

Commissioner for Consumer Affairs

Annual Report

2003-2004

31 October 2004
Office of Consumer and Business Affairs
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Government
of South Australia

A stylized logo consisting of a thick black line that curves and ends in a shape resembling a hand or a stylized letter 'A'.

Office of
Consumer and
Business Affairs

31 October 2004

To the Honourable
The Minister for Consumer Affairs

I have pleasure in submitting to you my annual report for the period ending 30 June 2004 under the following Acts:

Building Work Contractors Act 1995; Consumer Credit (South Australia) Act 1995; Credit Administration Act 1995; Consumer Transactions Act 1972; Conveyancers Act 1994; Fair Trading Act 1987; Hairdressers Act 1988; Land Agents Act 1994; Land and Business (Sale and Conveyancing) Act 1994; Land Valuers Act 1994; Plumbers, Gas Fitters and Electricians Act 1995; Recreational Services (Limitation of Liability) Act 2002; Retail and Commercial Leases Act 1995; Residential Tenancies Act 1995; Second-hand Vehicle Dealers Act 1995; Security and Investigation Agents Act 1995; Trade Measurement Act 1993; Trade Measurement (Administration) Act 1993; Trade Standards Act 1979; Travel Agents Act 1986; Manufacturers Warranties Act 1974; Misrepresentation Act 1972; Prices Act 1948.

I also report under Section 8a of the *Companies (Administration) Act 1982* and Section 49 (7) of the *Evidence Act 1929*, the administration of the *Associations Incorporations Act 1985; Business Names Act 1996; Co-operatives Act 1997*; and certain functions in relation to the *Partnership Act 1891; Da Costa Samaritan Fund (Incorporation of Trustees) Act 1953; Maralinga Tjarutja Land Rights Act 1984; Pitjantatjara Land Rights 1981* and the *Trustee Companies Act 1988*.

A handwritten signature in black ink, appearing to read 'Mark Bodycoat'.

Mark Bodycoat
Commissioner for Consumer Affairs
Commissioner for Prices
Commissioner for Corporate Affairs

NOTE

The Annual Report of the Commissioner for Consumer Affairs must be submitted to the Minister for Consumer Affairs by 31 October.

It is the practice of the Commissioner for Consumer Affairs to provide with the Annual Report the financial reports relating to the:

- Agents Indemnity Fund;
- Second-hand Vehicles Compensation Fund;
- Residential Tenancies Fund; and
- Retail Shop Leases Fund

together with the opinion of the Auditor-General as to those reports.

At the time of submitting this Annual Report, the opinion of the Auditor-General as to the reports relating to the funds listed above is not available, and information provided by the Auditor-General's office indicates that it will not be available before 31 October 2004.

The financial reports which relate to the funds listed above, and which appear in the Appendices to this report, are the unaudited reports. The opinion of the Auditor-General, once provided, will be submitted in a supplementary report to the Minister for Consumer Affairs.

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Highlights

from Mark Bodycoat
Commissioner for Consumer Affairs



In a busy 'compliance' and enforcement year, OCBA issued some 2500 warnings for minor breaches of legislation, including a substantial number of Business Names Act breaches detected during routine monitoring and compliance activities. It took 23 enforceable assurances and commenced 27 prosecutions or disciplinary actions. Among the prosecution and disciplinary actions were the actions against Salvatore Versace and Astime Pty Ltd (trading as Executive Cars) which secured the largest ever penalty against a second-hand vehicle dealer. More detail of the compliance and enforcement activities can be found in the appendices to this report.

Consumer awareness is one of the most important ways of protecting consumers against exploitation and their own mistakes or misunderstandings, and complements OCBA's enforcement and compliance activities. In the last two years, OCBA has developed a number of new publications and information resources intended to promote consumer awareness and understanding.

In the youth sector it has developed the Spendwell program, which is designed to address the consumer information needs of the 11 - 15 age group. The program complements the b4usplashcash site, which focuses on the 16 - 22 age group. These resources are intended to help young consumers deal with such issues as credit, mobile phones, renting and purchasing motor vehicles. They have been well-supported by teachers and students. At the time of writing this report, Spendwell is being considered as one of the central resources in the national financial literacy for young consumers initiative being developed by the Ministerial Council on Consumer Affairs.

OCBA's recent initiatives also include the printing and distribution of The Smart Consumer, and the Buying and Selling a Home publication.

The Smart Consumer is a complementary publication to the previously published and well-received Good Business Guide. It provides ready, accessible information about consumer rights and obligations in a similar way. At the beginning of the 2004 academic year, OCBA distributed copies of The Smart Consumer widely to students enrolling at the University of South Australia, the University of Adelaide, and Flinders University. Like most of OCBA's publications it is also available through download from the OCBA website.

Buying and Selling a Home collects much of the important central information that vendors and purchasers need when they deal with what is, for most people, one of the largest transactions of their lives. As well as being popular with consumers, Buying and Selling a Home has found strong support among real estate agents.

OCBA's website information resources continue to expand. The website itself contains over one thousand pages of information dealing with OCBA's statutory responsibilities and the wide variety of issues that affect the interests of consumers. The number of visits to the site is high and continues to increase. In addition, through its regular radio segments and news coverage, OCBA distributes vital consumer information widely throughout the community.

Consumer complaint and enquiry levels continue to rise, and some areas continue to feature prominently among the complaints received. This year there was an overall increase in recorded complaints of 14%. The top five groups featured in complaints were: buying or building a home; general consumer products; scams and schemes; general services; and motor vehicles. All areas reflected activity levels comparable with the previous reporting year, although there was a substantial rise in the number of formal complaints about scams and schemes.

It is disappointing to see that some parts of the community continue to apply their energies to schemes designed to separate consumers from their money dishonestly. OCBA noted resurgences in scams such as the Nigerian scam, the revival of some forms of chain letters and pyramid schemes, and the increased use of the internet as a means of perpetrating schemes. The reporting year saw the rise of 'phishing' scams commonly focussing on bank customers, and trading on the community's concerns about identity crime.

The Births Deaths and Marriages Registration Office played a significant part in the development of measures designed to counteract identity fraud. It also dealt with high and sustained demand for registration certificates as the consequence of tighter proof of identity requirements in place in other Commonwealth and State agencies.

During the year, OCBA substantially completed the review of the Residential Tenancies Act and submitted two reports for consideration by the Minister. It also developed legislative amendments to implement recommendations made by the Real Estate Reform Working Party, and a draft Bill was made available for comment.

Consumer Affairs agencies continue to focus on the development and implementation of nationally focussed initiatives to combat unfair and illegal activity by traders, and to strengthen the consumer protection framework. Recent developments in cross-border cooperation, both nationally and internationally, have succeeded in securing improved consumer outcomes, lessening the ability of unscrupulous traders to move between jurisdictions, and developing a consistent framework for the enforcement of consumer law and the protection of consumers' interests. Over the course of the coming year, OCBA will review its own legislation, with a view to strengthening the consumer protection and redress measures, and will take prominent roles in the development of national regulatory measures for mortgage and finance brokers, the regulation of investment advisers, the review and restructuring of trade measurement legislation and product safety.

The year's activities have imposed significant demands on OCBA's staff, who have responded strongly. Their commitment to OCBA's objectives is admirable, and is reflected in the positive feedback from customers and stakeholders. Once again, I would like to record my appreciation for their service and support.

Terminology

BDM - Births, Deaths and Marriages Registration Office.

Consumer...a person who:

- (a) acquires, or purposes to acquire, goods and services; or
- (b) purchases or leases, or proposes to purchase or lease premises, not being a person acting in the course of a business or in the course of setting up a business (except for Part 10 of the Fair Trading Act).

Landlord means the grantor of a right to occupy premises under a residential tenancy agreement. A landlord need not be a trader: for example, when engaged in a single letting or his or her own premises.

Lessee means the person who has the right to occupy a retail shop under a retail shop lease and includes:

- (a) a sub-lessee and;
- (b) a prospective lessee or former lessee.

Lessor means the person who proposes or grants the right to occupy a retail shop under a retail shop lease and includes:

- (a) a sub-lessor and;
- (b) a prospective lessor or a former lessor.

Licensee is a general term used in this report to cover people who must be licensed or registered to trade or to be employed legally in a particular occupation.

OCBA - Office of Consumer and Business Affairs.

Related Act is a term used in the Fair Trading Act 1987 to refer to any legislation which is administered by the Commissioner or which the Fair Trading Regulations require OCBA to enforce.

Retail shop means:

- (a) business premises
 - (i) at which goods are sold to the public by retail; or
 - (ii) at which services are provided to the public, or to which the public is invited to negotiate for the supply of services; or
- (b) business premises classified by regulation as premises to which this Act applies.

Tenant means the person who is granted a right of occupancy under a residential tenancy agreement or a person to whom the right passes by assignment or operation of law and includes a prospective tenant or a former tenant.

Trader is a general term used in this report to cover any trade, business or professional person, including credit providers, insurers, agents and brokers.

Role and statutory functions

Aim

In South Australia people will be:

- informed about their consumer rights and duties
- protected against unfair trading practices
- treated fairly.

Values

The values at the centre of our work are:

- fairness, honesty, integrity, accountability and professionalism
- commitment to excellence
- cooperation and respect
- recognition and reward for the contributions of all staff.

Statutory functions

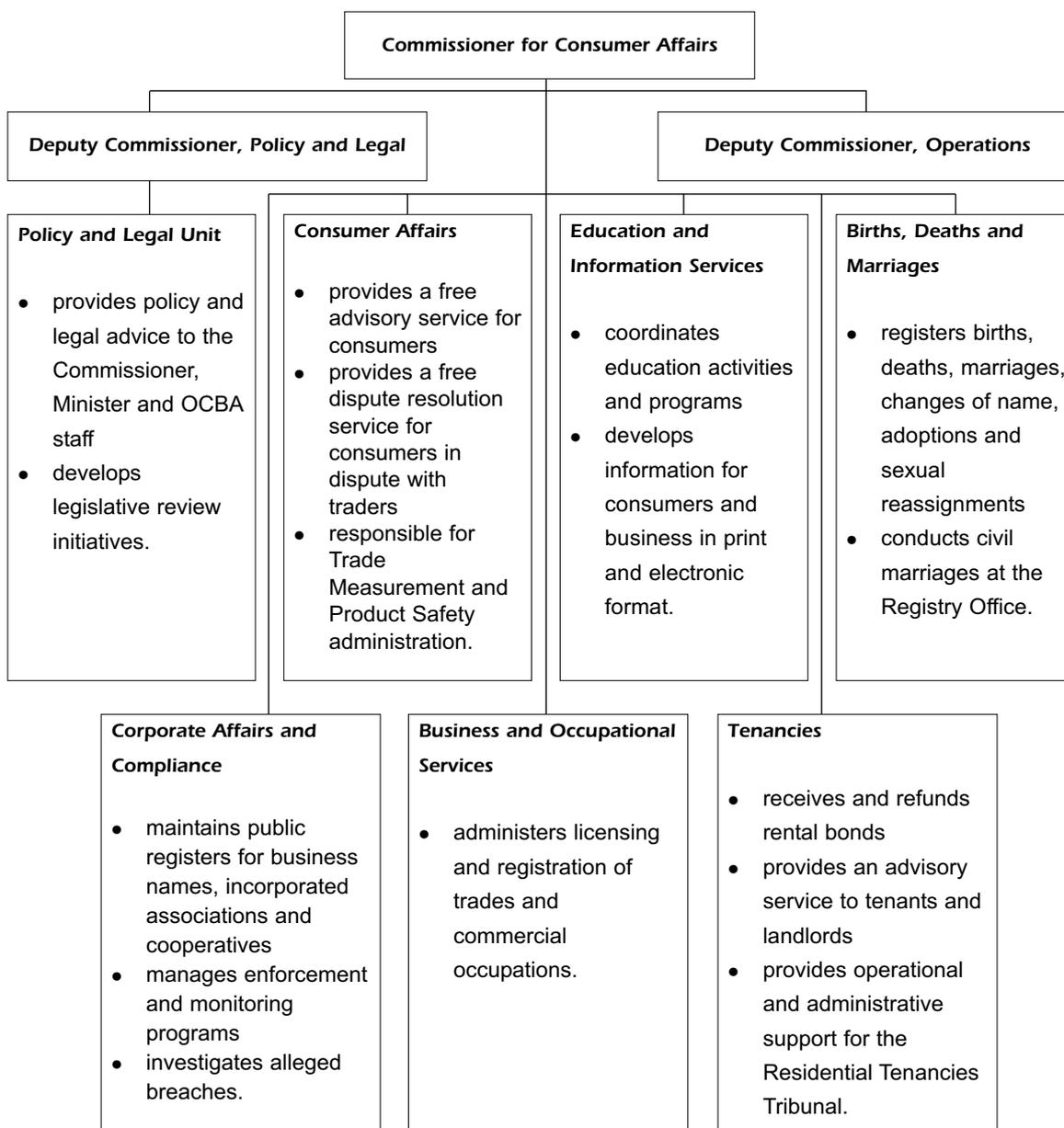
The Commissioner for Consumer Affairs and staff at the Office of Consumer and Business Affairs:

- give advice on consumers' and traders' rights and obligations under the Fair Trading Act 1987 and other consumer laws;
- conduct research and education programs, publish reports and inform consumers about consumer issues;
- conciliate disputes between consumer and traders;
- monitor business activities and investigate practices that may adversely affect consumers' interests;
- encourage the development, promotion and enforcement of fair trading codes of practice to safeguard consumers' interests;
- produce fair trading guidelines for traders;
- enforce consumer laws;
- license and register nominated traders; and
- report to the Minister for Consumer Affairs on the Commissioner's functions.

Structure

OCBA is a division of the Attorney-General's Department, headed by the Commissioner for Consumer Affairs, who is a statutory office holder. To assist in the discharge of its function OCBA has several branches.

OCBA maintains offices in Adelaide, Berri, Mt Gambier and Pt Augusta. Customers can also conduct OCBA transactions at Service SA in Whyalla and Port Lincoln. OCBA provides a visiting service in Portt Lincoln, Portt Pirie and Whyalla. Trade Measurement and Product Safety officers are located at Thebarton, Adelaide.



Legislative framework

The Commissioner for Consumer Affairs administers the following Acts:

Building Work Contractors Act 1995 under which builders and tradespeople such as bricklayers and carpenters are licensed and their trading contact with consumers regulated to promote fair dealing.

Consumer Credit (South Australia) Act 1995 & Credit Administration Act 1995 credit practices are uniform throughout Australia and these two South Australian Acts regulate credit activities in South Australia.

Consumer Transactions Act 1972 which ensures that goods and services meet certain quality standards and which regulates consumer leases.

Conveyancers Act 1994 under which conveyancers are registered and required to have professional indemnity insurance.

Fair Trading Act 1987 which establishes the powers and functions of the Commissioner, prohibits misleading and unconscionable trading conduct and regulates door to door selling, advertising, debt collection, credit reporting and other trading activities.

Hairdressers Act 1988 which limits the people who can provide hairdressing services to those properly qualified to do so.

Land Agents Act 1994 under which land agents are registered and aspects of their businesses are regulated to protect consumers.

Land and Business (Sale and Conveyancing Act) 1994 under which the sale of land and businesses and the preparation of conveyancing instruments is regulated.

Land Valuers Act 1994 under which valuers are regulated and required to meet minimal educational standards.

Plumbers, Gas Fitters and Electricians Act 1995 which regulates the licensing and registration of plumbers, gas fitters and electricians.

Recreational Services (Limitation of Liability) Act 2002 which applies to service providers and participants of sporting, leisure or recreational activities.

Residential Tenancies Act 1995 which establishes a comprehensive code for the residential landlord and tenant relationship.

Retail and Commercial Leases Act 1995 which provides a framework for the leasing of retail shops and the lease agreements for lessees (tenants) and lessors (landlords).

Second-hand Vehicle Dealers Act 1995 under which second-hand motor vehicle dealers are licensed and their dealings with consumers controlled.

Security and Investigation Agents Act 1995 under which debt collectors, security guards, inquiry agents and others are licensed and some aspects of their businesses are regulated to protect consumers.

Trade Measurement Act 1993 and Trade Measurement (Administration) Act 1993 which are part of a scheme for uniform trade standards.

Trade Standards Act 1979 Under which hazardous products can be banned and detailed safety and information standards can be established.

Travel Agents Act 1986 under which travel agents are licensed and some aspects of their businesses are regulated to protect consumers.

The following legislation also provides important consumer rights:

Manufacturers Warranties Act 1974 which ensures that manufacturers stand behind the products they put on the market.

Misrepresentation Act 1972 which expands the remedies for buyers who are misled in their purchasing decisions.

The Commissioner for Prices administers the:

Prices Act 1948 which creates the position of the Commissioner for Prices who has discretion to regulate prices on certain goods.

The Corporate Affairs Commission administers the following Acts:

Associations Incorporations Act 1985 which provides for the incorporation, management and winding up of not-for-profit associations.

Business Names Act 1996 which provides for the registration and the use of business or trading names so as to identify the proprietors of a business.

Co-operatives Act 1997 which provides for the formation, registration and management of co-operatives including membership qualifications, power over funds and property, voting rights and the winding up of co-operatives.

The Registrar, Births, Deaths and Marriages, who is a statutory office holder, is responsible for administration of the:

Births, Deaths and Marriages Registration Act 1996

and also has statutory responsibilities under the

Adoption Act 1988

Cremation Act 2000

Sexual Reassignment Act 1988

Witness Protection Act 1996

and the administration in South Australia of the Commonwealth
Marriage Act 1961.

Strategic plan 2003-2006

The Strategic Plan has provided a critical framework for our operations. It communicates to the public and staff why we exist and how we will work to achieve our objectives.

