liquor Act.</li> <li>Through collaboration with the Office of Fair Trading, OLGR compliance officers now conduct inspections under the <i>Security Providers Act 1993</i> when undertaking liquor compliance functions at licensed premises.</li> <li>OLGR works closely with local business and community stakeholders through two key place-based initiatives: <ul style="list-style-type: none"> <li>safe night precinct local boards that manage and plan to address community safety and amenity issues, and can raise funds and apply for grants from local, state and federal governments</li> <li>liquor accords made up of industry, government and in some instances community stakeholders, and are active in implementing place-based management initiatives to minimise alcohol-related impacts in and around licensed premises.</li> </ul> </li> <li>Licensing processes provide opportunity for the community to comment on applications and OLGR convenes an objections conference to work through concerns raised.</li> <li>OLGR conducts biannual stakeholder forums to discuss and seek comment on key issues or developments affecting the industry.</li> </ul>	<ul style="list-style-type: none"> <li>OLGR has regularly consulted with its liquor and gaming regulator counterparts to adopt best practice solutions to the shut down, and subsequent reopening, of licensed premises as a result of COVID-19.</li> <li>OLGR has taken a lead role in monitoring and enforcing COVID-19-related Public Health Act requirements. In doing so, OLGR has been an active participant in a range of stakeholder groups, including those developed to promote efficient and consistent compliance monitoring and enforcement across different business sectors. These operate at both a whole-of-state and local level.</li> <li>OLGR is working with its counterparts to implement the National Consumer Protection Framework for online wagering.</li> <li>OLGR is liaising with its counterparts to identify best practice in harm minimisation for a range of gaming and liquor-related proposals before the Commissioner.</li> <li>Regular liaison is occurring with AUSTRAC regarding junket promoter.</li> <li>A working party of the Australian and New Zealand Gaming Machine National Standard is working towards the establishment of an agreed set gaming machine design features that are supported, or otherwise, by applicable research.</li> <li>Continued consultation with a broad range of stakeholders in the Queen's Wharf Brisbane project, including the consortium, legal advisors and other government departments in order to meet strict development and commercial timeframes.</li> </ul>



Regulator model practices	Examples of where regulatory practices aligned or could be enhanced	Actions taken in 2019-20 (or being taken) to improve regulatory activities and business practices
<p><b>3</b> <i>Provide appropriate information and support to assist compliance</i></p> <ul style="list-style-type: none"> <li>• Clear and timely guidance and support is accessible to stakeholders and tailored to meet the needs of the target audience</li> <li>• Advice is consistent and decisions are communicated in a manner that clearly articulates what is required to achieve compliance</li> <li>• Where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden particular stakeholders (e.g. small business) or require specialist advice</li> </ul>	<ul style="list-style-type: none"> <li>• Web content is updated regularly to ensure content currency.</li> <li>• <i>Behind the Bar</i> and <i>Follow the Law</i> training videos have been produced to provide real-life examples of compliance and how licensees can meet these.</li> <li>• Direct email communication to affected licensees and regular articles in the monthly subscription newsletter, <i>Inside Liquor and Gaming</i>. OLGR also has a regular contribution in industry (club and hotel) publications.</li> <li>• OLGR has tailored its compliance programs to ensure fit for purpose compliance activities that do not place unnecessary burden on industry.</li> <li>• OLGR coordinates consistent messaging for staff to deliver at safe night precinct local board meetings, liquor accords and other key industry engagements.</li> <li>• Commissioner guidelines and chief executive gaming guidelines are published to provide advice to industry on the attitude the Commissioner is likely to take on certain liquor and gaming licensing decisions.</li> <li>• Minimum technical requirements are published by OLGR to assist gaming operators and approved ID-scanner operators submit systems and equipment to comply with standard.</li> </ul>	<ul style="list-style-type: none"> <li>• Regular advice provided through multiple communication channels to the liquor and gaming industries during the shut down and re-opening of licensed premises due to the COVID-19 pandemic.</li> <li>• To facilitate the re-opening of licensed premises, OLGR reviewed COVID Safe plans for each industry sector and liaised regularly with Queensland Health.</li> <li>• Delivered targeted compliance-focused education visits, including the provision of supporting materials and information about resources available to assist licensees to comply with legislation and to discuss business practices—this year, this has extended beyond liquor and gaming to also include COVID-19 Public Health Act requirements.</li> <li>• Ongoing targeted communication to licensees via the monthly newsletter, <i>Inside Liquor and Gaming</i> (currently on hold due to COVID-19).</li> <li>• Regular communication to industry stakeholders through articles in the industry journals, QHA Review and Clubs Insight, as well as direct email and social media.</li> </ul>
<p><b>4</b> <i>Commit to continuous improvement</i></p> <ul style="list-style-type: none"> <li>• 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 outcomes</li> <li>• To the extent possible, reform of regulatory activities is prioritised on the basis of impact on stakeholders and the community</li> <li>• Staff have the necessary training and support</li> </ul>	<ul style="list-style-type: none"> <li>• OLGR monitors work in other jurisdictions through regular contact, forums and through significant projects.</li> <li>• OLGR reviews its compliance programs each year to ensure risks are being targeted in the most effective, contemporary manner. New audit and inspection programs developed as needed to address specific risks.</li> <li>• Outcome-based periodic reviews of specific programs (e.g. liquor inspection and gaming audit process reviews currently being planned).</li> <li>• OLGR to undertake a feasibility study to assess the viability and options for setting a default noise level at locations outside licensed premises, instead of current measures. The benefit being that the licensee would no longer have to incur the significant costs of having an acoustic report prepared.</li> <li>• Reducing turnaround times for gaming machines approvals.</li> </ul>	<ul style="list-style-type: none"> <li>• Continued work on the automation of lottery draws (removing physical supervision).</li> <li>• Automation of online application process for individual licensees making government services quicker and easier to use.</li> <li>• Identification and analysis of major risk factors in gaming applications of significant community impact—this analysis will inform a revised decision-making process and the identification of appropriate harm minimisation strategies.</li> <li>• Review of liquor licence transfer process.</li> <li>• Training needs analysis conducted for OLGR staff to identify skill gaps and areas for improvement and prepare for succession planning.</li> <li>• Continued implementation of regional staff engagement strategy to ensure OLGR has a high-performing, motivated and valued regional workforce that delivers quality results.</li> <li>• Commenced work on developing regulatory compliance control assessment, to supplement existing liquor compliance monitoring activities—this assessment will place increased emphasis on identifying whether licensees have the necessary controls in place to facilitate compliance and providing advice where deficiencies are identified.</li> </ul>

Regulator model practices	Examples of where regulatory practices aligned or could be enhanced	Actions taken in 2019-20 (or being taken) to improve regulatory activities and business practices
<p><b>5</b> <i>Be transparent and accountable in actions</i></p> <ul style="list-style-type: none"> <li>Where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders</li> <li>Timely decisions clearly articulating expectations and reasons</li> <li>Indicators of regulator performance are publicly available</li> </ul>	<ul style="list-style-type: none"> <li>Detailed billing information and regular statements provided to clients for technical evaluations and probity investigations</li> <li>Submission timeframes are published for technical evaluations.</li> <li>Substantial information on applications and licence details are available on OLGR's public registers, including the following:               <ul style="list-style-type: none"> <li>advertised liquor licence and adult entertainment permit applications published for objections or submissions</li> <li>advertised gaming applications published for community comment</li> <li>pending gaming machine licence applications</li> <li>recently approved liquor and gaming machine licence applications</li> <li>approved licence transfer applications</li> <li>online licence search</li> <li>high-risk venues.</li> </ul> </li> <li>OLGR also provides gaming statistics at <a href="http://data.qld.gov.au">data.qld.gov.au</a> and <a href="http://business.qld.gov.au/liquor-gaming">business.qld.gov.au/liquor-gaming</a>. This includes lists of gaming sites by statistical area, local government area and EGM statistics for hotels and clubs.</li> </ul>	<ul style="list-style-type: none"> <li>Key datasets and reports continue to be published online, including:               <ul style="list-style-type: none"> <li>annual statistical report, providing an overview of figures relating to the office's liquor, gaming, compliance and harm minimisation activities over the past 12 months</li> <li>gaming and liquor statistics updated monthly</li> <li>searchable database of premises with approved liquor licences.</li> </ul> </li> <li>OLGR is working towards publishing reasons for liquor and gaming decisions, consistent with the recommendations of the Tackling Alcohol Fuelled Violence strategy review.</li> </ul>





**Queensland  
Government**

Office of Liquor and Gaming Regulation  
[business.qld.gov.au/liquor-gaming](http://business.qld.gov.au/liquor-gaming)  
13 QGOV (13 74 68)





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 (CNL Act)</i>	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
	Number of not-for-profits and other organisations registered as at 30 June 2020	28,195
Complaints and redress	Redress	\$9.38 million
	Complaints received	17,482
	Complaints finalised	17,321
Compliance	Entities monitored for compliance	9,137
	Investigations completed	2,344
Enforcement actions	Warnings issued	1,396
	Infringements issued	274
	Administrative disciplinary actions	831
	Civil penalty notices	3
	Disciplinary proceedings (QCAT)	20
	Enforceable undertakings	4
	Public naming	5
Staffing and budget	Court actions	50
	Staff full-time equivalent (FTE)	212.3
	Budget	\$27.1 million

# Overview

## Our role

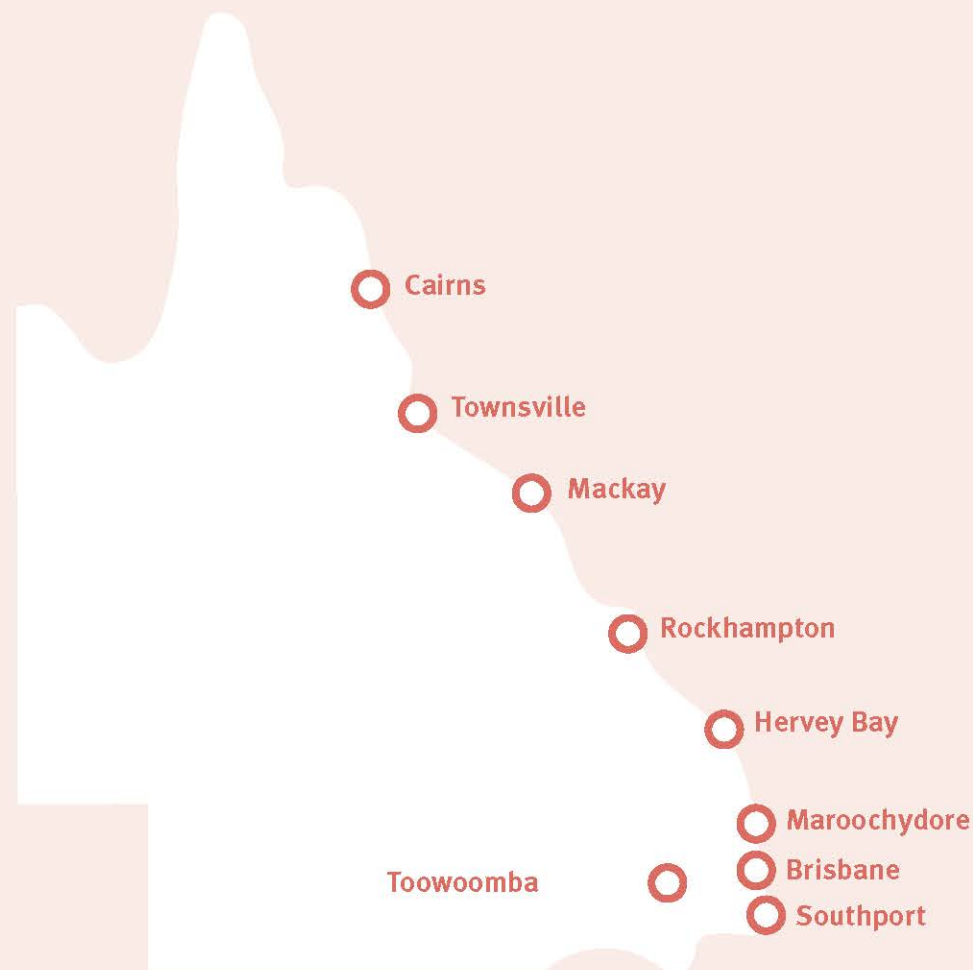
The OFT's purpose is to improve safety and fairness for Queensland businesses and consumers.

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

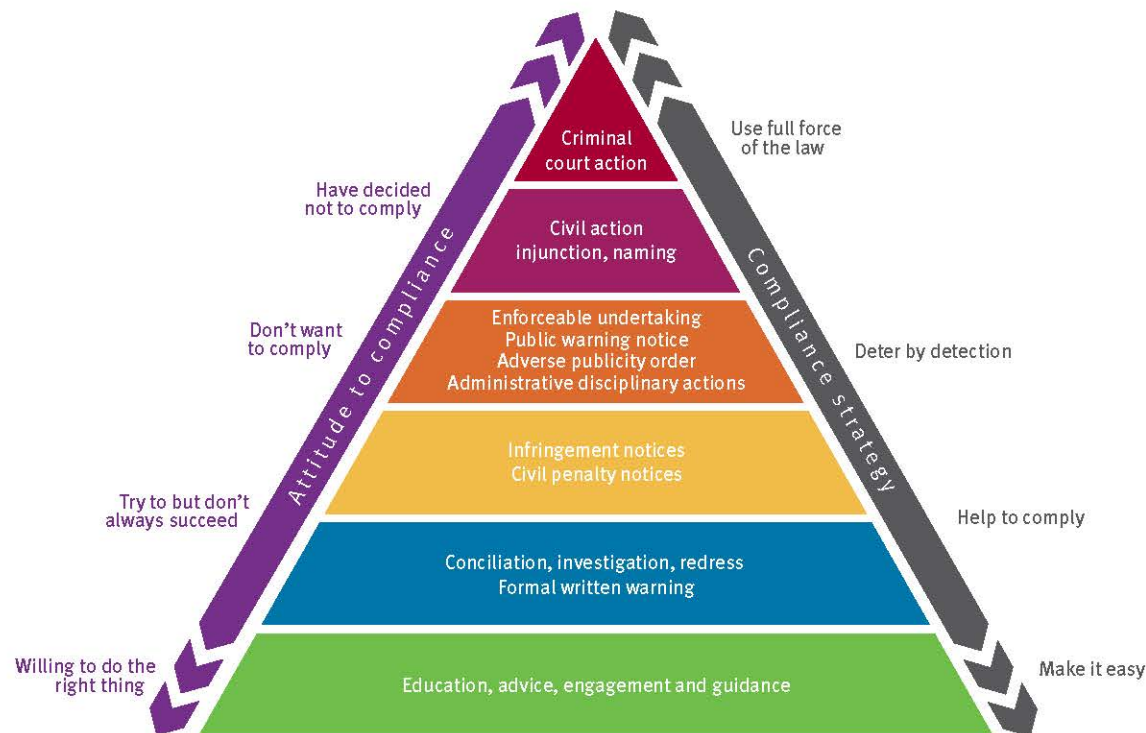
The OFT's goal is a fair and safe marketplace. We recognise that most businesses want to comply with the law and to facilitate this we follow an escalation model of education, compliance and enforcement. As a trader's attitude to compliance deteriorates, our regulatory response escalates.

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









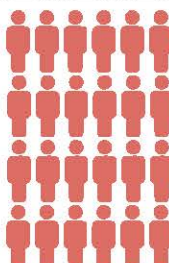
- encourage businesses to follow the law
- most effectively protect the rights of consumers and businesses
- maintain community confidence in a fair and safe marketplace.

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
<b>Total</b>	<b>238 <sup>1</sup></b>		<b>\$34,981,250 <sup>2</sup></b>

### Notes:

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

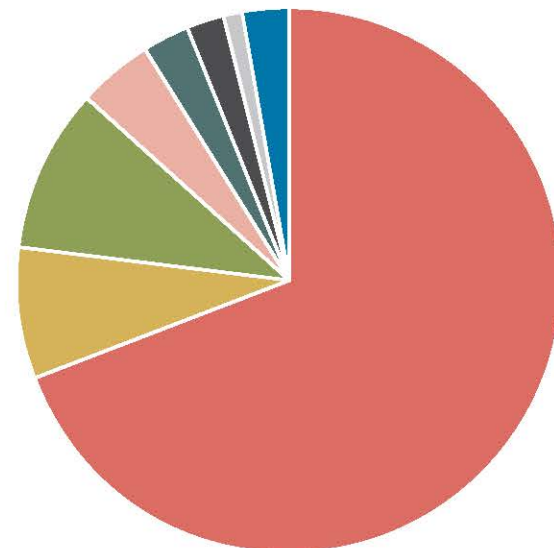
- sent 147,000 emails to businesses, charities, associations and consumers with guidance on adjusting to the COVID-19 conditions
- released COVID-19 information on the [Fair Trading website](#) which was viewed more than 36,000 times about issues such as cancellation of travel due to border closures, 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
<b>Total</b>	<b>1,400</b>







# 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.<sup>1</sup>

**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.<sup>2</sup>**

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 <sup>1</sup>	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					
<b>Total<sup>2 &amp; 3</sup></b>	<b>1,396</b>	<b>274</b>	<b>831</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>20</b>	<b>50</b>

### Notes:

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



## Court actions

In 2019–20, the OFT undertook action against 42 entities through the courts<sup>1</sup>. 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 <sup>1</sup>	Other	Enforcement actions					
					Warning issued	Infringement issued	CPN issued	Public naming	Enforceable undertaking	Court prosecution
<b>REA19/20</b> —focussed on licensed agents not subject to an OFT visit in the previous 24 months.	77	24	2	5	19	9				
<b>MD19/20</b> —focussed on motor dealers not subject to an OFT visit in the previous 24 months.	94	15	1	3	18	4				
<b>REAUTION19/20</b> —focussed on real estate auctioneers not subject to an OFT visit in the previous 24 months.	25	8		1	7					
<b>RLA19/20</b> —focussed on resident letting agents not subject to an OFT visit in the previous 24 months.	35	14	1	1	11	2				
<b>PHGS19/20</b> —focussed on retailers and service providers previously subject to a legal action or complaints received in the previous 12 months.	65									
<b>SCHOOLIES19</b> —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					
<b>SECFIRM19/20</b> —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					
<b>Educational operation</b>										
<b>AUDITOR19/20</b> —educational visits to auditors on commonly found compliance issues and late lodgements by licensed industries.	110									
<b>MDREPAIRS19/20</b> —educational visits to mechanics and vehicle repair centres on responsibilities under ACL.	50									
<b>Total operations (9)</b>	<b>529</b>	<b>68</b>	<b>5</b>	<b>11</b>	<b>61</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 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.

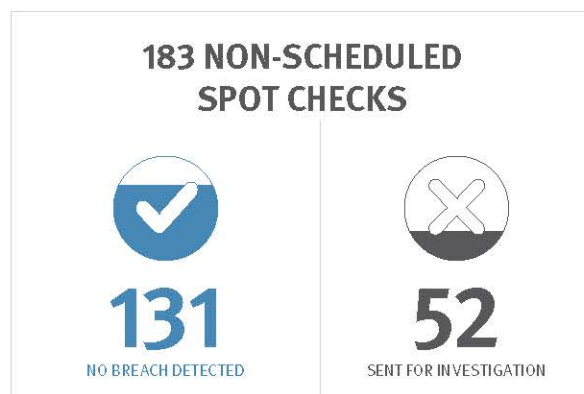
Officers attended 111 dealerships and conducted spot checks. Fifteen traders were referred for investigation. Officers issued three compliance advice letters and 18 warnings for issues relating to unregistered salespeople, failing to give certain notices and updating the OFT when licence details change. 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 <sup>1</sup>	Other	Enforcement actions <sup>1</sup>					
					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 <sup>2</sup>	7	8			4	7				
Security providers <sup>3</sup>	21	4								
Tattoo industry	7	7		5	2					
Festivals and events	21	1			1					
<b>Total<sup>4, 5 &amp; 6</sup></b>	<b>131</b>	<b>52</b>	<b>0</b>	<b>15</b>	<b>11</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 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
<b>Total</b>	<b>\$9,387,738.92</b>



**\$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.



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## 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 <sup>2</sup>	Other	Product withdrawn by trader	Warning label added/ modified	Enforcement actions				
	No breach detected	Breach rectified Immediately <sup>1</sup>	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 renewals<sup>1</sup>.