The Strategic Plan identifies the focus for 2003-2006, and sets out our mission, values and statutory responsibilities.

Consumer protection

- Ensure compliance with relevant consumer laws
- Develop strong consumer protection mechanisms
- Protect consumers, especially vulnerable consumers
- Provide reliable consumer information and education
- Maintain accurate civil and occupational licensing registers

Service delivery

- Improve access to our services
- Strengthen strategic partnerships
- Manage customer expectations

Policy

- Take initiative on policy development and research
- Consult with consumers to develop and maintain consumer policy

People

- Embrace diversity
- Encourage our staff to take on the challenges of development and growth
- Provide a safe work environment

The year in review

Consumer protection

Ensure compliance with relevant consumer laws

South Australia's consumer laws protect people's rights when buying, hiring or leasing goods and services. OCBA is often the place that consumers turn if they experience a problem with a trader. Last year OCBA received a record number of enquiries (more than 120 000). Many of these were resolved by assisting the consumer to negotiate successfully with the trader for a suitable outcome. Of the 120 000 enquiries 4870 developed into formal complaints. The top five areas of formal complaints were:

- Buying or building a home 1107
- General Consumer Products 974
Includes clothes, furniture, electrical, pet products,
air conditioners, books, jewellery, camping equipment
- Scams and schemes 901
- General Services 492
Includes gym membership, dry-cleaning, introduction
agencies, furniture removalists, training providers
- Motor Vehicles 444
Includes buying new and used cars/motorcycles,
repairs, servicing.

Refer appendices 1, 2 and 3 for information about enquiries, formal complaints and the nature of the conduct.

Consumer complaints are one way that OCBA is made aware of problems in the marketplace. Others include regular monitoring of traders to ensure compliance and liaison with industry bodies, consumer groups and other government agencies.

During the reporting year OCBA conducted almost 5000 visits to traders for the purpose of monitoring and educating traders about their responsibilities. These included traders at major shopping centres and field days. 9413 trade measuring instruments were inspected with a high level of compliance found. 32 712 consumer products were inspected and as a result there were eight products recalled, three products were removed from showbags prior to the Royal Adelaide Show, and one store was convicted and fined for selling a previously recalled item. The majority of unsafe products detected were children's items including toys, bikes, clothing and folding chairs.

Enforcement was a major focus for 2003-04. OCBA published for the first time its compliance policy that outlines the approach OCBA takes when breaches of consumer legislation are detected. This takes into account elements such as the nature of the breach, the detriment to the consumer, level of profit from the conduct and so forth. This is discussed in more detail in the policy section of this report.

A number of targeted monitoring programs were undertaken. These included:

- Operation On Schedule. Compliance Officers visited 70 car yards across Adelaide to check for compliance with legislation, in particular the provision of schedules with accurate information about the vehicle for sale. A high level of compliance was found. However the seven dealers that failed to provide previous owner details received on-the-spot fines of \$115. Other breaches detected included unregistered business names, failure to display the licence certificate, and an unlicensed operator.
- Trial purchases to detect retailers misleading consumers about their refund and warranty rights. Stores visited were selected according to complaints received. The visits revealed that 51% of retailers provided partial refund information that could mislead uninformed consumers about their full rights under the law. These stores received an information pack about consumers' refund rights including a "Your Refund Rights" sign for them to display at their store.
- Trial purchases of firewood to check that the correct weight was supplied. A number of breaches were detected, with two selling firewood well below the required weight - one was nine percent short and the worst offender was 28 percent short. OCBA is investigating the two traders with a view to prosecution.
- Joint monitoring programs with SA Police. The unfortunate death of sporting identity David Hookes, although not in South Australia, emphasised the importance of appropriate and effective regulation of the security industry. OCBA's focus at nightclubs, sporting and community events was crowd controllers with respect to licensing, maintaining a security register and conduct. Background checks and offender histories were scrutinised. OCBA's monitoring and education with regard to the Security and Investigation Agents Act is outlined in Appendix 11.

- Monitoring late lodgement of rental bonds. OCBA investigated 37 alleged breaches of the Residential Tenancies Act 1995, which resulted in 33 agents and landlords receiving a written warning for not lodging their bonds within the prescribed period.
- Conducting audits of certain trades to detect unlicensed activity or breaches of licensing laws. 8767 checks were made and 800 breaches detected including: working unlicensed, no longer being a suitable person to hold a licence (eg due to a criminal conviction or bankruptcy), improperly administering a trust account, or not meeting requirements in advertisements. A range of sanctions was imposed, ranging from written warnings to prosecution, depending on the seriousness and circumstances of each matter.
- A program targeting major builders (project builders) carried out in conjunction with the industry association because of the high number of consumer complaints. 30% of subcontractors were not licensed or inappropriately licensed. A majority of these became licensed as a result of the program.
- Conducting an examination program where land agents' trust accounts were audited in addition to the statutory audit. Agents were selected at random. Warning letters were sent to 60% of the 129 agents audited for deficiencies in their trust accounts including: overdrawn trust accounts; poor record keeping; not reconciling books and depositing monies into the wrong account. This will be followed up through the next statutory audit. If any errors are detected then a formal investigation will be conducted.
- Checking public notices for information about companies experiencing financial difficulty which could render them ineligible to hold a licence.

Warning letters were sent to a number of traders where breaches were detected. These included:

- Letters to second-hand vehicle dealers concerning breaches of the Credit Code requirements about disclosure of details of available finance. The dealers were identified by consumer complaints.
- Letters to credit providers for failing to publish the mandatory comparison rate in their advertising. As a result each one has undertaken to rectify their advertising and OCBA is conducting further checks to ensure compliance.

OCBA obtained 23 assurances from unlicensed motor vehicle dealers, unregistered real estate agents, door-to-door traders and fitness organisations who undertook that they will cease to engage in unlawful activity. These are listed in Appendix 12.

OCBA also commenced legal proceedings 27 times during the year. The outcomes included a number of convictions, fines of varying amounts, licence disqualifications and licences being cancelled. These are listed in Appendix 12.

A number of education talks were provided to businesses and licence holders about their responsibilities under the relevant legislation. On many occasions talks were presented in conjunction with industry groups or as part of their regular and ongoing education and training programs. Presentations were provided to:

- security personnel
- builders
- electricians
- traders selling roofing and therapeutic goods
- real estate agents
- registered training organisations
- recreational service providers.

OCBA met with industry representatives to discuss various regulatory matters as part of an ongoing program of formal and informal liaison. Industry groups included:

- National Electrical Contractors Association
- Constructing Industry Training Board
- Master Builders Association
- Housing Industry Association
- Security Institute of South Australia
- Motor Traders Association
- Australian Securities Institute
- Plumbing Industry Association
- Bankers Association
- Australian Institute of Conveyancers (AIC)
- Real Estate Institute of South Australia (REISA)
- Institute of Mercantile Agents (SA Division)
- Australian Institute of Professional Investigators (SA)
- Australian Security Industry Association Limited
- Australian Hotels Association
- Association of Civil Marriage Celebrants of SA (Inc)
- Australian Funeral Directors Association
- Australian-Owned Funeral Homes Association.

Develop strong consumer protection mechanisms

OCBA continued to protect consumers through its dispute resolution and enforcement activities, and introduced some initiatives to protect consumers in the face of new technologies and emerging trends.

Identity fraud

Identity fraud was again an important issue for 2003-04. Since March 2004 additional resources have been devoted to considering amendments to legislation and creating barriers to offenders who attempt to obtain documents fraudulently. The Births, Deaths and Marriages Registration Act is being examined to ensure that its provisions are sufficient to combat modern methods of identity fraud.

With the threat of terrorism, many people are being required to provide further and more detailed documentation for passports and overseas travel. Birth, Deaths and Marriages (BDM) was faced with significantly increased numbers of requests for birth certificates, marriage certificates and registration of change of name. The Office was able to meet the larger than usual work demands, but the increased demand also led to a greater incidence of change of name applications. Many of these were refused because applicants failed to produce sufficient documentation. In many cases applicants were able to provide the documentation at a later date.

Real estate reform

Concerns about transparency and consumer protection in the real estate market are being addressed. A major review of regulation of the industry was completed and a bill is being drafted to address concerns about dummy bidding at auctions, over-quoting by agents to secure property listing and bait advertising of properties for prices well below the actual estimated selling price. It is anticipated that draft legislation will be implemented in the new financial year.

A high standard was maintained for conciliating disputes between property managers, landlords and tenants, with fewer matters progressing to formal requests for assistance. OCBA received 86 997 calls for advice about tenancy matters. Of these, 48% were from tenants, 44% from landlords and 8% from agents. The main issues of concern were:

- assistance with forms
- repairs/maintenance
- lease breaks
- bond disputes.

As a result of some recent decisions in the District Court the use of conditional orders has been restricted. This has resulted in additional procedural steps in the Residential Tenancies Tribunal before the enforcement of orders for vacant possession of properties are made. The workload of the Tribunal has increased substantially.

Regional landlords and tenants engaged in hearings in the Tribunal were able to access this service more readily via video conferencing. This service has steadily increased with about 550 matters heard by videoconference between July 2003 and June 2004. This was a 200% increase on the previous year.

Product safety

OCBA endeavours to protect consumers from injury caused by dangerous products. OCBA tested thousands of products and investigated 97 complaints from consumers about products that were not considered safe. OCBA issued 18 media releases to alert consumers to products that had either been banned or recalled to warn them to stop using the product and return it to the store of purchase for a full refund. In addition OCBA provided 90 radio interviews, 30 television interviews and 12 press articles about product safety matters.

Of particular note were OCBA inspections at field days and shows. Prior to the 2003 Royal Adelaide Show OCBA checked 280 bags. Over 800 items were examined and tested. Three items were consequently removed from bags as they presented a choking hazard for small children. Prior to the Mt Gambier Spring Show in October 2003 OCBA checked 143 show bags and visited 31 side show games and was pleased with the level of compliance.

Product safety staff also attended a Coronial Inquest into the death of an infant who drowned after being left alone in a bathing aid. OCBA has been proactive and produced printed materials to educate consumers about using products correctly.

Naming and warnings

OCBA publicly named traders where it was clear that consumers would be at significant risk if they dealt with the trader. OCBA issued four warnings against traders for conduct including:

- a second-hand vehicle dealer who withheld the proceeds of vehicles sold on consignment
- receiving deposit or full payment from customers but failing to supply the goods as ordered
- promoting a fake franchise opportunity.

OCBA also warned consumers about new and re-emerging scams to prevent South Australian consumers from falling victim. OCBA issued nine media releases and provided 97 radio interviews, six television interviews and nine press articles to warn consumers about recognising and avoiding scams.

Protect consumers, especially vulnerable consumers

OCBA recognises vulnerable consumers as those who are more likely to be targeted by unscrupulous operators or consumers who may not be able to make an informed decision for a range of reasons. Much of OCBA's media activity is directed at warning and informing consumers, particularly vulnerable consumers. Various other initiatives were undertaken to protect vulnerable consumers. These included phone-in days, contribution to working parties and industry networks.

Scams

The majority of South Australians have been contacted by the operators of scams. OCBA launched a scams awareness campaign in October 2003, with a particular emphasis on overseas mail scams. The campaign recognised that it is difficult to police scams that originate from overseas and directed its efforts to educating the public to recognise scams and think before responding and losing money (sometimes thousands of dollars).

The campaign included the following components:

- A scams phone-in day where consumers were invited to ring in with details of recent scams they had received. This assisted OCBA to gauge the effects of scams and the types of scams circulating. There were 119 calls during the day about 71 different scams, with over 50% of scams reported being mail scams.
- Three new resources were also launched: the new edition of the 'Little Black Book of Scams'; a new brochure 'Lucky Winner, or gullible victim?' specifically about overseas mail scams; and a checklist magnet detailing what to look for in a scam.

OCBA also coordinated its responses with those of its interstate counterparts and with authorities from other countries. When a new scam comes to OCBA's attention officers contact authorities in the country where the scam originated, and ask for their intervention. Countries such as Canada have been particularly cooperative.

Introduction agencies

The scams phone-in was the first phone-in day held by OCBA and, because it was successful in bringing forward new information, the same approach was adopted for introduction agencies. OCBA received a number of complaints about introduction agencies the previous year, but was concerned that these complaints under-reported the level of dissatisfaction of consumers, given the personal nature of these services. A phone-in day was held in March 2004. Callers were able to speak to an OCBA officer confidentially and even anonymously. 71 calls were received including seven from regional areas. The calls provided insight into problems in the industry and the vulnerability of some regional people due to their isolation. However, the volume and nature of the complaints do not currently disclose an obvious solution. OCBA will monitor the success of new legislation in other jurisdictions where the complaint levels are much higher, and maintain close scrutiny of this industry in South Australia with a view to intervention if greater protection of consumers is warranted.

Unfair contract terms

All states have expressed concern about unfair contract terms in connection with a wide variety of products. Consumer contracts have become increasingly complex and new technologies and borderless markets have further complicated the picture. The Ministerial Council on Consumer Affairs (MCCA) commissioned a national working party to investigate policy options to address unfair terms in consumer contracts. In early 2004 the working party released a discussion paper that examines Australian laws, their ability to deal with unfair terms in contracts, and possible options for extending the regulation of unfair terms. The working party is reviewing the submissions and formulating recommendations as to what action, if any, is needed to address the problem of unfair terms in consumer contracts. It is anticipated that the working party will report to MCCA in early 2005.

Tenancy databases

Media reports of a national tenancy database that 'blacklists' bad tenants caused much concern amongst South Australian tenants. They were fearful that their names could appear on the list, perhaps in error or due to a minor hiccup during a tenancy agreement. OCBA took part in the working advisory group to develop a national uniform approach to regulating the use of tenancy databases. This working advisory group will report in late 2004.

Indigenous consumers

OCBA became aware of 'book up' issues where traders were holding credit and bank access cards that belonged to Indigenous consumers, which prevented the consumers from having the freedom to shop at alternative stores. The consumers did not know the balances of their accounts or what purchases had been charged to their cards. OCBA joined with the Australian Competition and Consumer Commission (ACCC) to visit regions to ensure that consumers had greater control of their cards and accounts. OCBA also encouraged stores to display prices of items available for sale. Areas visited included Ceduna, Yalata, Nundroo, Penong, Smoky Bay and Streaky Bay to provide consumer education along with targeted trader visits. Reports from Financial counsellors (Family and Youth Services) indicate that complaints about book up significantly reduced following the visit. Following the success of this visit OCBA and the ACCC also visited Coober Pedy and Mintable.

OCBA also played a key role on the National Indigenous Consumer Strategy Working Group that was commissioned by Standing Committee of Officials of Consumer Affairs. The Working Group aims to improve consumer outcomes for Indigenous people by educating Indigenous consumers about their rights and responsibilities, providing greater access to consumer protection programs, and improving marketplace behaviour of traders to reduce detriment to Indigenous individuals.

Financial literacy

Students in their middle years of schooling have been consistently identified as being one of the most vulnerable consumer groups in the community, particularly with regard to financial literacy. OCBA's website 'Spendwell', which provides information about smart shopping, mobile phones and living away from home, has been updated with an additional section about on-line shopping. This animated interactive educational website has been well received by middle school teachers who have benefited from the links with the South Australian Curriculum Standards and Accountability framework.

The consumer youth website 'b4usplashcash', which targets consumers aged 16 to 25, provides information about buying a car, smart shopping and managing money. Features include budget calculators, savings and loan calculators and a money quiz. Together, the Spendwell and b4usplashcash sites average 64 visitors or 2040 hits per day.

OCBA worked closely with the Pt Augusta Social Vision Group to facilitate a workshop for financial counsellors and youth workers on the 'Spendwell' website, budgeting and consumer rights. Workshops for youth workers were extremely well attended.

In September 2004 OCBA addressed the Annual Conference of SA Financial Counsellors Association about 'Spendwell'. The presentation was well received and OCBA continues to liaise with the Association to provide consumer education for their counsellors and clients.

OCBA provided a representative on the Westwood Justice Portfolio working party that focused on a disadvantaged region in the western suburbs. An action plan was developed to address the needs of this community including safety, financial counselling and understanding their consumer rights and responsibilities.

Identity fraud

When it comes to identify fraud many consumers are at risk, but there are things that consumers can do to guard against their identity being stolen. The State Government has also introduced tighter controls to prevent identity fraud. Births, Deaths and Marriages now requires customers to show identification when they order certificates and also when they collect them. On-line applications for standard birth, death and marriage certificates, introduced in October 2003, are also subject to greater checks through the Shared Secrets process. If the applicant fails the Shared Secrets test they can only apply by mail or over the counter and appropriate identification must be shown. For on-line applications the certificates are delivered by registered mail where customers must provide identification upon collection.

The Births, Deaths and Marriages Registration Office worked with the SA Police (SAPOL) to develop a flyer about identity fraud, which is distributed with all certificates mailed to applicants. BDM staff also participated in several training sessions for SAPOL and other investigatory staff dealing with identity crime.

Utility contracts

With the introduction of electricity retail competition OCBA convened an energy forum with the ACCC, Ombudsman and the Essential Services Commission of SA. Associated with this, OCBA has written to all the retailers and obtained their standard contracts to check compliance with consumer laws.

Provide reliable consumer information and education

Informed consumers are better able to protect themselves against unscrupulous operators and to make purchasing decisions that do not result in heartache later. OCBA's education and information initiatives take a variety of forms including: web-based material, publications, events, presentations, training courses and conveying information via the media.

Web-based material

An e-newsletter for consumers was developed to provide information on topical consumer issues. This is available via subscription on the OCBA website. The e-newsletter will be distributed on a quarterly basis in the next financial year.