Act	New licences and certificates issued <sup>2</sup>	Licences and certificates renewed <sup>3</sup>
<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
<b>Total</b>	<b>12,680</b>	<b>38,738</b>

## 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
<b>Security industry</b>	Security provider—Class 1 (unrestricted)	19,531
	Security provider—Class 1 (restricted)	13
	Security provider—Class 2	4,790
	Security firm	1,466
<b>Real estate industry</b>	Real estate (individual)	14,627
	Resident letting agent (individual)	1,626
	Real estate salesperson	19,715
	Real estate (corporation)	7,121
	Resident letting agent (corporation)	976
<b>Motor industry</b>	Motor dealer (individual)	3,523
	Motor salesperson	3,094
	Motor dealer (corporation)	1,377
<b>Auctioneering</b>	Auctioneer (individual)	1,374
	Chattel auctioneer (individual)	967
	Auctioneer (corporation)	566
	Chattel auctioneer (corporation)	400
<b>Debt collection</b>	Field agent (individual)	208
	Field sub-agent	163
	Field agent (corporation)	99
<b>Tattoo industry</b>	Tattooist	930
	Tattoo parlour operator	335
	Visiting permit	3
<b>Second-hand dealing and pawnbroking</b>	Second-hand dealer	1,087
	Pawnbroker	10
	Second-hand dealer and pawnbroker	167
<b>Introduction agent</b>		<b>11</b>
<b>Inbound tour operator</b>		<b>85</b>
<b>Total</b>		<b>84,264</b>



## 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
<b>Total</b>	<b>25</b>

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

Licence suspension reason	Number
Failure to supply audit report	1
<b>Total</b>	<b>1</b>

### *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
<b>Total</b>	<b>128</b>

### *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
<b>Total</b>	<b>30</b>

### *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
<b>Total</b>	<b>9</b>

### *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
<b>Total</b>	<b>168</b>

#### Notes:

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

## Decision making and disciplinary action

The OFT receives applications for licences and 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
<b>Total</b>	<b>929</b>	<b>20,391</b>

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
<b>Total</b>	<b>28,195</b>



## 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.




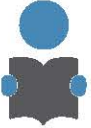
The OFT uses a wide variety of channels and mechanisms to inform the marketplace. These include our:

- website at [www.qld.gov.au/fairtrading](http://www.qld.gov.au/fairtrading)
- call centre on 13 QGOV (13 74 68)
- visits to traders at their premises to provide general information
- community information and advice sessions and school visits
- educational visits by our inspectors as part of our 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.

 <p><b>Over 3.3 million</b> Website visits</p>	 <p><b>915</b> Trader walks</p>
 <p><b>394</b> Sessions</p>	 <p><b>14,900</b> Approx. attendance</p>
 <p><b>49</b> Trader sessions</p>	 <p><b>1,265</b> Approx. attendance</p>
 <p><b>395</b> Schools visited</p>	 <p><b>9,603</b> Students</p>
 <p><b>162,084</b> Phone enquiries</p>	 <p><b>12,293</b> Phone hours</p>
 <p><b>18</b> eNewsletters</p>	 <p><b>24,000</b> Subscribers</p>



## 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.

# 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 10<sup>th</sup> 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.



Woorabinda elder performs a smoking ritual



## 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.

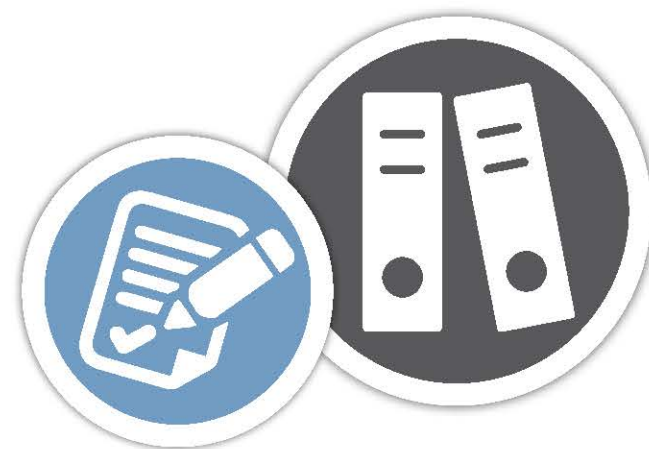
ORP also progressed policy and legislative work on the *Associations Incorporation and Other Legislation Amendment Act 2020*, which like the CNL Act was passed in June 2020. The Act introduces red tape reduction for incorporated associations, for example by allowing the use of communications technology 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.







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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](http://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.

## 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.

**CHECK** 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](http://www.qld.gov.au/fairtrading)



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## Appendix 1—List of OFT legislation

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

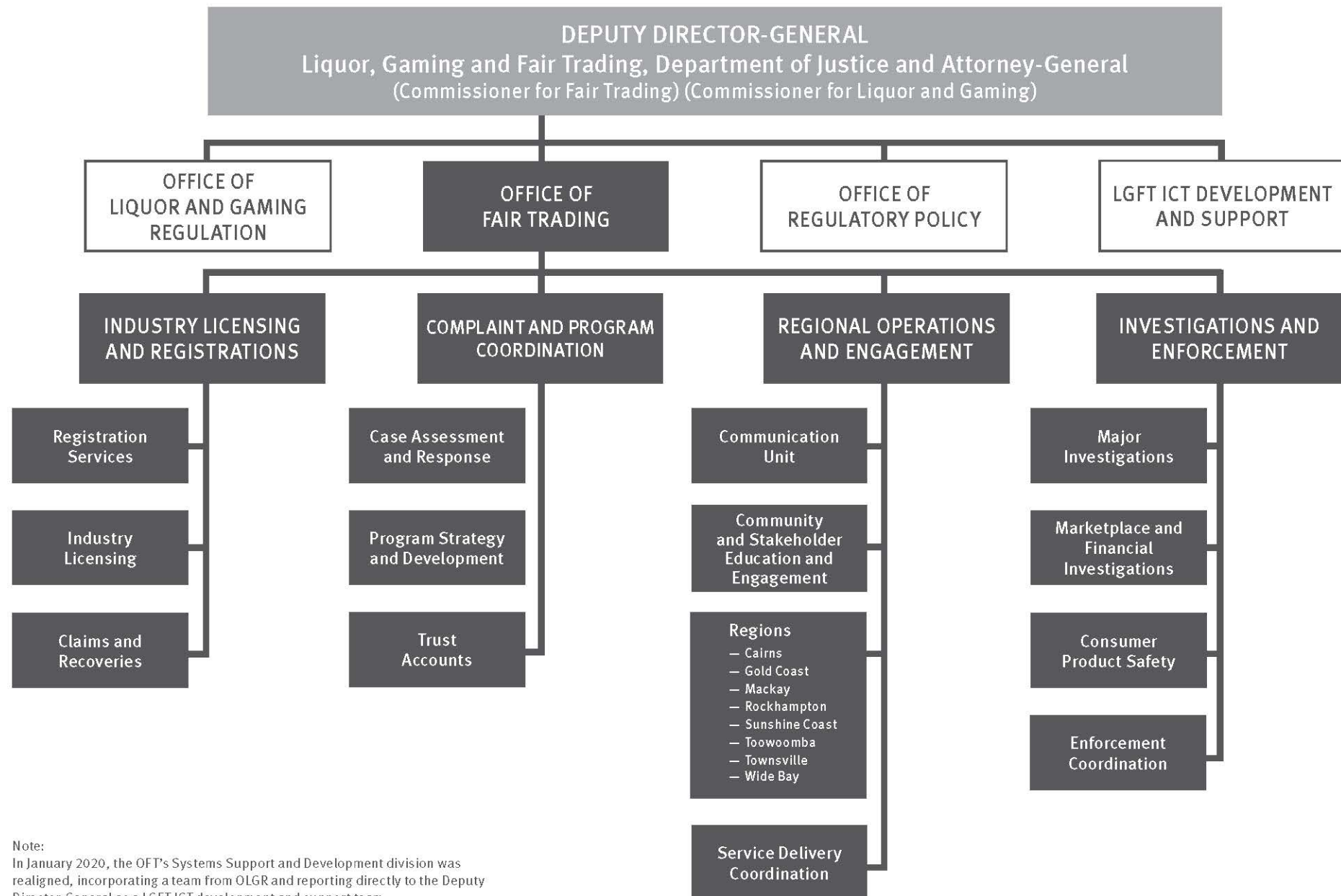
- *Agents Financial Administration Act 2014*
- *Associations Incorporation Act 1981*
- *Collections Act 1966* and *Charitable Funds Act 1958*
- *Cooperatives Act 1997*
- *Debt Collectors (Field Agents and Collection Agents) Act 2014*
- *Disposal of Uncollected Goods Act 1967*
- *Fair Trading Act 1989* 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:

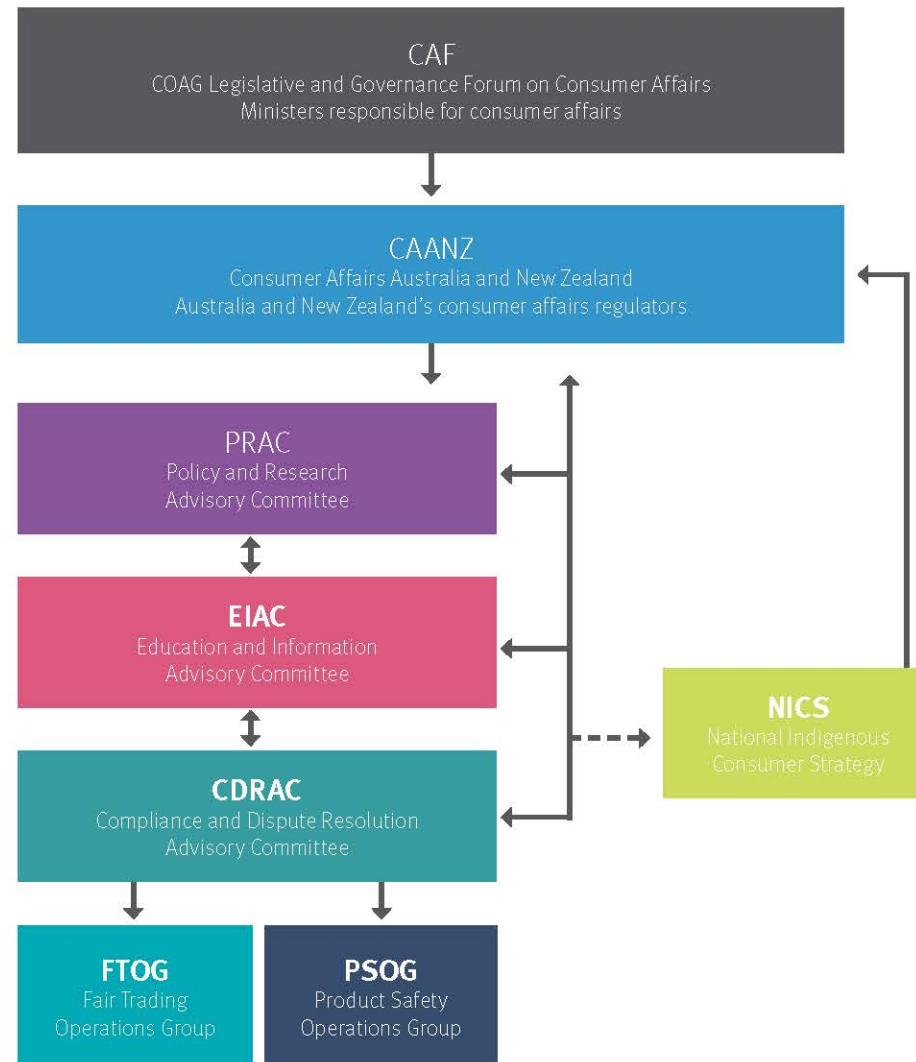
- residential tenancy
- caravan and residential parks
- building and construction
- body corporate management
- motor vehicle repairer licensing
- electrical safety
- tradesperson occupational licensing
- liquor industry regulation
- prostitution licensing
- competition law
- price surveillance
- boarding 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 kick start 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 <sup>3</sup>
<b>Information and Education</b>					
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 <sup>1</sup>	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 <sup>3</sup>
Businesses engaged with on trader walks	1,771	2,002	1,574	1,632	915 <sup>3</sup>
Education, engagement activities (eg seminars, presentations, stalls)	1,202	2,110	2,221	2,499	1,040 <sup>3</sup>
Number of attendees at education and engagement activities	26,387	32,064	27,028	32,295	23,560 <sup>3</sup>
<b>Licensing and registrations</b>					
Occupational licence and registration certificate—applications processed <sup>2</sup>	33,277	23,996	32,199	23,075	21,606
Occupational licence and registration certificate—applications for renewal processed <sup>2</sup>	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
<b>Complaints and redress</b>					
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 <sup>3</sup>
<b>Compliance</b>					
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
<b>Enforcement actions</b>					
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 <sup>3</sup>
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
<b>Staffing and budget</b>					
Staff full-time equivalent (FTE)	225.3	225.3	225.3	225.3	212.3 <sup>4</sup>
Budget	\$30.1M	\$28.9M	\$27.8M	\$29M	\$27.1M <sup>4</sup>

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.





## DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL

### BRIEF FOR NOTING

**Date:** 21 January 2021

**To:** **Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence**

**From:** Office of Fair Trading – Liquor, Gaming and Fair Trading

**Subject:** Consumer redress obtained by the Office of Fair Trading

**Requested by:** Attorney-General's office

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#### RECOMMENDATIONS

That you:

1. **note** the total redress the Office of Fair Trading (OFT) obtained for consumers in 2020; and
2. **note** the OFT prepares media statements in January each year advising the community about the redress it obtained for consumers in the previous calendar year.

#### BACKGROUND SUMMARY

1. The OFT works to improve safety and fairness for Queensland consumers and businesses including via the administration of the Australian Consumer Law (ACL) and a number of industry specific Acts.
2. The OFT recognises that most traders want to do the right thing and under its compliance framework the provision of information, education and advice about fair trading laws is prioritised and its regulatory response only escalates if a trader's attitude to compliance deteriorates.
3. The OFT uses media opportunities to reach as large an audience as possible to spread consumer law information and messages to consumers and traders. One of these opportunities is the annual January release of information about the OFT's work during the previous calendar year including: the number of consumer complaints received; the five industries consumers complained about the most; and the amount of redress the OFT obtained for consumers.
4. Redress is the compensation, restitution or the in-kind value provided to a consumer to reimburse them for faulty goods or services or to remedy the impact of inappropriate trader conduct. Redress is obtained through a variety of channels including for example court ordered compensation and claims against the Claim Fund established under the *Agents Financial Administration Act 2014*. However, most redress obtained by the OFT is obtained as a result of the agency's conciliation of consumer complaints.
5. Consumers lodge complaints with the OFT seeking assistance to obtain remedies or enforce consumer laws. Complaints cover the broad spectrum of goods and services available in the marketplace. All complaints received are assessed. Where a possible breach of the legislation administered by the OFT for which enforcement action can be taken is indicated, the OFT investigates the issue. Where no breach is indicated the OFT will attempt conciliation.

6. The majority of complaints are handled via conciliation. This process involves the OFT providing information and advice to both the consumer and trader about their rights and responsibilities under fair trading laws and acting as an intermediary between the parties to try to reach a mutually acceptable solution.
7. The OFT does not have the legislative authority to compel a trader to provide redress or take any specific course of action. If conciliation is unsuccessful, consumers are advised of other options available to them, with the most common being lodging a claim with the Queensland Civil and Administrative Tribunal or obtaining independent legal advice.

## **ISSUES**

8. Having information about the OFT's activities broadly disseminated reminds consumers and traders they have both rights and responsibilities under fair trading laws and helps inform the community of the work the OFT undertakes to deliver public value.
9. In 2020 the OFT:
  - finalised more than 18,600 complaints from consumers, compared to 15,800 finalised in 2019; and
  - obtained more than \$12 million in redress for consumers, compared to just over \$8 million in 2019.
10. The increase in complaints in 2020, and the subsequent increase in redress obtained, was due to a surge of consumers seeking assistance to resolve matters impacted by the restrictions implemented to reduce the spread of COVID-19.
11. Around 2,380 of the complaints were specifically about matters impacted by COVID-19, the majority of which (1,619 complaints) related to cancelled travel and holiday arrangements.

## **HUMAN RIGHTS IMPACT ASSESSMENT**

12. Any decision in this matter is considered to be compatible with human rights and meets the provisions under section 58(5) of the *Human Rights Act 2019*.

## **EMPLOYMENT IMPACT**

13. Not applicable.

## **CONSULTATION WITH STAKEHOLDERS**

14. Not applicable.

## **FINANCIAL IMPLICATIONS**


15. Not applicable.


## **POTENTIAL MEDIA**

16. The release of the annual OFT redress statements generally results in significant positive media attention from regional and State-wide media outlets and some positive attention from interstate and national outlets.



17. The OFT prepares the statements in the form of one statement giving overall State-wide information and a series of eight further statements providing outcomes based on the location of the regional consumers who lodged complaints. This approach results in substantial pickup by relevant regional media outlets.

NOTED or APPROVED / NOT APPROVED		
Comments		
Please provide case studies for media		
		
<b>SHANNON FENTIMAN MP</b> Attorney-General and Minister for Justice Minister for Women and Minister for the Prevention of Domestic and Family Violence	Chief of Staff	Policy Advisor
3 / 1 / 21	1 / 1	22 Jan, 2021

Contact Officer:	Name: Sharon Simmers Position: Director, OFT Phone: 3738 8600 (ext 98600) Date: 20 January 2021	Approved by:	Name: Position: Phone: Date:
Approved by:	Name: Brian Bauer Position: Executive Director, OFT Phone: 3738 8776 (ext 98776) Date: 21 January 2021	Endorsed: Victoria Thomson Acting Director-General	 21 / 1 / 2021
<input type="checkbox"/> Election Commitment <input type="checkbox"/> CBRC / Cabinet related <input type="checkbox"/> ECM related			

## DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL BRIEF FOR DECISION/ACTION

**Date:** 2 September 2020  
**To:** **Attorney-General and Minister for Justice  
Leader of the House**  
**From:** Office of Fair Trading – Liquor, Gaming and Fair Trading  
**Subject:** Registered Training Organisations  
**Requested by:** Internally generated

---

### RECOMMENDATIONS

That you:

1. **note** the contents of this brief; and
2. **sign** the attached letter to the Honourable Shannon Fentiman MP, Minister for Employment and Small Business and Minister for Training and Skills Development (**Attachment 1**).

### BACKGROUND SUMMARY

1. On 20 August 2020, Minister Fentiman (**Attachment 2**) wrote to you about complaints received by the Department of Employment, Small Business and Training (DESBT) about training organisations allegedly engaging in bait advertising practices to entice job seekers to enrol in training programs.

### ISSUES

2. Following advice of the alleged abuse of the DESBT's Pre Qualified Supplier (PQS) program, on 10 August 2020 the Office of Fair Trading (OFT) met with several agencies including DESBT, the Queensland Training Ombudsman, (QTO) the Office of Industrial Relations (OIR) and the Australian Skills Quality Authority (ASQA) to discuss the issue. The matter involving job advertising and the conduct of registered training organisations (RTOs) and private recruitment companies has been the subject of media articles.
3. The advertising allegedly lures job seekers into applying for positions that may not exist. Job seekers are advised they have not been successful in obtaining the job and are then contacted by a recruitment agency which steers them towards PQS training that will provide qualifications in a Certificate III to improve their chances of securing future roles.
4. The OFT has previously accepted referrals from DESBT related to training issues. In 2016, OFT undertook a significant operation assisting DESBT to identify fraudulent practices by some PQS entities. It focussed on four main targets and over a two-year program produced outcomes including enforceable undertakings, penalties, and redress for breaches of the Australian Consumer Law (ACL). Additionally, five other entities were referred to the Queensland Police Service for alleged fraud against DESBT.
5. While the OFT works at a whole-of-Government level to address allegations of dodgy practices in the training and recruitment industry, particularly on allegations of false or misleading advertising, it considers other regulators are better suited to address issues within their sphere of responsibility.