The OCBA website contains 1080 pages of information about consumer and business matters and averages 1317 visits or 117 353 hits per day. The visits represent a nine percent increase and the hits represent a 34 percent increase. Individuals are spending longer on the OCBA website and taking an interest in more than one section of information. The site includes media releases, discussion papers, contact details, publications, fees and forms. The information is updated regularly and new topical issues are added as they emerge.

Frequently visited areas of the site include:

- scams
- lease agreements and tenant information
- consumer complaints
- association rules and incorporation; and
- product safety.

Basic consumer information is available in 13 languages, providing reach to our linguistically diverse customers. Information in Greek and Italian was added during the reporting year. In addition to the OCBA website there are two websites designed specifically for young consumers. These are discussed under the section 'Protect consumers, especially vulnerable consumers'.

Publications

OCBA encourages consumers to access information via the website, but hard copy publications are also maintained and actively distributed at events, seminars and on request. New publications include:

- Three new resources to warn consumers about overseas mail scams. A brochure and checklist were developed and OCBA's most popular publication the Little Black Book of Scams was upgraded.
- The Smart Consumer was launched in September 2003. The guide provides information about consumer rights and responsibilities and helpful tips for when making a range of purchases.
- Buying or Selling a Home was developed and will be launched early in the next financial year.
- New product safety brochures including: Household Furniture, Bathing Aids for Babies, Sunglasses, Reduced Fire Hazard and Disposable lighters.
- A flyer on preventing identity fraud.

- A brochure explaining mandatory comparison rates - a tool that allows consumers to compare loans offered by different credit providers and to check the real cost of a loan.
- Tips for what to look out for when buying or selling firewood.

A comprehensive list of OCBA publications available in print and electronically is provided at Appendix 7.

Events, presentations and training courses

OCBA presented information on a variety of topics, tailored to suit the audience.

Presentations included:

- 42 presentations to schools and education facilities
- 106 presentations to community groups
- a presentation to the Annual Conference of SA Financial Counsellors Association of OCBA's youth website 'Spendwell'.

Feedback collected at each session was positive.

OCBA was pleased to again participate in and support the seminar series run by SA Homebuyers. Complaints to OCBA about buying or building a home topped the list for the second year in a row demonstrating its significance to consumers. The seminars seek to educate consumers about avoiding the pitfalls of buying or building a home. The free information seminars cover finance, insurance, energy efficiency, buying at auction or private sale, contracts and related legal issues. Eight seminars were held during the year at locations across metropolitan Adelaide.

OCBA participated in Housing Week in November, raising awareness of housing options in South Australia. OCBA set up an information booth in Rundle Mall to provide free advisory services on issues affecting tenants and those considering buying, building or renovating a home. In particular, OCBA focused on first time renters who do not understand their rights and responsibilities and often want more freedom and flexibility than a rental agreement allows.

OCBA presented a series of information sessions for tenants, landlords and property managers. The program commenced in Adelaide and was well received by the tenants and property managers who attended, but few tenants have taken the opportunity to attend a session. The program will be expanded into regional areas in the next reporting period.

OCBA's presence at regional field days was extremely well received. OCBA attended the Riverland (September), Paskeville (October) and Lucindale (March) Field Days. Staff were available to answer questions, and disseminate information about the range of OCBA services as well as promoting specific themes of identity fraud, scams and product safety. Over the three events staff engaged with more than 1300 consumers through in-depth enquiries and conversations.

Media

OCBA's media activity is a vital avenue for communicating key OCBA messages to the community. During the year OCBA achieved \$2.56 million of free media exposure through stories and articles that featured on radio, television and in print media.

OCBA's program of regular radio interviews included 11 commercial and community stations:

- 5AA - weekly
- ABC - fortnightly
- Radio Adelaide - fortnightly
- 5EBI (ethnic) - weekly
- 5PBA (northern suburbs) - fortnightly
- ENA (Greek) - fortnightly
- 5RPH (visually impaired) - monthly
- Coast FM (southern suburbs) - monthly
- Fresh FM (youth) - fortnightly
- 5DN - fortnightly
- 5SE (south-east regional) - weekly.

In addition, OCBA provided regular media comment as issues arose. Together, these approaches provided an almost daily presence on metropolitan or regional radio.

63 media releases were issued and regular editorial contributions were provided to industry publications with messages tailored to specific industries and target markets.

To address the annual Christmas credit spending spree the message 'Credit is the party, debt is the hangover' appeared on 17 buses across metropolitan Adelaide in December and January. The campaign was supported by media interviews in metropolitan and regional areas to alert consumers to credit traps associated with interest free offers, leaving unpaid debts on credit cards that attract interest, and unsolicited offers of a credit increase.

Simple OCBA messages were communicated to regional areas through a series of 'Did you know?' advertisements in newspapers targeting the far west, Iron Triangle and far north. The campaign ran for six months, with a high response to the ads revealed by calls to OCBA and comments to OCBA staff during visits to the regions.

Maintain accurate civil and occupational licensing registers

OCBA maintains public registers of business names, associations and occupational licence holders within South Australia. This allows OCBA to monitor each area, particularly with regard to those operating without being appropriately licensed or registered. For consumers, the public registers provide a means of verifying who they are dealing with.

At 30 June 2004 there were:

- 94 900 registered businesses
- 17 573 registered associations
- 61 000 occupational licensees on the Licensing Public Register.

Further statistical information is provided at appendices 4 and 8.

OCBA attended the Business Names and Associations Conference 2003 in Darwin and presented two papers, namely 'E-Commerce Initiatives' and 'Legislative Reform - South Australia'.

A new range of commemorative certificates for business names was launched in December 2003. Designs include the State Emblem Series featuring the following emblems in natural regional surroundings: Sturt's Desert Pea; Hairy Nosed Wombat; Leafy Sea Dragon; and the Piping Shrike. A Team Colours Series is also available featuring the colours of South Australian sporting teams. During the reporting year 208 certificates were ordered with the most popular design being the Piping Shrike.

OCBA is also responsible for maintaining a register of safety codes approved under the Recreational Services (Limitation of Liability) Act 2002 that came into operation on 1 July 2003. The Act was introduced to assist recreational service providers to obtain public liability insurance or reduce their public liability insurance premiums. To benefit from the Act service providers must develop and register a safety code, or subscribe to a safety code that has already been registered. Once a safety code has been approved it is added to the register of approved codes. While a number of codes are being developed and one is available for public comment, no codes have been approved as yet.

OCBA also maintains the registers of all births, deaths and marriages that occur within South Australia. The data is not held on a public register, but summary information from the registers is useful to a number of government and private organisations for statistical purposes and is made available on a restricted basis for these purposes. Also very importantly, the register and applications for certificates are closely monitored to help prevent identify fraud.

The majority of hospitals in South Australia provide birth notifications electronically, but Births, Deaths and Marriages is pleased that during the year the Women's and Children's Hospital also adopted this approach. Of all the hospitals in SA, the Women's and Children's Hospital has the highest number of deliveries. The electronic system is a secure report management system enabling more accurate and efficient correlation of hospital birth records and parents' registration lodgements.

During the year there were:

- 17 781 births
- 12 166 deaths
- 7627 marriages
- 2059 changes of name
- 67 adoptions
- 29 legitimations
- 1 reassignment of sex.

Commemorative birth certificates continued to be popular. During the year there were 13 473 ordered, an increase of 3% from the previous year.

Further statistical information about births, deaths and marriages is provided at appendix 5.

Service delivery

Improve access to our services

OCBA has maintained a prominent regional presence for many years. It has operated full-time offices in Berri, Mt Gambier and Port Augusta. Service provision to regional areas has been significantly increased by establishing service level agreements with Service SA to provide points of contact in Whyalla and Port Lincoln. In addition, visiting services are provided to Whyalla, Port Lincoln and Port Pirie in which an experienced OCBA representative is available to deal with enquiries from clients in a confidential environment. Transactions and renewals are now available through Service SA at Whyalla. Customers have responded well to the new service delivery with 320 transactions at Whyalla since the launch in February 2004.

Financial transaction services in Port Lincoln will commence early in the 2004/2005 financial year, together with changes to the operation of financial transactions in Port Augusta.

Tenants, landlords and agents will benefit from new e-commerce initiatives introduced including electronic funds transfer, direct debit and e-notify. These services allow tenants and landlords to receive bond refunds more efficiently, lodge bonds and record them via an electronic receipt. Currently three percent of customers utilise this system with further promotion planned for early in the next financial year.

The OCBA website has provided additional support to consumers and businesses allowing them to access some services 24 hours a day. New services and features available on-line include:

- applications for marriage and birth certificates
- registration to attend one of the free information sessions that are tailored to meet the specific needs of landlords, property managers and tenants
- guidelines for developing a safety code under the Recreational Services Act.

The most frequently downloaded forms were:

- business name applications
- bond lodgement.

The Marriage Registry provided wedding services for couples of various nationalities. With the assistance of a translator, ceremonies were undertaken in various languages. Many couples expressed their thanks to the Registry for being so accommodating and supportive of their cultural traditions.

The licensing Assisted Application Process (AAP) was launched in July 2003. Applicants for occupational licences can now commence their application over the telephone and they no longer have to complete many pages of forms. This saves applicants a considerable amount of time and has reduced the paperwork burden on small business. The AAP applies to new applications for occupational licences.

Strengthen strategic partnerships

OCBA's partnership with Service SA has resulted in greater service provision to the Eyre Peninsula region. The partnership also allows OCBA to devote greater resources to monitoring, compliance and education in regional areas. We are looking to strengthen, develop and extend the partnership as appropriate opportunities arise.

OCBA continued to support South Australia's independent consumer advocacy group the Consumers Association of South Australia (CASA) by providing funding, assistance with their quarterly newsletter and back up support for their phone-in days. The results of the phone-in days have provided OCBA with insight into concerns about the operation of the marketplace and the results are also referred to the Minister for Consumer Affairs for consideration.

Mechanisms have been maintained to allow greater communication with consumer affairs and fair trading offices across Australia. Information about traders is exchanged where there is potential for interstate consumers to be at risk. This has been particularly helpful with regard to scams and itinerant traders.

In accordance with the requirements of the relevant legislation OCBA established three industry advisory panels nine years ago to consult with industry on new initiatives and issues of concern. OCBA continued to hold regular meetings with the Building Work Advisory Panel, Electrical Advisory Panel, and the Plumbing and Gas Fitting Advisory Panel. Each panel examined issues relating to classes of licences and registration, competency standards, assessment procedures and training. Panel membership includes technical regulators, training bodies, key industry associations and relevant unions.

Although it is not required by legislation, OCBA also began moves to establish a similar advisory panel for the security industry.

OCBA worked closely with industry training advisory bodies on the development and review of national training packages. OCBA continued to work with key stakeholders (including interstate regulatory authorities) on the establishment and identification of competencies that will become qualification criteria for licensing and registration purposes. This will contribute to the national objective of having uniform licensing regimes.

A number of applications are received each year from new migrants wishing to obtain an occupational licence. OCBA has been cooperating with the Immigration Department to develop guidelines for recognising overseas qualifications and making appropriate checks before a licence is granted.

Interviews to assess technical knowledge and experience are held for applicants for registration as building work supervisors, where they do not hold sufficient formal qualifications or clarification is needed on their experience. This function was previously performed by an OCBA staff member, but is now undertaken by qualified TAFE lecturers. This arrangement provides more flexibility and backup than was possible by reliance on an OCBA staff member, and is able to provide clear objectivity in the assessment of qualifications and experience.

OCBA was represented by the Registrar of Births, Deaths and Marriages on a Working Party on Identity Crime, bringing together senior SAPOL and Justice representatives, the Registrar-General of Lands and Transport SA, to develop a strategy for improving management of identity crime issues across the South Australian public sector.

OCBA participates on a number of committees to gain a better understanding of issues affecting consumer groups and to facilitate projects to address various needs. These include:

- Expert Reference Group for the National Motor Vehicle Theft Reduction Council
- Multicultural Communities Network Committee
- Government Small Business Network, comprising representatives from the three levels of government that have an interest in communicating with small business
- Lands Services Group Working Party to look at the right to deal in relation to their ATLAS Digital Conveyancing Project.

Relationships were established to facilitate education and training opportunities for consumers and business operators via cooperative arrangements with:

- Housing Industry Association
- Property courses run by WEA, TAFE and the University of South Australia
- Real Estate Institute
- Australian Taxation Office
- Privacy Commission
- Telecommunication Industry Ombudsman.

Other information exchange networks were maintained with:

- Australian Competition and Consumer Commission
- Australian Securities and Investments Commission
- Office of the Technical Regulator
- Major Fraud, SA Police
- Government Small Business Network
- Society of Consumer Affairs Professionals
- Aboriginal and Torres Strait Islander Commission
- Births, Deaths & Marriages Registries in other States and Territories, and the Commonwealth Attorney-General's Department
- Peak Industry Bodies
- Standing Committee of Officials of Consumer Affairs, and
- Youth Affairs Council of SA.

Regular meetings have been held between OCBA, Transport SA, SA Police, Service SA and Australia Post representatives regarding the development, testing and implementation of new photo card capture solutions and licence card production. This will result in improvements to the appearance of licence cards and their security features for a range of licences including occupational, drivers and firearms.

Manage customer expectations

It is important for OCBA to be able to provide service delivery that meets the needs of customers, but it is equally important that customers understand the services available.

There has been a substantial increase in demand for OCBA services in some important areas. During the year OCBA was able to meet and deal with the increase without adverse impacts on customer service levels. Significant increases were noted for:

- telephone enquiries to Consumer Affairs Branch, which increased by 5% to 108 325
- formal complaints, which increased by 23% to 4870.

Service levels remained high. 90% of calls were answered within 60 seconds, with the majority of calls answered in 21 seconds. 71% of complaint files were completed within 40 calendar days. Either full or partial redress was achieved for 64% of matters, and 91% of consumers who provided feedback rated the service provided as good or better.

The community expects OCBA to be a tough consumer watchdog, and the media plays an important role in communicating with the community about our monitoring and enforcement activities. Of the 63 media releases issued, many highlighted the outcome of monitoring, investigations and court actions. Since June 2004, media releases concerning specific industries have been distributed to the relevant industry bodies to reassure industry that we take action when breaches of legislation are detected.

Our customers and stakeholders also want to be heard when it comes to proposed legislative changes or initiatives that will significantly impact on them as individuals or on their work. Contact with industry through the licensing advisory panels is one example that facilitates communication and invites feedback. OCBA also prepared a number of discussion papers and documents for public consultation on a range of topics including:

- real estate industry reform
- cooling off period for used cars
- unfair contract terms
- a draft safety code for swimming with dolphins in their natural environment
- proposed training requirements under the Security and Investigation Agents Act 1995.

Reports made available to the public include:

- The final report by the Real Estate Working Party that was established to examine issues relating to practices in the real estate industry and to consider the recommendations contained in a report prepared by the Member for Enfield, the Hon John Rau MP.
- A review of a national scheme for the regulation of Travel Agents.

OCBA is committed to providing services to customers that are accessible and that meet customer expectations. Examples include:

- Providing service to regional consumers and business via OCBA offices at three of Service SA's Customer Service Centres.
- Regional applicants for building work registration are now able to be interviewed at their nearest regional centre in Mount Gambier, Port Augusta, Port Lincoln or Berri. This replaces the need for applicants to attend an interview in Adelaide.
- Increasing the range of services that are available on-line. The expansion of the website, downloadable forms, e-commerce facilities and up to date advice are important elements for customers. Secure systems and services are a feature of the website.

Customers also expect that information about their rights and responsibilities is freely available. To this end, a range of OCBA publications is available in hard copy and on the website. A new quarterly e-newsletter entitled "Consumer News" was introduced, and information about current issues is regularly provided to industry newsletters and publications. Tailored presentations to consumer and business groups continued to be provided and were well received.

Policy

Take initiative on policy development and research

OCBA continued to develop policies to support the Government's strategic direction and to further protect South Australian consumers. Much of our policy work has been the result of proactive analysis. Other projects have been developed in response to issues and concerns raised by participants in the marketplace.

At the national level OCBA worked with the other states and territories to share information and develop a national coordinated approach to specific issues. The main forums for this are:

- Standing Committee of Officials of Consumer Affairs (SCOCA)
- Fair Trading Offices Advisory Committee (FTOAC)
- Fair Trading Officers Operations Advisory Committee (FTOOAC)
- Trade Measurement Advisory Committee (TMAC)
- Consumer Products Advisory Committee (CPAC)
- BDMOZ, the steering group of the Council of Australasian Registrars of Births, Deaths and Marriages
- Uniform Consumer Credit Code Management Committee (UCCMC)
- Builders Licensing Australia (BLA)
- Electrical Regulatory Authorities Council (ERAC)
- Australia and New Zealand Reciprocity Association (ANZRA)
- Electrical Licensing Manager Working Group
- Security Industry Regulators Forum (SIRF).

Of particular note was a national approach to:

- Improving consumer outcomes for Indigenous people through access to consumer protection programs and targeted education for traders and Indigenous persons
- Developing a scams awareness campaign (led by South Australia and New South Wales)
- Investigating uniform legislation for managing the sensitive issue of tenancy databases
- Developing and refining policies relating to access, proof of identity and change of name.

OCBA participates in a number of national working groups which may lead to new or amended legislation. Examples include:

- Possible national regulation of property investment advisors.
- Consumer protection with regard to e-commerce.
- Proposed civil pecuniary penalty scheme under the Trade Practices Act and Fair Trading Act.
- National Competition Policy reviews and implementation of amendments to legislation affecting travel agents, trade measurement and the Credit Code.
- Possible uniform legislation on national tenancy databases.

BDM contributes to debate on legislative and policy matters concerning marriage and related issues through its close working relationship with the Family Law Branch of the Commonwealth Attorney-General's Department.

At the state level OCBA reviewed a number of pieces of legislation, participated on working parties and provided comment on related policy issues. These are summarised in the following paragraphs.

As part of the review of the Residential Tenancies Act a working party has prepared two reports for the Minister for Consumer Affairs. The first report concerns introducing legislation for operators and residents of caravan and mobile home parks, and the second report focuses on amendments to the legislation. An additional report will be delivered to the Minister in the next financial year.

A major review of regulation of the real estate industry was completed and a bill is being developed to implement the review recommendations. The bill will address concerns about dummy bidding at auctions, over-quoting by agents to secure property listings and bait advertising of properties for prices well below the actual estimated selling price. It is anticipated that the draft legislation will be implemented in the new financial year.

In response to concerns about organised crime in the security industry and the unfortunate death of David Hookes, OCBA assisted the State Government's review of the security industry. A package of legislative amendments has been developed and it is anticipated that these will be released early in the new financial year. Quite separate to this, OCBA approved a new educational requirement for those seeking a licence under the Security and Investigation Agents Act. Applicants are now required to complete: certificate 2 qualifications for guards and crowd controllers and certificate 3 qualifications for investigators.

Further legislative reform is being considered to address issues regarding building indemnity insurance which have arisen since the collapse (HIH) and withdrawal (Dexta) of major insurance companies in 2002. As an interim measure the Minister for Consumer Affairs has granted exemptions on a project-by-project basis where a builder is able to provide alternative financial safeguards and consumers are notified. Even though the insurance market in SA has now recovered significantly, some builders still experience difficulty obtaining indemnity insurance. In particular, consideration is given to owner builder projects not intended for sale performed by licensed building work contractors and the construction of retirement villages where residents can only purchase a right to occupy. Investigation into proposals to resolve these and other related issues is underway in conjunction with recommendations of a national working party which continues to develop proposals to address the difficulties faced by builders in obtaining building indemnity insurance while maintaining a consumer protection focus.

The Office drafted and released a discussion paper proposing the introduction of a cooling off period for purchasing second hand vehicles.

A high number of claims against the Second-hand Vehicles Compensation Fund significantly depleted the Fund during the year. The Fund is available to consumers who purchase a vehicle from a licensed dealer but then discover that they have been duped. The main reason for the drain on the Fund was dealers selling vehicles on consignment but failing to pass on the proceeds to consumers. Legislation is being drafted, for consultation, to outlaw consignment sales for cars.

BDM had input into national working parties addressing proof of identity issues and promoted the circulation of a comprehensive information kit for consumers (developed by the Commonwealth Attorney-General's Department) on how to protect themselves from identity crime and what to do if an identity thief strikes.

BDM was also invited to provide comment on other legislation and policy that may lead to legislative change. Topics included coronial matters, same sex issues and sexual reassignment.

OCBA hosted the Australasian Real Property Regulators' Conference in November 2003. The national conference was well attended by State and Territory regulators and overseas regulators from New Zealand, America and South Africa. Industry representatives included the Real Estate Institute and the Australian Institute of Conveyancers. OCBA received excellent feedback from regulators and industry about the way the conference was organised and the quality of speakers and topics covered.

The 6th Australasian Tenancies Conference was held in Christchurch, New Zealand. OCBA presented papers, titled 'The State of Play' that provided a perspective on the key issues and challenges for South Australia. Two papers were also presented by the Residential Tenancies Tribunal. The first was titled 'Creeping Reforms to Landlord and Tenant Law: the case of Boarders and Lodgers' and the second was titled 'The Role of New Technology in Providing Services and Access to Justice for Remote Communities'.

OCBA continued to be represented on the State Housing Plan steering committee, which was commissioned by the former housing minister to develop a housing plan for South Australia for the next 10 years and to provide direction in relation to future housing requirements and issues. As a subset to the committee OCBA has also participated on a boarding house taskforce.

The Office convened meetings for direct marketing groups, including the Australian Direct Marketing Association, to further develop model codes for the industry.

Other local inter-agency projects that OCBA participated in included:

- possible regulation of strata (body corporate) managers
- licensing for traders that provide piercing and tattoo services.

Consult with consumers to develop and maintain consumer policy

Consultation is an integral part of policy development and implementation. Public comment is invited by releasing discussion papers, conducting phone-in days and encouraging consumer representatives to participate on working parties.

During the year there was consultation on the following proposed legislative reforms:

- Amendments to the audit requirements under the Land and Business (Sale and Conveyancing) Act and Regulations to make it easier for regional land agents to have their trust accounts audited.
- Amendments to the Retail and Commercial Leases Act with respect to unconscionable conduct by commercial property agents and landlords.
- Making provisions in the Fair Trading Act for compulsory conciliation conferences.
- Amendments to the Second-hand Vehicle Dealers Act with respect to introducing a cooling off period for second-hand vehicles.

- Real estate industry reforms.
- Pre-paid funerals Regulations.
- Possible regulation of introduction agencies.

Legislation amended as part of the National Competition Policy (NCP) review includes:

- The Travel Agents Act where the requirement to be licensed now starts for agents with an annual turnover of \$50 000 rather than \$30 000.
- Security and Investigation Agents Act.
- Variations to the Plumbers, Gas Fitters and Electricians Regulations to provide additional exemptions. The varied regulations came into operation in January 2004 but were subsequently disallowed in May 2004 by the Legislative Review Committee.

Amendments to the Conveyancers Regulations under the NCP review are expected to be passed in the next reporting period. A review of the Second-hand Vehicle Dealers Act and Fair Trading Act has commenced.

Interstate and overseas legislation is researched when considering amendments to South Australian legislation administered by the Office.

Discussion papers were available for public comment on the following issues:

- introduction of a cooling off period for second-hand vehicles
- unfair contract terms
- real estate reform.

Draft safety codes under the Recreational Services (Limitation of Liability) Act 2002 are available on the OCBA website. For each code that is submitted for registration, public comment is invited by placing advertisements in major metropolitan and regional newspapers.

The introduction agency phone-in day provided OCBA with further information about the extent and nature of problems in the industry. The phone-in highlighted that some of the existing provisions in the Fair Trading Act were difficult to enforce. The Minister will be advised on options to tighten the legislation and to make it easier to prosecute introduction agencies that operate deceitfully.

In order to maximise the effectiveness of consulting and engaging with community a research project was developed to identify trends in community engagement by government within Australia and also overseas.

People

Embrace diversity

OCBA recognises and appreciates the diversity of staff in the roles that they perform, the skills they employ, the ideas they contribute and their respective backgrounds.

All staff are provided with opportunities for training and development and encouraged to seek opportunities to act in different or higher roles. In addition, a number of initiatives have been implemented to support groups with different needs within the organisation.

The Youth Forum continued to meet to provide a youth perspective on proposals developed by senior management and to contribute to agency decision-making. The group consists of 12 staff members aged 30 and under. The Youth Forum initiated many projects that have benefited all OCBA staff, with three highlights for the year being:

- Casual days to support a specific charity or cause. The days are well supported by staff and charities that have benefited include the RSPCA, Childhood Cancer, the Heart Foundation and the Guide Dog Association. Each casual day has raised over \$200 for the nominated charity.
- The OCBA lunchroom was previously used as an adjunct to the Training Room, but has been 'reclaimed' as a lunchroom. The room was redesigned and furnished to enable staff to relax and enjoy lunch in a comfortable location within the building. Many people have used the room and benefited from the facilities available.
- Improving environmental initiatives for the agency.

The Joint Consultative Committee (JCC) was formed in 2002 and provides input to decision-making by Senior Management through representation at the Management Meetings, and by working on specific projects of its own volition or at the request of OCBA management. During the year the JCC led or took part in the following projects:

- Uniform project - to investigate the viability of and options for a standard uniform for counter staff. The uniform project will dovetail with a proposed uniform for staff within the Justice Portfolio.
- Sick leave project - where OCBA trialled a pilot program aimed at discovering the cause behind the higher than normal levels of sick leave within the Office.

The intranet continues to be the principal communication tool within the agency. It ensures that staff have access to accurate and timely information on issues such as legislation, policies, procedures, vacancies and training opportunities. A Latest News section updates staff on a weekly basis on topical issues and OCBA initiatives. Legal opinions are a new addition to the intranet, and the site also has information for new staff on the role and function of OCBA, the Attorney-General's Department and the Justice Portfolio.

The OCBA social club was launched in June 2003 to encourage communication between all OCBA staff. During the year, the social club held a number of events including pizza lunches and go-karting with the most successful event being after hours drinks at a local hotel. Staff enjoyed the opportunity to meet outside the work environment and to build relationships with colleagues from other branches. The social club also runs a footy tipping competition for OCBA staff.

The Office supports flexible working options including part-time roles and working from home options.

Encourage staff to take on the challenges of development and growth

All staff are encouraged to participate in training and development opportunities. Many opportunities are organised and funded by the Attorney-General's Department, and staff are also encouraged to pursue tertiary study in fields that will benefit both the individual and the agency.

During the year study leave and fees/HECS reimbursements were approved for staff studying towards qualifications that meet future agency and whole-of-government needs. Reimbursement was also available for staff seeking formal recognition of existing skills.

A number of training programs were organised to assist staff in the course of their day-to-day roles. These programs provided employees the opportunity to increase their knowledge base or simply refresh their awareness of the information available. These include:

- evidence gathering
- investigation techniques
- conciliation
- mediation
- dealing with difficult customers
- customer service
- disability awareness
- proof of identity and document examination
- identity fraud and electronic crime
- detecting unlicensed or backyard trading and resolving disputes about the purchase of second-hand motor vehicles.

Staff are also encouraged to attend Institute of Public Administration Australia South Australia Division Inc. (IPAA) events and departmental executive forums.

Staff who are required to travel, particularly in regional and remote areas, participated in 'drive to live' courses to ensure greater safety on the road.

There was a concerted effort during the year to encourage staff to participate on working groups and projects that involved a number of branches and functions. This provided staff with the opportunity to learn new skills and to understand projects from a broader OCBA perspective.

Internal training sessions were provided to inform staff of compliance issues, evidentiary techniques and the introduction of OCBA's new compliance policy.

All staff members are required to participate in the Employment Development and Review Program which provides an opportunity for supervisors and employees to provide two-way feedback on performance issues, to develop an agreed pathway toward personal and professional development, and ensure that the strategic goals of the organisation are met.

Staff contributions and value added work are recognised in a number of ways including pizza lunches, social nights, peer awards, end of year functions and tickets to attend industry awards nights or the movies.

Provide a safe working environment

OCBA is committed to protecting the health, safety and welfare of its employees. Safe systems of work have been implemented and appropriate staff support arrangements are in place. As a division of the Attorney-General's Department, occupational health and safety matters are largely reported in the annual report of the Justice Portfolio incorporating the Department of Justice and the Attorney-General's Department. However, a number of initiatives were developed at the agency level.

OCBA has a full-time Occupational Health and Safety Coordinator who oversees OCBA's health and safety matters. The Coordinator is responsible for policy development, ensuring compliance with policies and procedures, and implementing strategies to provide safe systems of work and a safe working environment for all staff.

Further information is provided at Appendix 16. However a few highlights are:

- Flu shots were again available to all staff with 50% taking advantage of this offer. The cost was borne by the agency.
- Assisting in a review of sick leave within the Attorney-General's Department. The aim of the project is to reduce the number of sick days taken by staff by first determining the reasons for absence. OCBA agreed to pilot a program for gathering information from staff about sick leave taken.
- Training in 'dealing with violent and aggressive behaviour' was provided to staff who are exposed to the greatest risk of occupational violence such as compliance officers, inspectors, investigators and staff performing monitoring activities.
- Providing protective clothing for staff who do monitoring work at building sites, including steel cap shoes and hard hats.

Case studies

Getting what you deserve

When you buy a used car in South Australia, by law you get a warranty with it, unless the car is over 15 years old or has travelled more than 200,000 kms. The dealer must give you a warranty, unless you choose to waive it, and there is a process to ensure that you don't waive it without understanding what you are doing. Executive Car Sales tried to get around that.

Astime Pty Ltd, which traded as Executive Car Sales, attempted to avoid its responsibility for vehicle repairs by convincing customers to waive their statutory warranty rights. The dealership's activities first came to OCBA's attention in 2001 after several complaints from consumers. During a long and complex investigation, officers from OCBA attended the dealership's business premises and seized documents that revealed the true extent of the conduct.

Customers were lied to and told it was illegal to hold both an extended warranty and a statutory warranty. They were encouraged to sign waiver forms. In effect they gave up their right to have their vehicles repaired at the dealer's expense under the statutory warranty.

The Justice of the Peace who witnessed the signing of the waiver forms failed to make reasonable enquiries to assure himself that the people signing them understood the effect of doing so.

OCBA successfully prosecuted the dealership, its director, an employee and the Justice of the Peace, in what was the biggest case against a vehicle dealer, under the Second-hand Vehicle Dealers Act in South Australia's history.

The company was fined \$20 000, its director, Salvatore Versace fined \$6000, an employee, Nick Tardio was fined \$8000, and the JP, Wesley Jacquier, was fined \$1600.

Spitting the dummy

It started with a warning. OCBA initially warned parents not to give flashing dummies to babies or children because they were designed to be novelties, not pacifiers. The dummies were popular novelty items for teenagers and adults at parties and clubs, but were banned in May 2004 because of the safety risk they posed.

The dummies feature flashing LED lights and are superficially attractive, but OCBA's testing revealed:

- The teat detaches easily, posing a significant choking and ingestion hazard.
- Plastic components of the dummy are made of poorly moulded plastic with rough edges, presenting a likelihood of mouth injuries.
- The dummy is easily dismantled, exposing small electronic parts that pose choking and ingestion hazards.
- The dummy has a neck cord, which could lead to strangulation. Dummies that are specifically designed for babies do not.

Crooked car dealer banned

It is common for a car dealer to offer to arrange stamp duty, registration and other fees so that a customer can drive away from the lot in the car they've just bought, without any further worries. But Smitsu Pty Ltd, trading as Grantley Schmidt and Associates Auto Brokers, collected money for these things, and didn't pass the money on to the relevant government agencies.

The second-hand car dealer pocketed money meant for stamp duty, registration, and transfer fees, and failed to pass on the proceeds of consignment sales to vehicle owners, whose cars he had sold.

OCBA also considered Grantley Schmidt, director of the company, a serious risk to consumers. Not only was his conduct unlawful, but he was previously the director of two companies wound up for the benefit of creditors.

Schmidt and Smitsu Pty Ltd surrendered their licences following OCBA's investigation and the seriousness of Schmidt's conduct led the Court to impose a permanent banning order against him, effectively ensuring that he was permanently disqualified from the industry. The orders disqualify Schmidt from holding a licence, having an interest in a company that holds a licence, or even working for a dealer.

13 consumers cheated by Schmidt were able to seek compensation from the Second-Hand Vehicles Compensation Fund. However, the matter highlighted the risks for consumers in selling cars on consignment.

'Ron the con' - a bad option for investors

OCBA issued two warnings about scam artist Ron Frederick - a man who uses many aliases, including Bon Levi.

Ron has made a speciality of offering franchise opportunities, making unsupported claims to entice people to buy franchises, then taking their money. However Ron rarely delivers on his promises.

The first warning was directed at anyone thinking of investing in the "Little Joe Snax" fast food franchise offered by Ron at a cost of \$40,000.

The second was issued when it was then discovered that Ron was promoting business opportunity seminars. He encouraged consumers to invite their friends to attend a seminar to learn about the Little Joe group of businesses. He claimed that consumers would earn \$5,000 commission for each friend who signed up for one of the businesses.

Consumers were warned to be very careful in any dealings with him and advised to:

- think carefully before signing any contract or parting with their money
- make independent investigations, and
- seek independent legal advice.

Fake ID gives the game away

Identity crime has been an increasingly important issue for OCBA, particularly in the Births, Deaths and Marriages Registration Office (BDM). Having tightened its systems considerably over recent years BDM is currently focusing on improving the exchange of information between BDM and law enforcement agencies to maximise the impact of all agencies' efforts to reduce identity crime.

Ms X, born 1980, tried to register her own birth as a late registration of a home birth. As this birth was not verified by a doctor or midwife OCBA asked her to obtain early medical reports and other documentation to support her claim. She produced three forged documents: a doctor's letter, baptismal certificate and school testimonial. The documents had a degree of sophistication and plausibility but some anomalies led OCBA officers to contact the sources. All denied ever providing such documents.

After taking legal advice OCBA decided to pursue Ms X by prosecuting her for a breach of the Births, Deaths and Marriages Registration Act 1996, by making a false representation.

Before this proceeded, the issue was raised with a local officer of the Australian Federal Police who advised that this was a person of interest and that Ms X had been apprehended by the Police and the Department of Immigration and Multicultural Affairs after trying to obtain a passport using a fake Victorian birth certificate. She was found to be an over-stayed student and her visa was cancelled. She was required to leave Australia.

Christmas hangover

In the lead up to Christmas 2003 OCBA reminded consumers not to let their finances end up like the Christmas turkey - stuffed. Consumers are tempted at this time of year to overspend on credit cards or sign up for supposedly cheap finance arrangements.

OCBA's credit warning was titled 'Credit Is The Party, Debt Is The Hangover'. The message appeared on buses travelling 17 major routes across the city and suburbs.

To avoid the debt hangover, consumers were advised to:

- set a budget and stick to it
- consider whether they can afford extra credit before accepting offers to increase their limit
- not overspend on credit, and try to pay the balance off in full each month
- switch to a credit card with a lower interest rate if they can't pay off the full monthly amount
- think carefully before buying presents on 'interest free' arrangements
- ask for help if they found themselves in trouble.