6. The QTO has stated he is willing to work with students who lodge complaints. However, he considers students who have been impacted by the alleged conduct are unlikely to complain as they are able to secure Certificate III qualifications at no cost. The QTO has been tasked by Minister Fentiman to review certain aspects of the scheme and associated complaints. Terms of reference are at **Attachment 3**.
7. OIR is responsible for the regulation of the labour hire sector in Queensland to protect vulnerable workers, primarily via a labour hire registration scheme and to promote the integrity of the industry. OIR does not regulate recruiters as they are covered under the *Private Employment Agents Act 2005*.
8. DESBT does not have an enforcement arm and can only remove the contract management agreements with approved RTOs if they are found to have a financial link between RTO and recruitment agencies. DESBT has recently provided the OFT with some key RTOs and recruitment companies they believe fall within the responsibility of OFT legislation, due to fake job advertising and bait advertising of job positions. These companies are being examined.
9. ASQA has advised that it will conduct a full desktop audit on [redacted] one of the named providers. However, ASQA has confirmed it has no consumer protection parameters to work with and can only investigate complaints on the quality of training provided.
10. The OFT is reviewing complaints and intelligence about false and misleading representations by recruitment companies and will take action if viable evidence is obtained. In the last two weeks, the OFT has assessed advertising copy provided by DESBT but has not identified sufficient evidence to suggest the listed advertisements are in fact false or misleading.
11. The OFT has offered the use of its intelligence officer to assist map all alleged persons and businesses raised by the media along with complaints made to DESBT to determine if links are found with common directors or if sham contracting is evident. It will then share the information with the working group to determine which agency is responsible for subsequent actions.
12. On 25 August 2020, the QTO expressed his gratitude for the work OFT was undertaking and indicated that the intelligence exercise would be of considerable assistance to him in his review.
13. The OFT will conduct investigations into any matter where evidence of false and misleading representations can be established. Significant penalties exist under the ACL for breaches of this nature – up to \$500,000 for an individual or \$10 million for a company.

#### **HUMAN RIGHTS IMPACT ASSESSMENT**

14. There are no issues relevant to the *Human Rights Act 2019* in this matter.

#### **EMPLOYMENT IMPACT**

15. If RTOs and recruitment companies are conspiring to defraud the PQS scheme, particularly in the current COVID-19 environment, there are serious impacts on persons attempting to re-skill and seek employment opportunities.



**CONSULTATION WITH STAKEHOLDERS**

16. As well as working with relevant State and Commonwealth Government agencies, the OFT has raised this as a possible issue with its interjurisdictional consumer affairs colleagues who have agreed to consider possible impacts within their own jurisdictions.

**FINANCIAL IMPLICATIONS**

17. Not applicable.

**POTENTIAL MEDIA**

18. There has been a number of media articles in *The Courier-Mail* and *Sunday Mail* newspapers by journalist Ms Kelmeny Fraser. Follow up articles are expected. The OFT has shared its responses to media enquiries with DESBT to ensure consistency of messaging.

NOTED or APPROVED / NOT APPROVED  
**Attorney-General and Minister for Justice**  
**Leader of the House**  
 Comments

Y/D

**YVETTE D'ATH MP**  
**Attorney-General and Minister for Justice**  
**Leader of the House**

6/9/20

Chief of Staff

Policy Advisor

3, 9, 20

Contact Officer:	Name: Chris McKenzie Position: Director, Investigations OFT Phone: 3738 8870 (ext 98870) Date: 28 August 2020	Approved by:	Name: Victoria Thomson Position: Deputy Director-General, LGFT Phone: 3738 8353 Date: 1 September 2020
Approved by:	Name: Brian Bauer Position: Executive Director, OFT Phone: 3738 8776 (ext 98776) Date: 31 August 2020	Endorsed:	David Mackie Director-General
<input type="checkbox"/> Election Commitment <input type="checkbox"/> CBRC / Cabinet related <input type="checkbox"/> ECM related			



Honourable Yvette D'Ath MP  
Attorney-General and Minister for Justice  
Leader of the House

In reply please quote: 595011/1; 5337675; FTO-5738112

Your reference: 2030/20

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The Honourable Shannon Fentiman MP  
Minister for Employment and Small Business and  
Minister for Training and Skills Development  
Member for Waterford  
PO Box 15483  
CITY EAST QLD 4002

*Please apply & signaturd.*  
*Sent by DLO's saved into edocs.*

Dear Minister

Thank you for your letter dated 20 August 2020 regarding complaints the Department of Employment, Small Business and Training (DESBT) has received about recruitment companies and training organisations allegedly engaging in 'bait advertising' to entice job seekers to enrol in training courses subsidised by DESBT.

As you are aware, the Office of Fair Trading (OFT) has recently been liaising with several agencies including DESBT, the Queensland Training Ombudsman (QTO), the Office of Industrial Relations, and the Australian Skills Quality Authority to discuss this issue and plan a coordinated response.

The OFT has advised that all complaints it has received from DESBT about training organisations/recruitment companies alleging false and misleading advertising are being assessed under the provisions of the Australian Consumer Law (ACL) and that of those complaints received to date, there has been no evidence of ACL breaches for which the OFT could take further action.

I understand a senior OFT intelligence officer is further assisting DESBT and other agencies by undertaking mapping of the alleged parties to determine linkages between various entities to assist DESBT and other agencies.

I am advised the OFT met with the QTO on 25 August 2020, to provide an update of its efforts to assist DESBT and outline its jurisdictional role. The OFT will continue to cooperate with the QTO in his review.

Should your officers require any further information regarding this matter, they may contact Mr Brian Bauer, Executive Director, OFT, Department of Justice and Attorney-General, on (07) 3738 8870 or at: [brian.bauer@justice.qld.gov.au](mailto:brian.bauer@justice.qld.gov.au).

I trust this information is of assistance.

Yours sincerely

YVETTE D'ATH MP  
Attorney-General and Minister for Justice  
Leader of the House

Prepared by: Liana Alarcon, Executive Officer, OFT  
Submitted through: Brian Bauer, Executive Director, OFT  
Date: 28 August 2020  
Document name: AG LTR Shannon Fentiman MP re investigations against recruitment companies or other organisations using 'bait' training advertising etc to exploit jobseekers -5738013  
MCAR No: 595011/1  
Endorsed by: Victoria Thomson, DDG – LGFT





Minister for Employment and Small Business  
Minister for Training and Skills Development

1 William Street Brisbane Q 4000  
PO Box 15483 City East Q 4002  
Telephone +61 7 3719 7500  
Email [employment@ministerial.qld.gov.au](mailto:employment@ministerial.qld.gov.au)

Our Ref: 2030/20

20 AUG 2020

The Honourable Yvette D'Ath MP  
Attorney-General and Minister for Justice  
Email: [attorney@ministerial.qld.gov.au](mailto:attorney@ministerial.qld.gov.au)

Dear Attorney-General

As you are aware, the Queensland Government is focussed on ensuring access to quality training for all Queenslanders. This is more important than ever due to the critical role of skilling and training in our economic recovery from COVID-19.

As we have recently discussed, there have been a number of complaints that have been received by the Department of Employment, Small Business and Training related to recruitment companies or other organisations engaging in 'bait' advertising or inducements, in order to exploit jobseekers to enrol in training courses, potentially taking advantage of government subsidies. As we agreed, this predatory behaviour targeting vulnerable and desperate jobseekers is particularly concerning in the current climate.

While the Department investigates all complaints received and takes action against training providers that do not meet our high standards, I have also requested the Queensland Training Ombudsman to undertake an independent review into the process of identifying and substantiating any misleading advertising, inducements or recruitment practices associated with undertaking training.

I also recognise that the Office of Fair Trading (OFT) plays a critical role in protecting consumers and businesses in Queensland and investigating illegal or unethical marketplace activities. Hence, as the Office of Fair Trading is responsible for investigating misleading consumer advertising and part of your portfolio responsibilities, I am seeking your assistance in ensuring that swift investigation and action is taken by OFT against recruitment companies or other organisations that are found to be engaging in this activity.

The Department has recently met with and sent correspondence to OFT regarding this issue and will continue to work with OFT regarding further complaints that may be received. The Department and the Queensland Training Ombudsman will also continue to work closely with other regulatory bodies to ensure complaints about bait advertising are thoroughly investigated.

It is critical to our recovery from the economic impacts of COVID-19, that individuals can have confidence that the training system is strong and well-regulated and able to support consumers to meet their genuine training needs. In this context, it is also important that recruitment agencies are not seen to be able to exploit vulnerable jobseekers to access taxpayer funded training.

I greatly appreciate your support in working with OFT to undertake appropriate investigation and action against any organisation that is involved in this unscrupulous behaviour, and I look forward to discussing further with you the outcomes of these matters.

Should you require any further information, I invite your office to contact my Chief of Staff, Ms Laura Fraser Hardy on telephone (07) 3719 7500.

Yours sincerely



**Shannon Fentiman MP**

Minister for Employment and Small Business  
Minister for Training and Skills Development

## **Review of training delivery linked to advertising of vacant positions in Queensland**

### **Objective**

The Queensland Training Ombudsman will investigate the organisations involved and the relationship between those organisations, the impact on individuals undertaking the training, the impact on funding arrangements for the Department of Employment, Small Business and Training (DESBT) and the role of various regulatory bodies.

### **Background**

There have been a number of complaints received regarding the alleged inappropriate advertising of positions resulting in applicants being offered places in subsidised and fee-for-service training courses. Concerns raised relate to students utilising their entitlement to a government subsidised course to be considered for a vacancy which does not exist, and inappropriate use of government funding. In many cases, concerns raised relate to additional training that was offered but was not delivered (eg forklift training). Media articles have recently highlighted there is an increase in this activity as many people are seeking to re-enter the workforce following the impact of COVID-19 restrictions.

### **Scope**

The review will:

- analyse previous reports from organisations such as the Australian Competition and Consumer Commission regarding these types of issues
- investigate the organisations involved, including their approval by various regulators if applicable
- examine any formal relationship that exists between the organisations
- analyse complaints received and identify the impacts on students
- identify the regulatory activity undertaken by agencies, including DESBT, Australian Skills Quality Authority (ASQA), Office of Fair Trading (OFT) and Office of Industrial Relations (OIR)
- identify potential breaches of various legislation, regulations and contract requirements
- identify enhancements to the co-ordination of regulatory activities across agencies to optimise services provided to Queensland job seekers and students.