How's the form?

The commencement of 'Operation On Schedule' saw second-hand vehicle dealers moving quickly to lift their game. Following ongoing concerns about the level of compliance with dealers' obligations under the Second-hand Vehicle Dealers Act, OCBA compliance officers visited car yards across Adelaide at random, to check for compliance with specific requirements of the legislation. In particular, they were checking that dealers provided schedules with accurate information about the vehicle offered for sale. (Schedules are attached to car windows and provide details of the model, year, odometer reading, etc).

High on the list was checking that details of the previous owner were provided, so that prospective buyers can find out the history of a vehicle. It is law in South Australia that previous owner details be supplied, although concerned owners can sign a statement allowing the dealer to keep their details in the office rather than display them on the schedule. However, even if they do this, the details must be supplied in response to a request made by a prospective purchaser.

The dealers visited were cooperative, and a generally high level of compliance was found. However, some dealers, who failed to provide previous owner details, received expiation notices for \$115. Other breaches detected during the Operation included unregistered business names, and a failure to display a licence certificate. The operation also unearthed an unlicensed dealer.

Bankrupt builder banned

Simon Jackson was banned from the building contracting business for life after leaving consumers with a repair bill approaching \$200,000 for defective building work, and failing to take out compulsory building indemnity insurance.

When Jackson became bankrupt and his company, S Jackson Constructions, went into liquidation, his clients were left in the lurch with defective and incomplete work, an expensive repair bill and no indemnity insurance to claim against. Building indemnity insurance is meant to protect consumers if a builder becomes bankrupt, dies or disappears during construction, or within the 5-year warranty period following completion.

Jackson was found to have undertaken substandard building work, including a lack of attention to detail on rendering, weatherproofing, flashings and window and door seals. He also used materials that were damaged as a result of not being stored properly on site.

The licensing regime and the building indemnity insurance requirements are intended to limit the risk of harm to consumers, which can result from incompetent builders. Consumers are strongly advised to check, before commencing any building work, that a builder is appropriately licensed and has taken out building indemnity insurance.

When landlords and tenants don't agree

The landlord/tenant relationship is usually harmonious, but difficulties do arise, especially when there are differences of opinion. Landlords and tenants are encouraged to contact OCBA for advice if their own attempts to resolve the matter have not been successful.

A young couple were looking for a place to rent, and found one that they thought would be suitable. The landlord assured them that the unfinished landscaping, concrete paths and fencing would be completed promptly and so the couple agreed to move in.

However the outdoor work still wasn't completed some months later and the couple found the place unbearable without paths and fencing. They decided to break their lease. After speaking with the landlord it was agreed that the couple would pay the re-letting and advertising fees, and the landlord would refund their bond.

When the landlord visited the home for a final inspection he noticed cracking in the concrete and internal walls. The tenants told the landlord that these cracks were a result of the landscaping not being completed, but the landlord blamed the tenants. The landlord refused to refund the bond.

Both parties rang OCBA for assistance. As the result of OCBA's conciliation, the tenants received their bond in full and they withdrew their compensation claim.

A roller door so secure that even the owner couldn't gain access

Landlords have an obligation to maintain and repair premises, but they don't always rush to organise repairs or replacements if they don't believe there is a real need to do so. One landlord was quick to reject a tenant's concern but fixed the problem in the end.

An elderly lady was finding it extremely difficult to open and close the garage roller door in her rented home. She spoke to the property manager who brushed her off, assuming there was nothing wrong with the door but rather that the lady was getting a little frail.

The lady phoned OCBA for assistance. She was quite concerned as the only access to the garage was via the roller door. The Tenancy Advice Officer who took her call inspected the garage door and she too found it quite difficult to open. The door was old and the Officer formed the view that a replacement was warranted.

Upon hearing the report from OCBA the property manager agreed to install a new door, much to the tenant's delight. She is now able to access her garage without any restrictions.

Analysis of complaints investigated, by product or service

Complaints comprise consumer/trader disputes and written consumer complaints or concerns about trading practices and industries

Category	Variation	03/04	02/03
		Sub-total	Sub-total
		Total	Total
Residential building construction	23%	978	795
Air conditioning, heating installation		32	36
Building & decorating products		69	63
Carpentry, joinery		31	26
Pest control services		20	17
Concrete work, foundations, brickwork, paving		61	50
Electrical		16	14
Fences, garden walls, gates		29	34
Garages, carports, sheds, water tanks		155	56
Gardening & outdoor products		33	27
Home construction, extensions, renovations		253	189
Painting, decorating, plastering		10	13
Plumbing - water, gas, drainage		41	32
Roofing, insulation, roof treatments		66	27
Swimming pools, spas, hot tubs		27	38
Tiling		29	18
Other		106	155
General consumer products	4%	974	937
Air conditioners		45	35
Literature, stationery, tapes & CDs		47	46
Clothes		72	66
Electrical goods - other		51	71
Food products		29	37
Footwear		15	17
Furnishings		73	80
Furniture - lounge suites		53	59
Furniture - other		103	79
Haberdashery, clothing materials & accessories		16	7

Category	Variation	03/04	02/03		
		Sub-total	Total	Sub-total	Total
Heaters & hot water systems		21		17	
Household appliances		21		22	
Jewellery, clocks and watches		32		32	
Pets & pet products		21		11	
Photographic equipment & supplies		15		11	
Health & cleaning products		35		40	
Sports & camping equipment		16		26	
TV's, VCR's & DVD players		66		53	
Whitegoods - other		27		31	
Whitegoods - refrigerators		27		28	
Whitegoods - washing machines		19		17	
Other general goods		170		152	
Scams and schemes	163%		901		343
Scams (eg Nigerian Scam)		746		308	
Get rich quick schemes		155		35	
General services	19%		492		414
Dry Cleaning		15		15	
Education & training		62		25	
Employment		13		15	
Health & fitness (gyms)		38		26	
Furniture removals		21		21	
Health services		19		12	
Household services		57		63	
Introduction Agencies		20		23	
Transport services		18		9	
Personal services		90		61	
Professional & technical services		45		56	
Utilities & fuel supply		20		15	
Sport, culture & recreation		14		17	
Other services		60		56	
Motor vehicles and transport products	10%		444		403
Purchase of new motor vehicles		38		21	
Purchase of new & used motor cycles		7		9	
Purchase of used motor vehicles		173		171	
Consignment sales		6		6	
Automotive repair & servicing		117		97	
Spare parts & accessories		66		66	
Other transport vehicles & equipment		37		33	

Category	Variation	03/04		02/03	
		Sub-total	Total	Sub-total	Total
Trade standards	25%		370		297
Product safety & hazardous products		97		130	
Trade standards & trade measurements		273		167	
Communication & information	-12%		231		263
Telephone services & products		80		105	
Internet		26		24	
Television & other services		15		25	
Computers and software		110		109	
Travel, hospitality and tourism	22%		157		129
Travel Agents		33		28	
Tours		17		13	
Hotels, Motels, Hostel		19		23	
Other		88		65	
Real estate, accommodation	-27%		129		176
Property sales and listings		92		108	
Property Management		20		30	
Other - Accomodation and Real Estate		17		38	
Credit, finance, investment	-5%		99		104
Credit & finance		85		85	
Investment		14		19	
Marketing methods	-14%		64		74
Mail Order		13		8	
Discount & gift voucher schemes		7		14	
Other		44		52	
Insurance	-11%	31	31	35	35
TOTAL FOR PERIOD	23%		4870		3970

Analysis of complaints investigated, by practice

Practice	Variation	03/04	02/03
1 Quality	-1%	1448	1 470
2 Contracts	31%	900	688
3 Scams and Schemes	189%	886	307
4 Warranties	-7%	348	373
5 Trade Measurements & Trade Standards	33%	273	205
6 Miscellaneous Conduct	32%	223	169
7 Price	12%	217	194
8 Representations	-4%	213	223
9 Advertising	-2%	150	153
10 Product Safety & Hazardous Products	-25%	97	130
11 Sale Methods	-11%	57	64
12 Credit	86%	52	28
13 Product Labelling	50%	6	4
TOTAL	23%	4 870	3 970

Analysis of fair trading enquiries received

The OCBA Advisory Service provides free fair trading advice and information to consumers and traders.

Main category	Variation	03/04	02/03
1 Other	30%	27 859	21 384
2 General Goods	-2%	23 982	24 390
3 Referred Matters	-23%	18 878	24 634
4 Building & Construction	4%	12 946	12 506
5 Motor Vehicles	-7%	9 481	10 203
6 Trade Measurement/Standards	25%	5 967	4 787
7 General Services	37%	5 768	4 211
8 Scams & Schemes	49%	4 089	2 737
9 Credit & Finance	28%	2 934	2 297
10 Real Estate & Accommodation	7%	2 026	1 902
11 Marketing Methods	120%	2 005	911
12 Communication	4%	1 919	1 854
13 Insurance	6%	1 619	1 525
14 Travel, Hospitality & Tourism	13%	1 366	1 211
TOTAL for Period	5%	120 839	114 552

Summary of enquiries

	Target	03/04	02/03
No. of complaints received	na	4 870	3 970
% of complaints finalised within 30 business days	60%	71%	71%
No. of counter enquiries handled	na	12 514	11 005
No. of telephone enquiries handled	na	108 325	103 547
Telephone calls - average speed of answer (seconds)	30	21	17
% of calls abandoned	3%	2.6%	2.1%
% calls answered in 60 seconds	90%	90%	90%
No. of trader compliance monitoring and education visits	5 000	4 937	4 957
No. of trade measuring instruments inspected	9 000	9 413	8 264
No. of consumer products inspected	21 000	32 712	29 127

Note - na means that a target is not applicable because this work is based on consumer demand for services.

Occupational licensing and registration

Licences and registrations issued 2003/2004

- OCBA administered registers containing over 61 000 licences/registrations under seven separate pieces of legislation.
- Staff handled around 1100 telephone enquiries weekly.
- The average answer time for calls was around 15 seconds.
- 6000 applications were received, with most being processed within 10 calendar days.

Builders

Licences are issued under the Building Work Contractors Act 1995. Builders who contract for building work must be licensed. Individuals who supervise building work that contractors contract for or who work as an employee of a contractor should be registered.

The licence 'conditions' specify the type of work a licensee is licensed to perform (eg. painting only, or painting and tiling).

	02/03	03/04
<hr/>		
Licences		
- Any building work	1 731	1 669
- Light commercial/industrial and/or residential	4 775	4 942
- Specified building work	13 636	13 780
Registrations		
- Any building work	1 660	1 632
- Light commercial/industrial and/or residential	3 707	3 934
- Specified building work	11 391	11 622
	02/03	03/04
New applications	1 858	1 788
Applications for change to licence conditions	412	536

Security and investigation agents

Licences are issued under the Security and Investigation Agents Act 1995.

The licence 'conditions' specify the type of work a licensee is licensed to perform (eg. crowd control, debt collection).

	02/03	03/04
Held by bodies corporate (usually companies)	246	274
Held by natural persons	7 084	7 190
Total	7 330	7 464

	02/03	03/04
New applications	1 214	1 251
Applications for change to licence conditions	99	99

Plumbers, gas fitters and electricians

Licences and workers registrations are issued under the Plumbers, Gas Fitters and Electricians Act 1995.

Plumbers, gas fitters or electricians (companies or individuals) who contract for work are required to be licensed. Individuals who physically perform plumbing, gas fitting or electrical work are required to be registered.

	02/03	03/04
Licences		
- Plumbing	1 162	1 172
- Gas Fitting	721	751
- Electrical	4 112	4 031
Registrations		
- Plumbing	3 654	3 749
- Gas Fitting	2 570	2 639
- Electrical	14 310	14 624
Total	26 529	26 966

	02/02	03/04
New applications	1 347	1 422
Applications for change to licence conditions	349	233

Land agents

Land agents are registered under the Land Agents Act 1994.

	02/03	03/04
Held by bodies corporate (usually companies)	616	670
Held by natural persons	1 566	1 584
Total	2 182	2 252

	02/03	03/04
New applications	165	178

Conveyancers

Conveyancers are registered under the Conveyancers Act 1994.

	02/03	03/04
Held by bodies corporate (usually companies)	35	36
Held by natural persons	616	600
Total	646	636

	02/03	02/03
New applications	30	22

Second-hand vehicle dealers

Licences are issued under the Second-hand Vehicle Dealers Act 1995.

	02/03	03/04
Held by bodies corporate (usually companies)		
- second-hand vehicle dealers	405	405
- second-hand motor cycle dealers	29	30

Held by natural persons		
- second-vehicle dealers	818	871
- second-hand motor cycle dealers	55	61
Total	1307	1367

	02/03	03/04
New applications:		
- second-hand vehicle dealers	108	171
- second-hand motor cycle dealers	10	17

Registration of trading premises	68	101
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Travel agents

Travel Agents are licensed under the Travel Agents Act 1986.

	02/03	03/04
Held by bodies corporate (usually companies)	163	155
Held by natural persons	95	97
Total	257	252

	02/03	03/04
New applications	15	15

Photographic images captured for occupational licences

There were 3607 digital photographic images captured. Of these, 2184 were captured at the head office in Adelaide with the remainder captured at Customer Service Centres (Transport SA) across metropolitan and regional South Australia.

Births, deaths and marriages

Registrations

	03-04	02-03	% change
Births	17 781	17 379	2.3
- still-births (1)	101	104	-2.9
Deaths	12 166	12 161	0.04
Marriages	7 627	7 586	0.5
Changes of name	2 059	1 643	25.3
Adoptions - open	0	0	0
- closed	67	74	-9.5
Legitimations	229	241	-5.0
Reassignments of sex	1	6	-83.3

Documents issued

	03-04	02-03	% change
Certificates (2)	82 154	70 776	16.1
Commemorative birth certificate package	13 473	13 050	3.2
Cremation permits	6 860	6 614	3.7

Marriages at the registry

	03-04	02-03	% change
Notices of intended marriage	818	848	-3.5
Marriages solemnised	694	642	8.1
Registration office marriages as percentage of all SA marriage registrations	9.1	8.5	7.1

Notes:

- (1) Still-births are registered as births from 3 June 1996, but separated for statistical purposes.
- (2) Does not include standard certificates issued as part of commemorative birth certificate packages.

Meeting the service charter

Registrations

	Commitment	Achievement
Births	5 working days	91%
Deaths	5 working days	97%
Marriages	5 working days	84%

Certificates Produced (Official Applications)

	Commitment	Achievement
Standard Service	3 working days	90% issued same day
Priority Service - counter	30 minutes	98%
Priority Service - mail	Same working day	95%
Internet Applications	3 working days	92%

Online applications

Month	Internet Certificates Issued	Total Certificates Issued	Internet as % of Total
October 2003	78	7 764	1.0
November	180	6 976	2.6
December	504	6 872	7.3
January 2004	872	8 156	10.7
February	1 098	9 102	12.1
March	1 377	9 195	15.0
April	1 201	7 887	15.2
May	1 345	8 266	16.3
June	1 413	8 992	15.7

Service provided to regional areas

Services are available at:

Berri - 30 Kay Avenue, BERRI

OCBA officers in attendance Monday to Friday 8.30-5pm, except public holidays.

Port Augusta - 9 Mackay Street, PORT AUGUSTA

Transactions and renewals are available through Service SA

OCBA officers in attendance Monday to Friday 8.30-5pm, except public holidays.

Mount Gambier - 11 Helen Street, MOUNT GAMBIER

OCBA officers in attendance Monday to Friday 8.30-5pm, except public holidays.

Whyalla - Service SA, 171 Nicolson Avenue, WHYALLA NORRIE

Transactions and renewals are available through Service SA.

OCBA officer in attendance on Thursdays 9.30am - 4:30pm each week.

Port Lincoln - Service SA, 73-75 Tasman Terrace, PORT LINCOLN

Transactions and renewals are available through Service SA.

OCBA officer in attendance first Thursday of each month.

Port Pirie - 104 Florence Street, PORT PIRIE

Attended every Wednesday.

Regional callers can contact their nearest office by phoning 131 882.