The review will not address the policy intent of training programs such as the Certificate 3 Guarantee. The review will also not consider the effectiveness of the regulation of private employment agents or labour hire companies.

### **Consultation**

Consultation will occur with:

- DESBT
- ASQA
- OFT
- OIR
- Employer Associations
- Unions



- Registered Training Organisations
- Other stakeholders identified during the review, including students and industry bodies such as the Independent Tertiary Education Council Australia (ITECA) and the Recruitment, Consulting and Staffing Association (RCSA)

### **Outcomes**

It is expected a report will be provided that identifies the organisations related to this issue, the relationship between those organisations, the impact on students and jobseekers and make recommendations on regulatory reform to strengthen enforcement arrangements and optimise outcomes for individuals.

### **Support**

DESBT will:

- provide data and information required
- attend consultations as required by the Queensland Training Ombudsman

### **Resources**

This review will be conducted utilising existing resources.

### **Timeframe**

It is anticipated the review will be completed by 30 November 2020.

# DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL

## BRIEF FOR MEETING

**Date:** 2 February 2021  
**To:** Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence  
**From:** Office of Fair Trading – Liquor, Gaming and Fair Trading  
**Subject:** Launch of the Office of Fair Trading's 2021 Buy Smart Competition  
**Requested by:** Attorney-General's office

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### DETAILS OF THE MEETING

1. You are attending the launch of the Buy Smart Competition at Aspley State High School at 9.30am on 9 February 2021. The event will take place in the school hall and the audience will be made up of approximately 50 students.
2. Materials for this event, including media release (**Attachment 1**), speech (**Attachment 2**), media key speaking points (**Attachment 3**), talking points for addressing students (**Attachment 4**); potential questions and answers (**Attachment 5**) and protocol run sheet (**Attachment 6**), have been drafted for your consideration.

### BACKGROUND SUMMARY

3. The youth demographic is a vulnerable consumer group and the Office of Fair Trading (OFT) undertakes the Buy Smart Competition annually to engage with this target audience to provide them with consumer and financial information and advice.
4. The competition has been held annually since 2002 and aims to achieve as broad a reach as possible by making it easy for schools to teach students about consumer protection and financial literacy in class.
5. The OFT has developed classroom kits for teachers, available free of charge on the OFT website, with class plans and activities mapped to the curriculum for years four through to twelve. The wider program also includes displays, videos, panel discussions and classroom presentations by OFT officers.
6. The competition is launched at the commencement of the school year. Where possible, the launch is an event held at a school which has participated in the competition in the past.

### ISSUES

7. In December 2020, you were briefed on the Buy Smart Competition and you indicated you would be interested in participating in the 2021 competition launch (**Attachment 7**).
8. It is proposed your involvement will include:
  - giving a short speech of approximately 6 minutes, including a short video of around 2 minutes;
  - presenting a certificate (which the OFT will supply) to the school as a thank-you for holding the launch;
  - meeting a group of students who have previously entered the competition; and
  - providing a brief interview to the OFT's digital officer and any media attending.
9. It is expected your involvement in this event will take 45 minutes to an hour.

## HUMAN RIGHTS IMPACT ASSESSMENT

10. Any decision in this matter is considered to be compatible with human rights and meets the provisions under section 58(5) of the *Human Rights Act 2019*.

## POTENTIAL MEDIA

11. The OFT will work with the school to ensure consent forms have been obtained to allow OFT's filming of students attending the launch. The OFT's digital communications officer will attend the event and film the activities for departmental use.
12. Since the Department of Education (DoE) implemented a policy which requires media outlets to provide their own consent forms to film students, and to have them signed by students, their parents, their teacher and approved by the principal, media outlets have rarely attended Buy Smart launches. On the occasions they have, they have interviewed the Attorney-General on the footpath in front of the school.
13. The Aspley State High School principal has advised that in line with DoE preferences, should media outlets apply to film the Buy Smart launch it will not be approved. The principal suggested that if media would like to interview the Attorney-General they may wish to do so from the footpath, across the oval with large school signage, backing onto new school buildings under construction. She advised the local Member of Parliament, Mr Bart Mellish, has found this option suitable in the past.
14. While the media rarely attend the event, the OFT still finds the event valuable as the media statement issued for the launch tends to get positive pick up by local and regional papers and the OFT promotes it, in line with the Queensland Government Advertising and Marketing Communication Code of Conduct, on social media. This spreads information about the competition to teachers who might otherwise be unaware of it. The OFT also uses footage taken at the launch throughout the year to promote the competition.



NOTED or APPROVED / NOT APPROVED

Comments

**SHANNON FENTIMAN MP**  
**Attorney-General and Minister for Justice**  
**Minister for Women and Minister for the**  
**Prevention of Domestic and Family Violence**

**Chief of Staff**

**Policy Advisor**

/ /

/ /

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Contact Officer:	Name: Sharon Simmers	Approved by:	Name: Victoria Thomson
	Position: Director, OFT		Position: Deputy Director-General, LGFT
	Phone: 3738 8600 (ext 98600)		Phone: 3738 8353 NP_Sch4(3)(3)
	Date: 1 February 2021		Date: 2 February 2021

Approved by:	Name: Brian Bauer	Endorsed:	
	Position: Executive Director, OFT	David Mackie	
	Phone: 3738 8776 (ext 98776)	Director-General	
	Date: 1 February 2021		/ /

☐ Election Commitment

☐ CBRC / Cabinet related

☐ ECM related

## DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL BRIEF FOR DECISION/ACTION

**Date:** 15 December 2020  
**To:** Attorney-General and Minister for Justice  
Minister for Women and Minister for the Prevention of  
Domestic and Family Violence  
**From:** Office of Fair Trading – Liquor, Gaming and Fair Trading  
**Subject:** 2021 Buy Smart competition launch  
**Requested by:** Internally generated  
**Decision required by:** 8 January 2021 – to enable sufficient time to organise the launch

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### RECOMMENDATIONS

That you:

1. **note** the Office of Fair Trading (OFT) will conduct the Buy Smart competition again in 2021 commencing the first week of the school year;
2. **advise** if you would like to participate in a formal launch event in the week commencing 8 February 2021, at one of the south east Queensland schools which won a 2020 award or if you would prefer a soft launch via media statement or the launch be conducted by the Commissioner for Fair Trading; and
3. **advise** of your preference for the 2021 award ceremony in mid-October (being Parliament House or a virtual ceremony) and should your preference be Parliament House, provide your approval to book the Premiers' and Speakers' Halls.

### BACKGROUND SUMMARY

1. The youth demographic is a vulnerable consumer group and the OFT undertakes the Buy Smart competition annually to engage with this target audience to provide them with consumer and financial information and advice.
2. The competition has been held annually since 2002 and aims to achieve as broad a reach as possible by making it easy for schools to teach students about consumer protection and financial literacy in class.
3. The OFT has developed classroom kits for teachers, available free of charge on its website, with class plans and activities mapped to the curriculum for years four through to 12. The OFT's wider program also includes displays, videos, panel discussions and classroom presentations by Fair Trading officers.
4. The competition is launched at the beginning of the school year. The OFT has identified Parklands Christian College, Logan, as a possible venue for the 2021 launch. Parklands won the School Champion prize in 2020 and was also awarded third place in the years seven to nine categories. Preliminary enquiries have been made with this school and they have provided informal confirmation of availability to host the launch in the week of 8 February 2021 should this option be selected.

5. Provisional working dates for major milestones of the 2021 Buy Smart competition are:
- week commencing 8 February 2021 – launch date (some flexibility to move a week if required, but is subject to school availability);
  - February – March 2021 – Buy Smart Blitz (promotion of the competition to schools and classroom presentations throughout the state);
  - 17 September 2021 (last day of term three) – entries close; and
  - mid-October 2021 – award ceremony.

## **ISSUES**

6. Should you wish to participate in a launch event, the OFT will confirm with the nominated host school as soon as possible. A launch date early in the school calendar year enables OFT to effectively promote the Buy Smart program while teachers are finalising 2021 teaching plans. If you do not wish to participate in the launch event, it can be conducted by the Commissioner for Fair Trading.
7. The OFT has previously been advised Government Advertising and Communication Committee approval is not required for the Buy Smart competition.
8. In relation to the 2021 awards ceremony, two options are available. Option one is the traditional Parliament House ceremony involving the prize winners, parents and teachers. Option two would involve a repeat of the virtual ceremony held in 2020 due to COVID-19. To enable option one, your approval to book the Parliament House venue is necessary.

## **HUMAN RIGHTS IMPACT ASSESSMENT**

9. Not applicable.

## **EMPLOYMENT IMPACT**

10. Not applicable.

## **CONSULTATION WITH STAKEHOLDERS**

11. The OFT consistently receives positive feedback about this initiative from parents, teachers and schools.



## **FINANCIAL IMPLICATIONS**

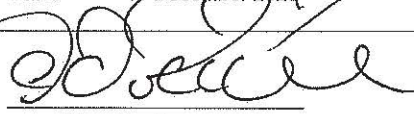
12. Funding to support the Buy Smart competition in 2021 of \$34,000 has been obtained through an allocation from the Consumer Fund. The \$34,000 includes over \$15,200 in prize money awarded to students and schools, collateral to support the education component of the program, and ceremony expenses.

## **POTENTIAL MEDIA**

13. The Buy Smart competition launch traditionally generates positive media and social media attention. The OFT's communication officers will attend the launch event and produce digital media content for proactive distribution.



NOTED or APPROVED / NOT APPROVED		
Comments		
Participate in launch @ schools		
2021 to discuss		
		
<b>SHANNON FENTIMAN MP</b> Attorney-General and Minister for Justice, Minister for Women and Minister For the Prevention of Domestic and Family Violence 16/12/2020	Chief of Staff / /	Policy Advisor  15/12/20

Contact Officer: Name: Sharon Simmers Position: Director, OFT Phone: 3738 8600 (ext 98600) Date: 25 November 2020	Approved by: Name: Victoria Thomson Position: Deputy Director-General, LGFT Phone: 3738 8353 (NP_Sch4(3)(3)) Date: 14 December 2020
Approved by: Name: Brian Bauer Position: Executive Director, OFT Phone: 3738 8776 (ext 98776) Date: 11 December 2020	Endorsed: David Mackie Director-General  15/12/20
<input type="checkbox"/> Election Commitment <input type="checkbox"/> CBRC / Cabinet related <input type="checkbox"/> ECM related	

Date written: 6 January 2021  
Proposed for release: 9 February 2021  
Proposed release: Ministerial

**Accompanying social media messages:**

Facebook  
Twitter

**Event opportunities:**

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**9 February 2021**

**Students can win big by showing they are \$mart and \$sensible shoppers**

The Office of Fair Trading (OFT) wants young consumers to show how they are smart and sensible shoppers by participating in the 2021 Buy Smart competition.