The number of enquiries received at regional service points were:

Enquiries	03/04
Fair trading matters - over telephone	13 562
Fair trading matters - over counter	7 637
Business names	2 016
Occupational licensing	2 889
Births, Deaths and Marriages	3 841
Tenancies	3 800
Miscellaneous	234
Total	33 979

Information resources - print and electronic

For consumers	Print	Electronic
Consumer Basics	✓	✓
• English	✓	✓
• Bosnian	✓	✓
• Chinese	✓	✓
• Croatian	✓	✓
• Khmer	✓	✓
• Polish	✓	✓
• Russian	✓	✓
• Serbian	✓	✓
• Spanish	✓	✓
• Vietnamese	✓	✓
• Greek	✓	✓
• Italian	✓	✓
The Smart Consumer	✓	✓
Consumer Complaints	✓	✓
Little Black Book of Scams	✓	✓
Overseas scams	✓	✓
Beware of Mail Scams	✓	✓
Pyramid Selling	✓	✓
Buying a Mobile Phone	✓	✓
Buying or Selling a Home	✓	✓
Buying Firewood	✓	✓
Buying a Used Car	✓	✓
Building a Home	✓	✓
Building Indemnity Insurance	✓	✓
HIH Relief Scheme		✓
Lay-by Sales	✓	✓
Warranties and Refunds		✓
Door-to-Door Sales	✓	✓
Buying a Computer	✓	✓

	Print	Electronic
Computer Warranties	✓	✓
Getting on the Internet	✓	✓
E-commerce and On-line Shopping	✓	✓
Consumer Credit Code	✓	✓
Credit Record	✓	✓
Identity Theft	✓	✓
Loan Comparison Rates	✓	✓
Going Guarantor	✓	✓
Insurance Complaints		✓
Travel Tips		✓
One Step Ahead (information package for older South Australians)	✓	✓
• How consumer laws protect you	✓	✓
• Be a wise shopper	✓	✓
• Warranties and refunds	✓	✓
• What to do when things go wrong	✓	✓
• Door-to-door trading	✓	✓
• Money - borrowing or investing	✓	✓
• Pre-paid funerals	✓	✓
• Buying a used vehicle	✓	✓
• Thinking of moving or renovating your home	✓	✓
• Using a tradesperson or builder	✓	✓
• Tenant or landlord?	✓	✓
• Trouble-free travel	✓	✓
• Avoiding scams and get-rich-quick schemes	✓	✓
• Buying a computer	✓	✓
• E-mail and getting on the Internet	✓	✓
• Shopping in the electronic age	✓	✓
• Product safety, weights, measures and labelling	✓	✓
• Making a Will, Power of Attorney or Guardianship	✓	✓
• Safety and security	✓	✓
• What to do about age discrimination	✓	✓
Births, deaths and marriages		
Marriage Services - Information Sheet	✓	✓
Changing a Child's Name - Information Sheet	✓	✓
Sexual Reassignment		✓
Legitimation of Children		✓
Become a Marriage Celebrant		✓
Change of Name	✓	✓
Family History	✓	✓
Getting Married	✓	✓
Registrations	✓	✓

	Print	Electronic
Residential tenancies		
Tenancies Information Brochure	✓	✓
Disposal of abandoned Goods (section 97)	✓	✓
Information on Section 90 applications	✓	✓
Fact Sheet 1 - Applications to RT Tribunal - Form 7	✓	✓
Fact Sheet 2 - Water Charging	✓	✓
Fact Sheet 3 - Receipts and Rent Records	✓	✓
Fact Sheet 4 - Advertising Fees and Reletting Fees on abandonment	✓	✓
Fact Sheet 5 - Repairs and Maintenance of Rented Premises	✓	✓
Fact Sheet 6 - Co-tenancies	✓	✓
Fact Sheet 7 - Open Inspections	✓	✓
Fact Sheet 8 - Retirement Village Applications	✓	✓
Your guide to a Residential Tenancies Tribunal Hearing	✓	✓
For business		
Good Business Guide	✓	✓
• Customer Satisfaction	✓	✓
• Advertising	✓	✓
• Selling	✓	✓
• Business Wise	✓	✓
• Helpful Information	✓	✓
• Contacts	✓	✓
• Refund Rights Sign	✓	✓
• Lay-by Sales	✓	✓
Customer Service Checklists	✓	✓
• Introduction	✓	✓
• Product and Service Information	✓	✓
• Counter and Face-to-Face Service	✓	✓
• Telephone Service	✓	✓
• Taking Customers' Orders	✓	✓
• Follow-Up Documentation	✓	✓
• Billing and Managing Payments	✓	✓
• Visiting the Customer	✓	✓
• Making Repairs	✓	✓
• Handling Complaints	✓	✓
• Managing the Service Culture	✓	✓

	Print	Electronic
Product Safety	✓	✓
Trade Measurement		✓
Uncollected goods		✓
Advertising		✓
Fair Trading Laws		✓
Handling Complaints	✓	✓
Lay-by Sales		✓
Refunds		✓
Retail Shop Leases		✓
Scams	✓	✓
Selling		✓
Shop Stealing		✓
Warranties		✓
Anti-competitive Practices		✓
Being Business Wise		✓
Business Names		✓
Courts and tribunals		✓
Customer Satisfaction		✓
Door-to-Door Sales	✓	✓
E-commerce	✓	✓
Licensing and registration	✓	✓
Trade measurement		
Weights and Measures	✓	✓
Weighbridges	✓	✓
Public Weighbridges	✓	✓
Instrument Servicing Organisations	✓	✓
Service Stations	✓	✓
Alcoholic Beverage and Spirit Measures	✓	✓
Packaging and Labelling	✓	✓
Meat Packaging	✓	✓
Wine Packaging	✓	✓
Fruit and Vegetables	✓	✓
Volume Correction of Petrol and Diesel Fuel	✓	✓
Buying and Selling Firewood	✓	✓
History of Weights and Measures		✓

	Print	Electronic
Product safety		
Keeping Baby Safe	✓	✓
Safe Toys for Kids	✓	✓
Product Safety and You	✓	
Product Safety in SA	✓	✓
Pedal Bicycles, Helmets and Elastic Luggage Straps	✓	✓
Bath Aids for Babies	✓	✓
Bean Bags, Furniture and Children's Folding Chairs	✓	✓
Care Labelling for Clothing and Textile Products, Footwear Labelling, Textile Products Fibre Content Labelling	✓	✓
Cosmetic and Toiletries Ingredient Labelling	✓	✓
Household Furniture	✓	✓
Toys for Children Under 3 Years of Age	✓	✓
Cots for Household Use	✓	✓
Opals	✓	✓
Opal counter sign	✓	✓
Portable Ramps, Trolley Jacks, Support Stands and Vehicle Jacks	✓	✓
Reduced Fire Hazard for Children's Nightwear, Limited Daywear and Paper Patterns	✓	✓
Floatation Toys and Swimming Aids	✓	✓
Sunglasses and Fashion Spectacles	✓	✓
Retail and commercial tenancies		
Assignments of Lease	✓	✓
Mediation Scheme - Information for Parties	✓	✓
Mediation Agreement	✓	✓
Mediation Rules	✓	✓
Casual Mall Licensing Code	✓	✓
Associations		
How to Incorporate	✓	✓
Association Rules	✓	✓
Public Officer Responsibilities	✓	✓
Administration of the Affairs	✓	✓
Approval of Auditor	✓	✓
Accounts and Audit	✓	✓
Fee Schedule	✓	✓

	Print	Electronic
Cooperatives		
Policy	✓	✓
What is a Co-operative? - and OCBA's Role?	✓	✓
Operation of the Co-operatives Act 1997	✓	✓
Procedure for Altering Rules of a Co-operative	✓	✓
Registration of a Trading Co-operative	✓	✓
Disclosure Statement	✓	✓
Registration of a Non-Trading Co-operative	✓	✓
Removal or Resignation of Auditors	✓	✓
Model Rules of a Trading Co-operative	✓	✓
Model Rules of a Non-Trading Co-operative - No Shares	✓	✓
Model Rules of a Non-Trading Co-operative - With Shares	✓	✓
Fee Schedule	✓	✓
Business names		
Names which require Ministerial Consent	✓	✓
Offences	✓	✓
Fee Schedule	✓	✓
Recreational services		
Is Public Liability Insurance an Issue For You	✓	
How to Develop and Register a Safety Code	✓	✓
Schedule - Notice to Consumer	✓	✓
Licensing		
Industry Newsletters	✓	✓
• Building Work Contractors	✓	✓
• Plumbers, Gas Fitters and Electricians	✓	✓
• Real Estate Industry	✓	✓
• Second Hand Vehicle Dealers Industry	✓	✓
• Security Industry	✓	✓
• Travel Industry	✓	✓
Second-hand Vehicle Dealers licence	✓	✓
Building Work Contractors - Responsibilities	✓	✓
Photographic licence/Registration Card	✓	✓
Important Information for Crowd Controllers	✓	✓
Builders and Supervisors - helpful information	✓	✓
Conveyancers - helpful information	✓	✓
Land Agents - helpful information	✓	✓

	Print	Electronic
Plumbers, Gas Fitters and Electricians - helpful information	✓	✓
Second-hand Vehicle Dealers - helpful information	✓	✓
Security and Investigation Agents - helpful information	✓	✓
Travel Agents - helpful information	✓	✓
Mutual Recognition	✓	✓
Builders Business Criteria	✓	✓
PGE Business Criteria	✓	✓
ISL Business Criteria	✓	✓

Public registers

OCBA maintains registers relating to business names, incorporated associations, co-operatives and trustee companies.

The registers are available for inspection by the public on payment of the prescribed fee (nil for trustee companies) at OCBA.

Associations Incorporations Act 1985

	02/03	03/04
Incorporated associations on the register (at 30 June)	17 287	17 573
Incorporated during the year	408	401
De-registered and wound-up	95	81
Periodic returns lodged	728	761
Searches of the public register	813	319

Business Names Act 1996

	02/03	03/04
Business names on the register (at 30 June)	95 318	94 900
New registrations	13 437	13 994
Renewals	18 088	17 571
Changes	8 048	7 964
Cessations	1 681	1 392
Transactions	41 254	42 892

Cooperatives Act 1987

	02/03	03/04
Co-operatives on the register (at 30 June)	57	58
Incorporations	4	1
Foreign registrations	0	0
De-registrations	0	0

Companies and co-operatives liquidation accounts

OCBA maintains accounts where unclaimed monies received from liquidators of companies (from any liquidation that commenced on or before 1 January 1991) and co-operatives, must be deposited. Persons entitled to any of those funds held may make claims and upon satisfactory proof, are paid their entitlements.

Companies Liquidation Account

	\$
Balance at 1 July 04	18 548.40
Add: Amounts received during the year pursuant to section 427(1) of the Companies Code	0.0
Less: Amount paid to claimants in accordance with section 427(1) Payments to Consolidated Account in accordance with section 427(6)	0.0
Balance at 30 June 04	18 548.40

Co-operatives Liquidation Account

	\$
Balance at 1 July 04	64 992.85
Add: Amounts received during the year pursuant to section 331 of the Co-operatives Act 1997	0.0
Less: Amount paid to claimants in accordance with section 331 Payments to Consolidated Account in accordance with section 331	0.0
Balance at 30 June 04	64 992.85

Miscellaneous Corporate Affairs Commission responsibilities

Partnerships Act 1891 - Part 3 - Limited Partnerships

Part 3 of the Partnerships Act 1891 provides for the registration of limited partnerships. 12 limited partnerships are registered.

Trustee Companies Act 1988

Companies granted the privilege of trustee company status may be appointed as executor or trustee of an estate in South Australia. Nine trustee companies are included in Schedule 1 to the Trustee Companies Act 1988 and each is required to lodge six monthly financial statements with OCBA. All required statements were received and are available for public inspection.

One application was received to include a new trustee company in Schedule 1 to the Trustee Companies Act 1988 during the financial year. However this application was not completed by 30 June.

Monitoring/education activities

Building Work Contractors Act

Monitoring of building sites and exhibitors at events to ensure compliance with licensing requirements.

Royal Adelaide Show	Aug 03
Home Show	Oct 03
Building sites at Sheidow Park	May 04

Security & Investigation Agents Act

Monitoring of security guards at events and licensed premises to ensure compliance with licensing requirements:

Rugby World Cup	Oct 03
Adelaide International Horse Trials	Nov 03
Schutzenfest	Jan 04
Nightclubs in the CBD	Feb 04
Big Day Out	Feb 04
Carnevale	Feb 04
Clipsal 500	Mar 04
Nightclubs in North Adelaide	May 04

Talks were given to crowd controllers and security personnel to ensure compliance with licensing requirements:

Security personnel & SAPOL at Glenelg	Feb 04
Crowd controllers at Marion	Feb 04

Second-hand Vehicle Dealers Act

Monitoring of car yards and second-hand vehicle dealers to ensure compliance with licensing requirements.

Monitoring of car yards - particular emphasis on the requirement to display schedules	Aug 03
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Monitoring of car yards	June 04
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Fair Trading Act

Talks provided to ensure compliance with the door-to-door sales provisions of the Fair Trading Act.

Bramalco Pty Ltd	Sep 03
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Niagara Therapy	May 04
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Associations Incorporation Act

Talk provided to ensure compliance with the Act.

Department of Recreation and Sport	June 04
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Warnings, assurances, investigations and court actions

During the reporting year OCBA:

- Issued 725 written warnings to traders in relation to alleged breaches of legislation administered by OCBA (other than alleged breaches of business names legislation).
- Issued 2420 warning letters to traders in relation to alleged unregistered business names. These warning letters resulted in the registration of 709 new business names.
- Obtained 23 assurances under the Fair Trading Act 1987 relating to the following Acts and their associated Regulations that are related to the Fair Trading Act 1987:
 - Building Work Contractors Act 1995
 - Fair Trading Act 1987
 - Land Agents Act 1994
 - Plumbers, Gas Fitters and Electricians Act 1995
 - Second-hand Vehicle Dealers Act 1995
 - Security and Investigation Agents Act 1995.

Assurances

No.	Trader	Date	Related Act	Section	Undertaking
648	KARAGIANNIS Arthur	30.12.03	Plumbers Gas Fitters and Electricians Act	6(1)	Will refrain from carrying on business as a plumbing and gas fitting contractor without the prescribed licence.
649	SIMEONAKIS Spiros Weeks & Macklin Northern Region	13.01.04	Land Agents Act	6	Will refrain from acting as an agent until registered.
650	WEHBE Tony	13.01.04	Second-Hand Vehicle Dealers Act	7(1)	Will refrain from carrying on business or holding out to be a second-hand vehicle dealer without the prescribed licence.
651	DURBIN Elaine Mavis LJ Hooker Henley Beach and LJ Hooker Semaphore	15.01.04	Land Agents Act	6	Will refrain from carrying on business as a land agent unless registered.
652	Corporal Security Pty Ltd	14.01.04	Security and Investigation Agents Act	12A	Will refrain from employing unregistered persons to carry out functions of security agent.
653	Aquila International Pty Ltd T/A Morgan's First National	23.01.04	Land Agents Act	6(1)	Will refrain from carrying on business as a land agent unless registered.
654	Mc Gees (SA) Pty Ltd	15.01.04	Land Agents Act	21(1)	Will comply with keeping of records provisions of the Act.
655	Matthews Real Property Management Pty Ltd	11.02.04	Land Agents Act	6, 62(2)	Will refrain from holding out or carrying on business as a land agent without registration and refrain from failing to lodge security bonds within the prescribed time.
656	CARBONE Francesco Bagyio	23.02.04	Security and Investigation Agents Act		Director of insolvent company.
657	CARBONE Teresa	23.02.04	Security and Investigation Agents Act		Director of insolvent company.
658	System Real Estate Pty Ltd	18.03.04	Land Agents Act	6(1)	Will refrain from carrying on business as a land agent unless registered.

No.	Trader	Date	Related Act	Section	Undertaking
659	STONER Shane Kentore	04.04.04	Plumbers, Gas Fitters and Electricians Act	6(1)(a)	Will refrain from carrying on business as an electrical contractor without a prescribed electrical contractors licence.
660	Body Workshop Fitness Pty Ltd	20.04.04	Fair Trading Act	58(g)	Will immediately refrain from making misleading statements in relation to the price of memberships at Body Workshop franchises. Will implement a compliance program to ensure all employees of Body Workshop Fitness Pty Ltd and its franchises are educated about the provisions in the Fair Trading Act that relate to making false and misleading statements in respect to the price of goods or services.
661	SAMSON Angus Weir	23.04.04	Building Work Contractors Act	6(1)(b)	Will refrain from advertising or otherwise holding himself out as being entitled to carry on business as a building work contractor without a prescribed licence. Will refrain from making false or misleading statements (whether by reason of inclusion or omission) in information provided, or record kept under the BWC Act.
662	NASILOWSKI Christopher	24.05.04	Second-hand Vehicle Dealers Act	7(1)	Will refrain from carrying on business as a second-hand vehicle dealer without a prescribed licence.
663	MOSS Sandra	25.05.04	Second-hand Vehicle Dealers Act	33(3)	Will not purport to exclude a consumer's right to a statutory warranty.
664	P&O Real Estate Pty Ltd T/A City Metro Realty	25.05.04	Land Agents Act	6	Will refrain from carrying on business as a land agent without registration.
665	CARBONE Francesco Bagyio	31.05.04	Security & Investigation Agents Act	25(1) (a)	Will by 16 July 04 enrol in and make full payment for a company directors course conducted by AICD and provide documentary proof of enrolment and payment. Will undertake to change licence to be subject to an employee condition pursuant to sec 7(a)(1) and 7(b)(1) should he fail to meet the above. Will by 16 Feb 05 complete the company directors course and provide documentary proof of completion.

No.	Trader	Date	Related Act	Section	Undertaking
666	CARBONE Teresa	31.05.04	Security & Investigation Agents Act	25(1) (a)	Will by 16 July 04 enrol in and make full payment for a company directors course conducted by AICD and provide documentary proof of enrolment and payment. Will undertake to change licence to be subject to an employee condition pursuant to sec 7(a)(1) and 7(b)(1) should she fail to meet the above. Will by 16 Feb 05 complete the company directors course and provide documentary proof of completion.
667	COTIS Constantino	07.06.04	Building Work Contractors Act	34(a)	Will not commence building work without a policy of indemnity insurance.
668	COTIS Carmel	07.06.04	Building Work Contractors Act	34(a)	Will not commence building work without a policy of indemnity insurance.
669	Broadfield Pty Ltd T/A On Time Realty	10.06.04	Land Agents Act	6(1)	Will refrain from carrying on business as a land agent without the appropriate registration.
670	TENIKOFF Robert	22.06.04	Building Work Contractors Act	6(1) (a)	Will refrain from carrying on business as a building work contractor without a prescribed licence.