Attorney-General and Minister for Justice Shannon Fentiman was at **Aspley State High School** today (9 February 2021) to officially launch the competition.

The competition is in its 20<sup>th</sup> year and offers Queensland students in Years 4 to 12 the chance to win cash for themselves and their school while est learning about their consumer rights and responsibilities in a fun and creative way.

~~#### said~~ "Young people have cash to spend and plenty of spending choices, especially in today's growing online shopping market, so it's important they develop their consumer awareness." #### said.

"The ~~Office of Fair Trading's~~ OFT's Buy Smart ~~program competition~~ helps young people learn about their rights and responsibilities as a consumer by addressing a range of topics such as refund rights, advertising and scams."

"Buy Smart activities are mapped to the school curriculum and the ~~Office of Fair Trading~~ OFT makes free lesson plans and classroom activities available to teachers to assist them to include these important topics in their classes. Fair Trading can also provide class presentations on request."

"Part of this program is the Buy Smart Competition. This competition allows young Queenslanders to showcase what they have learnt about their consumer rights."

"The knowledge and skills the students take away with them after participating in this competition are things they will use for life."

In 2020, 845 students from across the state entered the Buy Smart Competition.

The entries included comic books, board games, rap songs and a Bachelorette-inspired video.

The Buy Smart Competition is divided into three categories — Years 4 to 6, Years 7 to 9 and Years 10 to 12.

To enter, students choose a consumer issue that interests them, research it and then develop a creative project to share what they've learnt.

Students can enter individually or as a team and have until the end of Term 3, (17 September 2021), to submit their entry. Winners will be announced at an awards ceremony later in the year.

A total of \$15,000 in cash prizes is on offer with the following awarded in each category:

- First – \$500 for the entrant/group and \$2,000 for the school or organisation
- Second – \$250 for the entrant/group and \$1,000 for the school or organisation
- Third – \$150 for the entrant/group and \$500 for the school or organisation.

The judges may also award up to ~~10~~ ten \$50-prizes of \$50 for highly commended entries across all categories.

One school or club will also be awarded the Fair Trading Commissioner's School Champion prize of \$1,500. This prize recognises outstanding work supporting the importance of teaching consumer literacy to students.

For competition resources, details on how to enter the competition and information on how to book a presentation by Fair Trading officers visit [www.qld.gov.au/buysmartcomp](http://www.qld.gov.au/buysmartcomp).

## ENDS

**Media contact:** 07 3738 8614 or 07 3738 8616

**All other enquiries:** 13 QGOV (13 74 68)

Visit our website: [www.qld.gov.au/fairtrading](http://www.qld.gov.au/fairtrading)

Follow us on Twitter: @fairtradingqld

Find us on Facebook: [www.facebook.com/fairtradingqld](https://www.facebook.com/fairtradingqld)

Subscribe to our YouTube channel: [www.youtube.com/fairtradingqld](https://www.youtube.com/fairtradingqld)



## **What is the Buy Smart Program?**

The aim of the Buy Smart Program is that as many of Queensland's young people as possible are consumer literate.

To reach as many young people as possible, the Program is designed to encourage schools to include consumer literacy information in their classroom teaching. To help achieve this, the Office of Fair Trading has had Buy Smart activities mapped to the curriculum and provides free of charge to teachers a number of resources, tools and activities.

## **What is the Buy Smart Competition?**

The Competition is the primary tool the Office of Fair Trading (along with schools, teachers, clubs, and parents) use to encourage Queensland's students (Years 4 to 12) to learn the lifelong skills and awareness associated with consumer issues.

Topics covered depend on the age of the students but can include shopping, using money, needs versus wants, scams, buying and selling, how to get information and help with consumer problems, and other matters. These are the skills and knowledge they need now as active consumers in our economy, including the digital economy, and will continue to be important in their adult lives.

## **How is Buy Smart delivered?**

The program is delivered free to Queensland schools and youth organisations, offering:

- learning resources mapped to the Australian Curriculum for Years 4 to 10, and relevant to a range of QCE Syllabus areas for Years 11 and 12
- teacher lesson plans
- videos
- interactive classroom presentations delivered by one of the Office of Fair Trading's expert Buy Smart officers
- the annual Buy Smart Competition, offering a share of \$15,000 to Queensland's cleverest, most creative young consumers

## **How long has Buy Smart been going for?**

The Office of Fair Trading held the first Buy Smart Competition in 2002, which means Buy Smart is now in its 20th year. Over that time it has evolved as the marketplace has changed, with regular reviews and updates to its resources to ensure it remains contemporary and appealing to modern young audiences. Regular reviews also incorporate updates for technical accuracy, for example when new consumer laws come into effect and when the education curriculum changes.

## **What's involved in the Buy Smart Competition?**

The competition is a fun, hands-on learning activity that asks students to choose a consumer topic that interests them, research it, and come up with a creative project to explain what they've learnt. Entries received in the past include games, digital media, posters, dioramas, rap songs, TikToks and so much more.

The entry needs to:

- identify an important issue related to being a consumer
- explain the issue to a target audience
- provide some hints and tips that can help that audience navigate the issue.

The competition is open to students in Years 4 to 12 who live or study in Queensland, with the following categories:

- years 4–6
- years 7–9, and
- years 10–12.

Entries are now open, and close on Friday 17 September (last day of Term 3).

*NB. Where possible, entries incl. evidence board will be on display at the event.*

### **What do students get out of it?**

Not only are they getting important real-world knowledge and skills, they are also giving themselves (and their school or organisation) a shot at sharing in our \$15,000 prize pool. The most outstanding entries in each of the three categories can win up to \$500 for themselves and \$2,000 for their school or organisation.

Prizes include:

- 1st place in each category: \$500 for the entrant/s and \$2,000 for their school
- 2nd place in each category: \$250 for the entrant/s and \$1,000 for their school
- 3rd place in each category: \$150 for the entrants and \$500 for their school
- Up to 10 x \$50 Highly Commended prizes for entries (across all categories)

Additional to these prizes is the Fair Trading Commissioner's School Champion Prize. This is a discretionary award worth \$1,500 to award a school or youth organisation for both outstanding participation in Buy Smart and outstanding support for young people's education in consumer awareness.

### **How many people does it reach?**

Before the COVID-19 pandemic hit, the program had been growing every year to the point where Fair Trading officers spoke to more than 11,000 students across Queensland in 2019.

With schools shut down for periods, and subsequent ongoing restrictions, Fair Trading was not able to go into schools as easily last year. However, in 2020 the Office of Fair Trading still spoke to more than 6,000 young people through a combination of visits in person and over video conferencing software.

Students then take this information home to their families extending the reach of the consumer messages.

### **How can schools, clubs or organisations get involved?**

Information about the program and competition is available online at [www.qld.gov.au/buysmartcomp](http://www.qld.gov.au/buysmartcomp). Teachers and club leaders can get in touch with Fair Trading's Buy Smart team by emailing [buysmart@qld.gov.au](mailto:buysmart@qld.gov.au) or calling 13QGOV (137468).

## SPEECH NOTES

The Honourable Shannon Fentiman MP  
Attorney-General and Minister for Justice,  
Minister for Women and Minister for the Prevention of  
Domestic and Family Violence

Function Name: Buy Smart Program launch 2021

Allocated Time: 10 mins \*includes 2 min video\*

Function Time: 9.30am

Date: Tuesday 9 February 2021

Venue: Aspley State High School  
651 Zillmere Road, Aspley



## Acknowledgments

- I would like to begin by respectfully acknowledging the Turrbal (**TUR-A-BUL**), Jagera (**JAG-EH-RAH**) and Yugara (**YUG-EH-RAH**) Peoples, the Traditional Owners and Custodians of the land on which this event is taking place, and Elders past and present.”
- I would also like to acknowledge:
  - Mr Bart Mellish MP, Member for Aspley (TBC)
  - Mrs Jacquita Miller, Principal of Aspley State High School (TBC)
  - ~~– Mr David Mackie, Director General, Department of Justice and Attorney General (TBC)~~
  - Ms Victoria Thomson, Commissioner for Fair Trading, Department of Justice and Attorney-General (TBC)

Good morning teachers and staff. And most importantly good morning students. Thank you for the warm welcome to your lovely school today.

My name is Shannon Fentiman and I am Queensland's Attorney-General, which means I'm responsible for how the justice system looks after our rights and responsibilities in society.

I am here with you today to officially launch the Office of Fair Trading's *Buy Smart* Competition for 2021.

Some of you will already know about *Buy Smart* as Aspley State High School students have been participating in the competition for the last 10 years, which is a fantastic record.

In that time the school has established a very strong reputation for high quality entries and Mrs Miller will confirm we have given plenty of prizes to Aspley students over that time.

For example, we have here today Isaac and Daniel, who were winners in last year's competition, and Lilian, Janvi, Aaron and Jacob who were winners in 2019.

It doesn't stop there though, we also have with us today Mr Harding who won a prize way back in 2015 when he was a student here, and also Mr Fernando, who also participated when he was a student here.

What a great effort from Aspley High!

Formatted: Highlight

For those who don't know, the *Buy Smart* Competition is aimed at helping you to learn about your rights and responsibilities when you shop for products or buy a service.

You have rights – such as products you buy must not have defects, must be safe, must not be misrepresented, and must be able to do the job they are sold for.



You also have responsibilities – like shopping around for the best purchase for your needs, staying safe and secure when online shopping, keeping to a sensible budget, and always being on the lookout for scams.

The *Buy Smart* Competition is here to help you learn about all these issues, rights and responsibilities and teachers will be pleased to know the Office of Fair Trading has a wide selection of curriculum-mapped activities and free resources available on the *Buy Smart* website to help.