Court actions

No.	Case name or Surname or Co Name	Act	Sections	Allegation	Outcome
1	Astime Pty Ltd	Second-hand Vehicle Dealers Act & Fair Trading Act	33(3) & 58(g)	False & misleading representations regarding warranty & purporting to exclude warranty.	Convicted on 7 Fair Trading counts & 11 counts of purporting to exclude warranty. Fined \$20,000.
2	VERSACE Salvatore	Second-hand Vehicle Dealers Act & Fair Trading Act	33(3) & 58(g)	False & misleading representations regarding warranty & purporting to exclude warranty.	Convicted on 7 Fair Trading counts & 11 counts of purporting to exclude warranty. Fined \$6,000.
3	TARDIO Nick	Second-hand Vehicle Dealers Act & Fair Trading Act	58(g)	False & misleading representations regarding warranty.	Convicted on 7 Fair Trading counts. Fined \$8,000.
4	FELMINGHAM Nicholas Rodney	Security and Investigation Agents Act	25(1) (e)(ii)	Convicted of armed robbery, which took place while acting in the capacity of a security and investigation agent.	Complaint withdrawn as licence held by defendant was cancelled. He is now no longer entitled to be granted a licence.
5	MOORE-McQUILLAN Markham	Security and Investigation Agents Act	25(1) (e)(ii)	Events occurred where defendant is not now entitled to gain a licence, not fit and proper to hold a licence.	Licence cancelled.
6	FERGUSON Michael Shane	Building Work Contractors Act	25(1) (c)(iii)	Provided misleading information when applying for builders licence. He gained his licence improperly.	Licence surrendered. Reprimanded and fined \$500.
7	BRAJLOVIC Damir	Second-hand Vehicle Dealers Act	27(1)(d)	Previously convicted of unlicensed dealing and interference with odometers.	Disqualified from holding a licence. Prohibited from being employed or otherwise engaged by a licensed dealer, and being a director of a body corporate that holds a licence, until further order.
8	PARAHI Tony Sebastian	Security & Investigation Agents Act	9(1)(b), 25(1) (e)(ii)	Licensed security agent breach of prescribed offences.	Complaint withdrawn as it could not be served.

No.	Case name or Surname or Co Name	Act	Sections	Allegation	Outcome
9	SCHMIDT Grantley Preston	Second-hand Vehicle Dealers Act	27(1)(d)	Acted unlawfully in course of managing business as a dealer.	Permanently disqualified from holding a licence, being employed or otherwise engaged in the business of a dealer and prohibited from being a director of a body corporate that is a licensed dealer.
10	KILSBY Geoffrey Allen	Plumbers, Gas Fitters and Electricians Act	6(1)(a)	Continued to contract for electrical work while licence suspended by order of the District Court.	Supreme Court ordered that Kilsby be restrained from entering into contracts for electrical work until further order and that, until 24/12/04, he be allowed to undertake electrical work only under the direct and personal supervision of a licensed elect.
11	MONZ Stephen Eric	Building Work Contractors Act	6 (1)(a)	Unlicensed building work contractor.	Convicted and fined \$1,500 plus costs.
12	APPELBY Paul	Security and Investigation Agents Act	37	Provided false information in material particular.	Convicted and fined \$300.00
13	BUTTIGIEG Ronald Joseph	Second-hand Vehicle Dealers Act	7(1)	Unlicensed second-hand motor vehicle dealer.	Convicted and fined \$4,000 plus costs.
14	RIEDEL Mark Walter	Security and Investigation Agents Act	25(1)(a) & 25(1)(e)(ii)	Acted contrary to FTA assurance. Disentitling events occurred.	Fined \$750.00 and required to furnish Commissioner with proof that he has completed directors course by 31/1/04.
15	RIEDEL Philip Gary	Security and Investigation Act	25(1)(a) & 25(1)(e)(ii)	Acted contrary to FTA assurance. Disentitling events occurred.	Fined \$1250.00 and required to furnish Commissioner with proof that he has completed directors course by 31/1/04.
16	BROWNRIGG Simon Blake	Plumbers, Gas Fitters and Electricians Act	6 (1)(a) & 25(a)	Carried on business as a plumbing contractor except as authorised by licence and failed to comply with order of the Court.	Prohibited from being a director of a company that holds a licence until 25 May 2005 and fined \$1,500.00.
17	EVANS Heath Norbert	Security and Investigation Agents Act	26	Carried on business and holding out as an investigation agent without holding a licence.	Convicted and fined \$400.

No.	Case name or Surname or Co Name	Act	Sections	Allegation	Outcome
18	MORTON Samuel Richard	Security and Investigation Agents Act	26	Carried on business as an investigation agent without holding a licence.	Permanently disqualified from holding a licence.
19	KOCZWARA Wojciech	Plumbers, Gas Fitters and Electricians Act	13(a)	Performed electrical work while not being appropriately registered as an electrical worker.	Convicted and fined \$2,000 plus costs.
20	VISCARIELLO John	Building Work Contractors Act	21(1)(e)	The director of two companies wound up for the benefit of creditors.	Condition placed on licence that he complete a company directors course within 6 months.
21	BEARDSLEY Marie and Joseph	Fair Trading Act	58(e)	Alleged that the traders falsely represented that they have authority to issue nationally recognised qualifications.	Complaint withdrawn. Assurance under FTA given. Compensation of \$1,507 provided by defendants to participants in course.
22	JACKSON Simon Eric	Building Work Contractors Act		Building outside scope of licence.	Reprimanded by the Court. Permanently disqualified from being licensed as a building work contractor. Permanently prohibited from being a director of a body corporate that is a building work contractor.
23	Future Car Sales Pty Ltd	Fair Trading Act	58(e)	Submitted false information in credit applications for the purchase of second-hand motor vehicles.	Convicted and fined \$4,000 plus costs.
24	COOPER Garry Raymond	Fair Trading Act	58(d) & 58(g)	Submitted false information in credit applications for the purchase of second-hand motor vehicles.	Convicted and sentenced to 160 hours of community service plus costs.
25	CORCORAN Kevin James	Fair Trading Act	58(g)	Submitted false information in credit applications for the purchase of second-hand motor vehicles.	Convicted and fined \$4,000 plus costs.

No.	Case name or Surname or Co Name	Act	Sections	Allegation	Outcome
26	WISNIEWSKI Richard	Second-hand Vehicle Dealers Act	7(1)	Unlicensed second-hand motor vehicle dealer.	Convicted and sentenced to 300 hours of community service.
27	SCHULZ Aaron Jason	Building Work Contractors Act	21(1)(e)	Convicted of armed robbery. Now no longer fit and proper to hold a licence.	Complaint before the court was withdrawn as Schulz's licence was administratively cancelled because of his failure to lodge an annual return.

Product safety

Products found not to comply with safety and information standards were:

Product	Fault	Result
Amazing Baby Listen and Play Book	Contains a spinning dial that could break to reveal the small retainer pin inside. Choking hazard.	Voluntary recall undertaken by the supplier.
Cartoon-motif jumpers (featuring 'Barney', 'Blues Clues' and 'Rugrats' characters)	The plastic caps on the ends of the drawstrings can easily be removed. Choking hazard.	Recalled. Actioned under advice from OCBA.
Deville model children's bike	Does not have a front brake (children's bikes over a certain size are required to have two sets of brakes).	Recalled. Actioned under advice from OCBA.
Two bikes sold at a discount warehouse	Did not have sufficient assembly instructions.	Recalled. Actioned under advice from OCBA.
Plush toy rabbit	The ends of the wires used to stiffen the ears became exposed.	Recalled. Actioned under advice from OCBA.
'Junior Captain's Chair' (children's folding chair)	Fingers could become entrapped in the legs when folding or unfolding the chair.	Homeart convicted and fined for selling a previously recalled item.
'Super Cap Gun'	Cap gun does not have a required safety feature blocking the barrel of the gun.	Recalled. Actioned under advice from OCBA.
'Sweda Caps'	Several caps tend to discharge at once, creating a lot of heat and smoke.	Recalled. Actioned under advice from OCBA.

Product	Fault	Result
'Willow Conical Grater' (cheese grater)	Protruding metal blades may break off and fall into the food. The blades are also rough as they are not finished off properly.	Recalled. Actioned under advice from OCBA.
Muppet 'Animal' drummer doll	Chain around its neck presented a choking hazard.	Removed from show bag.
Windmill	The small removable cap in the centre of the blades presented a choking hazard.	Removed from show bag.
Novelty tool box	Contained small nuts that pose an inhalation hazard, and a spirit level which when dropped broke easily into very small parts.	Removed from show bag.

Residential and retail tenancies

Bonds

	June 01	June 02	June 03	June 04
Tenant provided bonds	60 730	61 775	65 555	70 037
SAHT provided bonds	1 970	1 521	1 199	1 006
SAHT bond guarantees	20 839	21 502	22 010	22 501
Total residential bonds held	83 539	84 798	88 764	93 544
Tenant provided bonds (\$)	34 948 838	37 359 959	42 250 723	48 038 881
SAHT provided bonds (\$)	861 762	663 469	520 898	434 461
SAHT bond guarantees (\$)	10 069 850	10 635 493	11 226 699	11 832 038
Total residential bonds held (\$)	45 880 450	48 658 921	53 998 320	60 305 380
Residential bonds lodged	47 655	47 181	48 591	50 338
Residential bonds refunded	47 100	45 921	44 625	45 558
Retail bonds lodged	293	263	248	358
Retail bonds refunded	215	199	187	204
Incoming residential bond calls	39 718	37 888	38 117	38 395
Average speed of answer (secs)	28	19	18	20
Average duration of calls (secs)	135	133	128	120

Advice

	June 01	June 02	June 03	June 04
Requests for assistance	937	891	678	561
Tribunal files investigated	1 515	1 492	1 567	1 695
Customer contacts	81 904	87 586	87 330	86 997
Average speed of answer (secs)	24	23	17	18
Average duration of calls (secs)	224	203	214	204

Tribunal support section

	June 01	June 02	June 03	June 04
Applications lodged	11 209	11 253	12 131	13 101
Hearings listed - metro	8 600	8 943	8 558	10 676
Hearings listed - country	898	1 010	964	1091
Hearings conducted	7 593	7 764	8 519	9967

Residential tenancies tribunal hearings

	June 01		June 02		June 03		June 04	
	No.	%	No.	%	No.	%	No.	%
Bond and compensation	1 503	19.8	1 572	20.2	1 554	18.3	1598	16.0
Vacant possession	5 332	70.2	5 359	69.0	6 038	71.0	6872	68.9
Immediate termination	39	0.5	35	0.5	38	0.1	52	0.5
Miscellaneous	282	3.7	324	4.2	396	4.7	904	9.1
Retirement Villages	41	0.6	10	0.1	22	0.1	7	0.1
Vary or set aside	214	2.8	285	3.7	299	3.5	339	4.0
Exemptions	7	0.1	4	0.1	8	0.1	1	0.1
Termination due to tenant conduct	175	2.3	175	2.2	164	2.2	194	1.9
Total	7 593	100	7 764	100	8 519	100	9967	100

Freedom of information

22 applications under the Freedom of Information Act 1991 were received during the reporting period. The applications included requests for policy and personal information held on consumer complaints files. 16 applications were received during the previous year.

Human resource and occupational health safety and welfare matters

OCBA is a division of the Attorney-General's Department. OCBA human resources and occupational health and safety matters are largely reported in the annual report of the Justice Portfolio incorporating the Department of Justice and the Attorney-General's Department.

OCBA developed and reviewed internal policies and procedures to comply with State Government legislation. Specific OCBA activities include:

- publishing policies and disseminating materials for consultation by OCBA staff
- offering flu shots to staff with the cost borne by the agency
- providing protective clothing for staff who do monitoring work at building sites
- providing training in self defence and aggression management for staff who conduct monitoring exercises
- assisting in a review of sick leave within the Attorney-General's Department with the aim being to reduce the number of sick days taken by staff.

Overseas travel

A summary of overseas travel by employees, including destinations, costs and reason for travel, is detailed below.

No. of employees	Destination(s)	Reason for travel	Total cost to Agency \$
1	New Zealand	To attend the Electrical Regulatory Authority Council meeting. OCBA is a member of this Council.	1 450
2	New Zealand	To attend the Australasian Tenancies Conference and present two papers.	4 500

Contracts which exceed \$4million

None to report

Account payment performance

OCBA accounts are managed by the Attorney-General's Department. OCBA supports the accounts payable function by prompt approval of invoices and forwarding approved invoices to the Finance Division of the Attorney-General's Department.

Energy efficiency action plan reports

The Government Energy Efficiency Action Plan was approved by Cabinet in 2001. This plan forms an integral part of the National Greenhouse Strategy and incorporates the Government Target of a 15% reduction in energy use in Government buildings before 2010.

In June 2003 OCBA engaged the services of Barrett Consulting Engineers to conduct an Energy Audit. The purpose of this audit was to evaluate the overall energy consumption and efficiency of the premises.

Significant Energy Management Achievements

- Participated in energy use reduction strategies such as removal of unnecessary lamps (where consistent with good occupational health and safety practice), fitting timers on some equipment to limit out of hours consumption, and choosing and installing equipment offering standby modes.
- Replaced existing CRT computer screens which will reduce energy use with a projected annual energy saving of \$4 250 and a projected payback of 6 years.
- As part of the Office's rental accommodation for the next 10 years examining installing T5 environmental lighting and automatic dimming system which is expected to give a minimum of 25% saving in energy costs.

Other Achievements

- Recycling systems for paper and used containers have been put in place on each floor occupied by OCBA.

Disability action plan

OCBA is committed to fostering an environment that is free from disability discrimination. The Office seeks to identify and remove all barriers to persons with a disability to allow for equitable participation in the full range of service provision and employment opportunities available in accordance with the Disability Discrimination Act 1992.

OCBA has developed a Disability Action Plan which provides a framework for all staff to follow to ensure that:

- our customers can access the complete range of OCBA services
- there is equal employment opportunity
- discrimination does not occur in the administration of policies, facilities, services and programs.

The Action Plan was drafted to meet the requirements of the Equal Opportunity Act 1984, the Disability Discrimination Act 1992 and the five key outcomes as required by all Government agencies.

Specific activities include:

- delivering services and providing information to people with a disability through the TTY Service
- making improvements to the OCBA website to meet accessibility guidelines
- ensuring that management is aware, skilled and equipped to respond sensitively and fairly to clients and colleagues with a disability through participating in disability training
- ensuring building lease negotiations address approved standards for physical access by people with a disability.

Aboriginal reconciliation statement

OCBA is a strong supporter of reconciliation, and has commenced or continued a number of initiatives aimed at improving the position of Indigenous consumers.

OCBA is a promoter of and a major participant in South Australia in the Australian Competition and Consumer Commission (ACCC) "Store Charter" program, which is designed to ensure that Indigenous people receive fair treatment in their dealings with retail businesses. Both agencies have visited regional communities to introduce the program and secure its adoption by local businesses.

OCBA also played a key role on the National Indigenous Consumer Strategy Working Group that was commissioned by the Standing Committee of Officials of Consumer Affairs (SCOCA). The Working Group aims to improve consumer outcomes nationally for Indigenous people by educating Indigenous consumers about their rights and responsibilities, providing greater access to consumer protection programs, and improving marketplace behaviour of traders to reduce detriment to Indigenous individuals.

During the year OCBA also undertook a series of meetings with Indigenous groups and communities to identify particular issues, and approaches to them which would support Indigenous communities as they address them. Meetings are intended to provide a basis for OCBA to develop long term partnership-style approaches to issues affecting Indigenous communities.

OCBA continues, through the Births, Deaths and Marriages Registration Office, to provide support to SA Link-Up and other Indigenous agencies assisting members of the Stolen Generation to trace their records and possibly their families. A Memorandum of Understanding has been signed with SA Link-Up.

BDM has also provided support to State Records projects which assist in meeting the recommendations of the Bringing Them Home Project.

Regional impact assessment statements

None to report.

HIH assistance scheme

Claims summary since the Scheme commenced in July 2001 to 30 June 2004

Claims Status	Total
No. Lodged	62
No. Denied	4
No. Paid	48
No. On Hand	10
Total Paid (\$)	1 714 633
Estimate of claims on hand (\$)	385 104

Residential Tenancies Fund

Statement of Financial Performance for the year ended 30 June 2004

	Notes	2004 \$' 000	2003 \$' 000
Revenues from ordinary activities			
Interest		2,962	3,014
Other	2	144	133
Total revenues from ordinary activities		3,106	3,147
Expenses from ordinary activities			
Employee Expenses	3	2,761	2,727
Accommodation		423	392
Depreciation	4	333	305
Disposal of asset			-
Other	5	1,221	1,894
Total expenses from ordinary activities		4,738	5,318
Net operating deficit from ordinary activities		(1,632)	(2,171)
Equity Interest		(1,632)	(2,171)
Net credits (debits) to asset revaluation reserve	12	-	3
Total revenues, expenses and valuation adjustments recognised directly in equity		-	3
Total changes in equity		(1,632)	(2,168)

The above statement is a draft only. Subject to the Auditor General's opinion, some figures may change slightly. The above statement should be read in conjunction with the accompanying notes.

Statement of Financial Position as at 30 June 2004

	Note	2004 \$' 000	2003 \$' 000
CURRENT ASSETS			
Cash on Hand and on Deposit	6	2,920	1,088
Investments		11,237	8,929
Receivables	7	143	193
Total Current Assets		<u>14,300</u>	<u>10,210</u>
NON-CURRENT ASSETS			
Plant and Equipment	8	754	818
Investments		40,016	37,557
Total Non-Current Assets		<u>40,770</u>	<u>38,375</u>
TOTAL ASSETS		<u>55,070</u>	<u>48,585</u>
CURRENT LIABILITIES			
Security Bonds lodged	9	25,600	22,810
Payables	10	1,307	134
Other current liabilities	11	65	66
Total Current Liabilities		<u>26,972</u>	<u>23,010</u>
NON-CURRENT LIABILITIES			
Security Bonds lodged	9	24,165	21,184
Other non-current liabilities	11	50	115 Total
Non-Current Liabilities		<u>24,215</u>	<u>21,299</u>
TOTAL LIABILITIES		<u>51,187</u>	<u>44,309</u>
NET ASSETS		<u>3,883</u>	<u>4,276</u>
EQUITY			
Accumulated Surplus	12	2,277	3,909
Adjustments to Equity		(21)	-
Asset Revaluation Reserve	12	1,627	367
TOTAL EQUITY		<u>3,883</u>	<u>4,276</u>

The above statement is a draft only. Subject to the Auditor General's opinion, some figures may change slightly. The above statement should be read in conjunction with the accompanying notes.