Additionally, Fair Trading's *Buy Smart* team is available to help by delivering interesting and interactive classroom presentations.

However, the most exciting part of the *Buy Smart* Competition is the entries, which is where you, the students, have the chance to show us, in an interesting and creative way, what you've learned about your consumer rights.

Everyone involved with the competition loves to see the amazing work that Queensland's students come up with.

To enter, you pick a consumer topic that's interesting to you, you investigate it, and then you come up with an interesting creative project that can teach people what they need to know about that topic.

Your project can be anything – songs, posters and games are some of the popular options. Or you can do a TikTok, a music video to a song you've composed or write a comic book.

Anything you think will be interesting and effective in catching people's attention and helping them to learn can be entered.

For instance, last year Isaac and Daniel, from here at Aspley State High School, created a picture book to teach young children about how to avoid online scams.

~~For instance, last year Isaac and Daniel from Aspley State High School, created a picture book to teach young children about how to avoid online scams.~~

The best part is, just like Isaac and Daniel, you can win prize money for yourself and for your school. In total there's more than \$15,000 on offer!

Prizes are awarded for first, second and third place in three categories.

These categories are Years 4 to 6, Years 7 to 9 and Years 10 to 12. There are also a bunch of prizes for highly commended entries.

As exciting as prizes are, it's just as important to build your real-world skills and knowledge so you know your rights and understand your responsibilities as consumers.



These are skills that will last for the rest of your lives – and really, that's what the *Buy Smart* Competition is all about.

So, I'm looking forward to seeing some fantastic *Buy Smart* entries from Aspley this year, especially those of you in Year 10 who – spoiler alert – will be entering a project as part of your Business Studies class!

To get you inspired, we have compiled some of the best entries received in last year's *Buy Smart* Competition. Everything you're about to see and hear was produced by Queensland students.

### *Video plays*

Don't forget to check out the *Buy Smart* website to find out all the details, see some example entries, and get started on your research.

Thank you so much for having us here today and for supporting the *Buy Smart* Competition. Mrs Miller, would you please accept this certificate of appreciation for being such wonderful hosts.

Staff, students, I hope your school year in 2021 is going to be successful, interesting and – most of all – fun.

[Word Count: ~~872~~887]

## **Talking points – (media)**

**Students are important consumers and we want to make sure they know what their rights and responsibilities are as they navigate the world of online shopping, budgeting and scams.**

Today we are here to launch the 2021 Buy Smart Competition which is run by the Office of Fair Trading.

Students from Aspley State High School have been participating in the competition for the last 10 years and have won a number of the prizes over that time.

The Buy Smart program helps kids, teens and young adults, learn about their rights and responsibilities when shopping for products or buying a service.

These young consumers have rights – that products they buy must not have defects, must be safe, must not be misrepresented, and must be able to do the job they were bought for.

They also have responsibilities – such as shopping around for the best purchase for their needs, staying safe and secure when online shopping, keeping to a sensible budget, and being on the lookout for scams.

The Competition is a chance for students to create an interesting and informative project about consumer rights.

Previous entries have included songs, posters, boardgames, TikToks and music videos.



There is more than \$15,000 in prizes on offer, awarded for first, second and third place in three categories. These categories are Years 4 to 6, Years 7 to 9 and Years 10 to 12.

## **Talking points - (students)**

Today we are here to launch the 2021 *Buy Smart* Competition which is run by the Office of Fair Trading.

Students from Aspley State High School have been participating in the competition for the last 10 years

In that time the school has established a very strong reputation for high quality entries and Aspley students have won plenty of prizes over that time.

The *Buy Smart* Competition is aimed at helping you, as kids, teens and young adults, learn about your rights and responsibilities when you shop for products or buy a service

You have rights – like that products you buy must not have defects, must be safe, must not be misrepresented, and must be able do the job they were bought for.

You also have responsibilities – like shopping around for the best purchase for your needs, staying safe and secure when shopping online, keeping to a sensible budget, and being on the lookout for scams.

*Buy Smart* is here to help you learn about all these issues, rights and responsibilities.

Teachers will be pleased to know the Office of Fair Trading has a wide selection of free curriculum-mapped activities and resources available on the Buy Smart website to help.

Additionally, Fair Trading's *Buy Smart* team is available to deliver interesting and interactive classroom presentations on a range of consumer related topics such as refund rights, advertising, budgeting and scam awareness.

However, the most exciting part of *Buy Smart* is the competition.

This is where you have the chance to show us what you've learned about your consumer rights by creating an interesting and creative project.

Previous entries have included songs, posters, short films, boardgames, TikToks and music videos.

Anything that you think will be interesting and effective in catching people's attention and helping them learn can be entered.

### *Video plays*

Last year Isaac and Daniel from Aspley State High School, created a picture book to teach young children about how to avoid online scams.

Just like Isaac and Daniel, you can win prize money for yourself and for your school.

There is more than \$15,000 in prizes on offer, awarded for first, second and third place in three categories. These categories are Years 4 to 6, Years 7 to 9 and Years 10 to 12.



As exciting as prizes are, it's important to build your real-world skills and knowledge so you know your rights and understand your responsibilities as consumers.

These are skills that will last for the rest of your lives and that's what the *Buy Smart* Competition is all about.

I'm looking forward to seeing some fantastic *Buy Smart* entries from Aspley this year, especially those of you in Year 10 who – spoiler alert – will be entering a project as part of your Business Studies class!

Don't forget to check out the *Buy Smart* website to find out all the details, see some example entries, and get started on your research.

## RUN SHEET

Event details	
Event	2021 launch of the Office of Fair Trading (OFT) Buy Smart Competition
Date	9 February 2021
Time of events	9.30am for 9.45am event
Description of event	<ul style="list-style-type: none"> <li>AG speech to a mini 'school assembly' of 50-100 students</li> <li>AG photos and filming with selected students</li> </ul>

Key event contacts		
Name	Title/responsibility	Contact details
Ms Lynette Rose	A/Manager, Community and Stakeholder Education and Engagement Team, OFT	NP_Sch4(3)(3) (work mobile)
Mr Chris Spensley	Community Engagement Officer, Office of Fair Trading	NP_Sch4(3)(3) (personal mobile)
Ms Jacquita Miller	Principal Aspley State High School	(07) 3863 9222 (school reception)

Location details	
Address	Aspley State High School (ASHS) 651 Zillmere Road, Aspley QLD 4034
Wet weather alternative	N/A – event is indoors
Travel details / parking information	<p>The school will allocate one parking bay to the Attorney-General and one bay to the Member for Aspley.</p> <ul style="list-style-type: none"> <li>These bays are in the school carpark accessible via Gate 6.</li> <li>These bays are exited by Gate 4.</li> <li>Should media outlets attend, the AGs commitments will end at Gate 1, in which case it is suggested the driver exit via Gate 4 and proceed to Gate 1 to collect the AG</li> </ul> <p>Other off-street parking is available for other attendees after 9am via Gate 1.</p>

<b>Onsite contact</b>	Mr Colin Thistlethwaite (subject to teaching schedule) – NP_Sch4(3)(3) School reception – (07) 3863 9222
<b>Equipment required and responsibility</b>	Audio visual equipment (provided by the school)
<b>WH&amp;S requirements</b>	All visitors to sign-in in at school administration COVID Safe requirements including social distancing and use of hand sanitiser

Order of proceedings – based on suggested 9.30am start time		
Time	Activity	Person responsible
8.15am	<ul style="list-style-type: none"> <li>OFT arrives</li> <li>Venue bump in – previous entries, multimedia, set up video, framed certificate for ASHS</li> </ul>	A/Manager CSEET
9.30am	<ul style="list-style-type: none"> <li>AG and Member for Aspley arrive</li> <li>AG and Member for Aspley met at car park by OFT (incl. Commissioner for Fair Trading) and ASHS representatives</li> <li>Proceed to school reception for sign-in</li> <li>Students settled in hall</li> </ul>	Commissioner for Fair Trading, A/Manager CSEET Ms Jacquita Miller, ASHS Principal
9.40am	<ul style="list-style-type: none"> <li>AG and party escorted to school hall</li> <li>AG and party joined by school officials including Principal, a possible student MC</li> </ul>	Mrs Jacquita Miller, ASHS Principal
9.45am	<ul style="list-style-type: none"> <li>Commencement of mini assembly</li> <li>Principal/MC introduces AG</li> </ul>	Mrs Jacquita Miller
9.46am	AG speech: <ul style="list-style-type: none"> <li>officially launching the competition</li> <li>outlining purpose of Buy Smart Competition</li> <li>acknowledging 2020 prize winners <ul style="list-style-type: none"> <li>2020 - Daniel and Isaac;</li> <li>2019 - Lilian, Janvi, Aaron and Jacob;</li> <li>2015 - Mr Harding (former pupil, currently teacher aide) and participant Mr Fernando (former pupil, currently teacher aide)</li> </ul> </li> <li>introducing video</li> <li>encouraging students to enter in 2021</li> </ul>	AG



9.55am	<ul style="list-style-type: none"> <li>AG presents 'thank you certificate' to the school for hosting the event</li> <li>Formal component of event concludes</li> <li>AG and official party leave stage</li> <li>Majority of students dismissed from assembly to attend an OFT presentation</li> <li>AG, official party and selected students (approx. 7) move to Site 2 (school library within same building)</li> </ul>	OFT  AG, Mrs Jacquita Miller
10.00am	<ul style="list-style-type: none"> <li>AG and official party join selected students at Buy Smart entry display</li> <li>Interview opportunities for AG, Member for Aspley, DG, Commissioner, teachers, students with OFT digital communication staff</li> </ul>	CSEET staff Media Officer (for media) Digital Comms Officer
10.15am	<ul style="list-style-type: none"> <li>If media attends AG, Member for Aspley, Commissioner proceed to Gate 1 stop-drop-and-go zone</li> <li>Media interviews</li> </ul>	OFT Principal Media Officer
10.30am	<ul style="list-style-type: none"> <li>Official party departs</li> </ul>	OFT Principal Media Officer
10.45am	<ul style="list-style-type: none"> <li>OFT complete bump-out</li> <li>OFT depart school</li> </ul>	A/Manager CSEET