Statement of Cash Flows for the year ended 30 June 2004

		2004	2003
		\$'000	\$'000
	Note	Inflows/(Outflows)	Inflows/(Outflows)
CASH FLOWS FROM OPERATING ACTIVITIES			
Cash received			
Interest		3,144	3,157
Bond lodgements		31,377	27,769
Other		21	17
Total cash received		<u>34,542</u>	<u>30,943</u>
Cash used			
Administration		(3,271)	(4,653)
Bond refunds		(25,600)	(22,810)
Other		(42)	(37)
Total cash used		<u>(28,913)</u>	<u>(27,500)</u>
Net cash from operating activities	13	<u>5,629</u>	<u>3,443</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Cash used			
Payments for investments		(3,508)	(2,360)
Payments for non-current assets		(289)	(35)
Total cash used		<u>(3,797)</u>	<u>(2,395)</u>
Net cash used in investing activities		<u>(3,797)</u>	<u>(2,395)</u>
Net increase in cash held		1,832	1,048
Cash at beginning of the reporting period		1,088	40
Cash at the end of the reporting period	6	<u>2,920</u>	<u>1,088</u>

The above statement is a draft only. Subject to the Auditor General's opinion, some figures may change slightly. The above statement should be read in conjunction with the accompanying notes.

Notes to and forming part of the financial statements

Note 1. Summary of Significant Accounting Policies

1.1. Objectives of the Residential Tenancies Fund

The Residential Tenancies Fund (Fund) is established under the Residential Tenancies Act 1995 (Act). The Fund is kept and administered by the Commissioner for Consumer Affairs. The Fund consists of amounts received by the Commissioner by way of security bonds and other amounts paid into the Fund under the Act. The Commissioner will make repayments in respect of security bonds from the Fund. Income derived from investment of the Fund is applied towards the costs of administering and enforcing the Act, education of landlords and tenants about their statutory and contractual rights and obligations, and operations of the Residential Tenancies Tribunal.

1.2. Basis of Accounting

The financial statements are required by Treasurer's Instruction 19 issued pursuant to Section 41 of the Public Finance and Audit Act 1987 and are a general purpose financial report.

The statements have been prepared in accordance with:

- Australian Accounting Standards and Accounting Interpretations issued by Australian Accounting Standards Boards;
- Other authoritative pronouncements of the Boards;
- Consensus Views of the Urgent Issues Group;
- Accounting Policy Statements and Treasurer's Instructions issued by the Department of Treasury and Finance;
- Statements of Accounting Concepts.

The Fund's Statement of Financial Performance and Statement of Financial Position have been prepared on an accrual basis and are in accordance with historical cost convention, except for certain assets which, as noted are at valuation (fair value). Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

Assets and liabilities are recognised in the Fund's Statement of Financial Position when and only when it is probable that future economic benefits will eventuate or be required and the amounts of the assets or liabilities can be reliably measured. Assets and liabilities arising under agreements equally proportionately unperformed are however not recognised unless required by an Accounting Standard.

Revenues and expenses are recognised in the Fund's Statement of Financial Performance when and only when the flow or consumption or loss of economic benefits has occurred and can be reliably measured.

Bond Guarantee Scheme

Under the Bond Guarantee Scheme a guarantee for the bond is given to the landlord by the SA Housing Trust. In the event of a claim by a landlord, a payment is made by the Residential Tenancies Fund. The SA Housing Trust then reimburses the Residential Tenancies Fund. The value of bond guarantees lodged at 30 June 2004 is \$11.6m (2003 \$11.0m).

The SA Housing Trust pays interest at an agreed market determined rate to the Residential Tenancies Fund based on the daily balance of bond guarantees held.

Interest

Under the Residential Tenancies Act, interest is paid to tenants when a bond is repaid to them, interest is not paid when a bond is paid to landlords or third parties such as the SA Housing Trust. The interest has not been recorded as a liability, as the Fund does not have a present obligation until the tenant lodges a claim for the repayment of the bond. It is estimated that the interest liability as at 30 June 2004 is \$98,000 (2003 \$85,000).

1.3 Employees

The liability for employee entitlements (provision for annual leave and long service leave) rests with the Attorney-General's Department. No provision has been made for sick leave as all sick leave is non-vesting.

1.4 Taxation

In accordance with the requirements of UIG Abstract 31 "Accounting for the Goods and Services Tax (GST)", revenues, expenses and assets are recognised net of the amount of GST except that:

- the amount of GST incurred by the Fund as a purchaser that is not recoverable from the Australian Taxation Office is recognised as part of the cost of acquisition of an asset or as part of an item of expense; and
- receivables and payables are stated with the amount of GST included.

The net GST receivable from the Australian Taxation Office has been recognised in the Attorney-General's Department's Statement of Financial Position.

1.5 Leases

A distinction is made between finance leases which effectively transfer from the lessor to the lessee substantially all the risks and benefits incidental to ownership of leased non-current assets and operating leases under which the lessor effectively retains substantially all such risks and benefits.

Where a non-current asset is acquired by means of a finance lease, the asset is capitalised at the present value of minimum lease payments at the inception of the lease and a liability recognised for the same amount. Leased assets are amortised over the period of the lease. Lease payments are allocated between the principal component and the interest expense.

Operating lease payments are expensed on a basis which is representative of the pattern of benefits derived from the leased asset.

Lease incentives taking the form of 'free' leasehold improvements and rent holidays are recognised as liabilities. These liabilities are reduced by allocating lease payments between rental expense and reduction of the liability.

1.6 Cash

Cash means notes and coins held and any deposits held at call with a bank or financial institution. Cash on deposit represent funds held in a Special Deposit Account with Westpac Bank. Investments represent funds deposited with the Public Trustee Office.

1.7 Financial Instruments

Accounting policies for financial instruments are stated at Note 17.

1.8 Acquisition of Assets

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange for liabilities undertaken.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and revenues at their fair value at the date of acquisition, unless acquired as a consequence of restructuring administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor agency's accounts immediately prior to the restructuring.

1.9 Property, Plant and Equipment

Asset Recognition Threshold

Purchases of property, plant and equipment are recognised initially at cost in the Statement of Financial Position, except for purchases costing less than \$2,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

Revaluations

The Fund has applied the Australian Accounting Standards AASB1041 'Revaluation of Non-Current Assets'.

Leasehold improvements and plant and equipment were revalued in accordance with the 'fair value' method of valuation as at 1 July 2002. Revaluation increments are recognised in the asset revaluation reserve and revaluation decrements are only offset against revaluation increments relating to the same class of asset and any excess is recognised as an expense.

Depreciation and Amortisation

Depreciable property, plant and equipment assets are written off to their estimated residual values over their estimated useful lives to the Department using, in all cases, the straight line method of depreciation. Leasehold improvements are amortised on a straight-line basis over the lesser of the estimated useful life of the improvement or the unexpired period of the lease.

Depreciation/amortisation rates and methods are reviewed at each balance date and necessary adjustments are recognised in the current and future reporting periods as appropriate. Residual values are re-estimated for a change in prices only when assets are revalued.

Depreciation and amortisation rates applying to each class of depreciable asset are based on the following useful lives:

	YEARS
Leasehold improvements	life of lease
Plant and Equipment	10
Information Technology	3-5

The aggregate amount of depreciation allocated for each class of asset during the reporting period is disclosed in Note 4.

1.10 Comparative figures

Comparative figures have been adjusted to conform to changes in presentation in these financial statements where required.

1.11 Rounding

Amounts have been rounded to the nearest \$1,000.

2. Other Revenue

	2004	2003
	\$'000	\$'000
Other revenues for the Fund comprised:		
Management fee recovery	133	125
Trainee salary recovery	11	8
Total Other Revenues	<u>144</u>	<u>133</u>

3. Employee Expenses

	2004	2003
	\$'000	\$'000
Employee expenses for the reporting period comprised:		
Salaries and Wages	2 290	2 253
Payroll Tax and Superannuation Expenses	401	402
Long Service Leave Expenses	70	68
Other Employee Related Expenses	-	4
Total Employee Expenses	<u>2 761</u>	<u>2 727</u>

4. Depreciation and Amortisation

	2004	2003
	\$'000	\$'000
Depreciation and Amortisation expenses for the reporting period comprised:		
Leasehold Improvements	220	221
Plant and Equipment	67	64
Information Technology	46	19
Plant and Equipment under finance lease.	-	1
Total Depreciation and Amortisation	<u>333</u>	<u>305</u>

5. Other Expenses

	2004	2003
	\$'000	\$'000
Other expenses for the Fund comprised:		
Administration	870	856
Staff Payments	42	38
Revaluation decrement	-	817
Computing and Communication	308	170
Other	1	13
Total Other expenses	<u>1 221</u>	<u>1 894</u>

6. Cash on Hand and on Deposit

	2004	2003
	\$'000	\$'000
Special Deposit Accounts with Westpac Bank	2 920	1 088
Total Cash on Hand and on Deposit	<u>2 920</u>	<u>1 088</u>

7. Receivables

	2004	2003
	\$'000	\$'000
Accrued interest	141	191
Other receivable	2	2
Total Receivables	<u>143</u>	<u>193</u>

8A. Property, Plant and Equipment

	Cost/ Valuation	Accumulated Depreciation/ Amortisation	Written Down Value
	2004	2004	2004
	\$'000	\$'000	\$'000
Leasehold Improvements (1)	1 354	1 006	348
Information Technology	378	95	283
Plant and Equipment (1)	610	487	123
	2 342	1 588	754

	Cost/ Valuation	Accumulated Depreciation/ Amortisation	Written Down Value
	2003	2003	2003
	\$'000	\$'000	\$'000
Leasehold Improvements (1)	1 354	786	568
Information Technology	123	60	63
Plant and Equipment (1)	607	420	187
Plant and Equipment under finance lease	23	23	-
	2 107	1 289	818

(1) Valuations of leasehold improvements and plant and equipment were performed by Simon B O'Leary AAPI, MSAA, Certified Practising Valuer - Plant and Machinery of the Australian Valuation Office as at 1 July 2002.

Note 8B - Property, Plant and Equipment - Movement Schedule

Account Description	ASSET COST/VALUATION				ACCUMULATED DEPRECIATION				NET BOOK VALUE				
	Opening Bal. \$'000	Additions \$'000	Disposals \$'000	Reval's \$'000	Other \$'000	Closing Bal. \$'000	Opening Bal. \$'000	Charge Disposals \$'000	Reval's \$'000	Other \$'000	Closing Bal. \$'000	2004	2003
Leasehold Improvements	1789	0	0	0	-435	1354	1079	221	0	-294	1006	348	568
TOTAL BUILDINGS	1789	0	0	0	-435	1354	1079	221	0	-294	1006	348	568
PLANT & EQUIPMENT													
Information Technology	438	289	6	0	-343	378	377	52	6	-328	95	283	63
Plant and Equipment	759	0	0	0	-149	610	515	67	0	-95	487	123	187
TOTAL PLANT & EQUIPMENT	1197	289	6	0	-492	988	892	119	6	-423	582	406	250
TOTAL PROPERTY, PLANT & EQUIPMENT	2986	289	6	0	-927	2342	1971	340	6	-717	1588	754	818

9. Security Bonds Lodged

	2004	2003
	\$'000	\$'000
Current		
Bonds Lodged	25 585	22 789
Sale of Goods	12	12
Rent held pursuant to tribunal direction	3	9
Total Other Current Liabilities	<u>25 600</u>	<u>22 810</u>
Non Current		
Bonds Lodged	24 165	21 184
Total Other Non Current Liabilities	<u>24 165</u>	<u>21 184</u>

10. Payables

	2004	2003
	\$'000	\$'000
Current		
Creditors	1 287	109
Accruals	20	25
Total Current Payables	<u>1 307</u>	<u>134</u>

11. Other Liabilities

	2004	2003
	\$'000	\$'000
Current		
Lease Incentive	65	66
Total Other Current Liabilities	<u>65</u>	<u>66</u>
Non Current		
Lease Incentive	50	115
Total Other Non Current Liabilities	<u>50</u>	<u>115</u>

12. Equity

Equity represents the residual interest in the Fund's net assets. The South Australian Government holds the equity interest in the Fund on behalf of the community. Equity comprises:

	2004 \$' 000	2003 \$' 000
Accumulated Surplus		
Balance as at 1 July	3 909	6 080
Net operating deficit from ordinary activities	(1 632)	(2 171)
Balance as at 30 June	<u>2 277</u>	<u>3 909</u>
Asset Revaluation Reserve		
Balance as at 1 July	367	364
Revaluation Adjustments:-		
Investments	1 260	-
Leasehold Improvements	-	69
Plant and Equipment	-	(66)
Balance as at 30 June	<u>1 627</u>	<u>367</u>
Balance as at 30 June is made up of:		
Investments	1 260	-
Leasehold Improvements	266	266
Plant and Equipment	101	101
Balance as at 30 June	<u>1 627</u>	<u>367</u>

13. Cash Flow Reconciliation

	2004 \$'000	2003 \$'000
Reconciliation of cash per Statement of Financial Position to Statement of Cash Flows		
Cash at year end per Statement of Cash Flows	2 920	1 088
Statement of Financial Position items comprising above cash	2 920	1 088
Reconciliation of operating deficit to net cash used in operating activities:		
Net deficit	(1 632)	(2 171)
Add non cash items:		
Depreciation and amortisation	333	305
Revaluation decrement	-	818
Change in assets and liabilities		
Movement in bonds	5 771	4 966
Increase / (Decrease) in payables	1 173	(426)
(Increase) / Decrease in receivables	50	18
Decrease in other assets	-	-
Increase / (Decrease) in other liabilities	(66)	(67)
Net cash used in operating activities	<u>5 629</u>	<u>3 443</u>

14. Contingent Obligations

The Fund has no contingent obligations.

15. Remuneration of Auditors

The amount payable by the Fund for audit services during the reporting period was \$18,000 (2003 \$25,000). No other services were provided by the Auditor-General.

16. Average Staffing Levels

	2004	2003
The average staffing levels for the business operation during the year were:	49	49

17. Financial Instruments

a. Terms, Conditions and Accounting Policies.

Financial Assets

- Cash and Deposits are available at call and are recorded at cost. Interest on cash at bank is calculated quarterly by the Department of Treasury and Finance.
- Receivables are reported at amounts due to the Fund. Receivables are due within 30 days of an invoice being raised.
- Investments are recorded at net fair value based upon valuation provided by the Public Trustee.

Financial Liabilities

- Payables and Accruals are raised from amounts unpaid and are settled within the normal terms of payment of 30 days, unless otherwise agreed.

b. Interest Rate Risk

	Floating Interest Rate		Non-Interest Bearing		Total Carrying Amount as per Statement of Financial Position		Weighted Average Effective Interest Rate Percent	
	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000
Financial Assets								
Cash at Bank	2 920	1 088	-	-	2 920	1 088	4.87	4.60
Investments	51 253	46 486	-	-	51 253	46 486	7.94	2.44
Receivables	-	-	143	193	143	193		
Total	54 173	47 574	143	193	54 316	47 767		
Financial Liabilities								
Payables	-	-	1 307	134	1 307	134		
Total	-	-	1 307	134	1 307	134		

c. Net Fair Values

All financial instruments are valued at the carrying amount as per the Statement of Financial Position, which approximates net fair value. The carrying amount of Financial Assets approximates net fair value due to their short term maturity or being receivable on demand. The carrying amount of Financial Liabilities is considered to be a reasonable estimate of net fair value.

STATEMENT BY EXECUTIVE

In our opinion the financial statements and notes to the statements are presented fairly in accordance with Statements of Accounting Concepts, applicable Accounting Standards, Urgent Issues Group Consensus Views and Other Professional Mandatory Reporting Requirements, the Public Finance Audit Act 1987, as amended and the Treasurer's Instructions, the financial position of the Residential Tenancies Fund as at 30 June 2004 and the result of its operations and its cash flows for the year ended 30 June 2004, and the internal controls over financial reporting have been effective throughout the reporting period.



M BODYCOAT
COMMISSIONER FOR CONSUMER AFFAIRS



B SCHOLZ
MANAGER, TENANCIES BRANCH

Second-Hand Vehicles Compensation Fund

Statement of Financial Performance for the year ended 30 June 2004

	Notes	2004 \$' 000	2003 \$' 000
Revenues from ordinary activities			
Contribution by Licensees		322	305
Interest		102	101
Other	2	6	7
Total revenues from ordinary activities		430	413
Expenses from ordinary activities			
Claims	3	138	225
Administration	4	44	66
Auditors remuneration		4	5
Other		30	65
Total expenses from ordinary activities		216	361
Net operating surplus from ordinary activities		214	52
Equity Interest		214	52
Total changes in equity		214	52

The above statement is a draft only. Subject to the Auditor General's opinion, some figures may change slightly. The above statement should be read in conjunction with the accompanying notes.

Statement of Financial Position as at 30 June 2004

	Note	2004 \$' 000	2003 \$' 000
CURRENT ASSETS			
Cash on Hand and on Deposit	5	538	385
Investments		389	304
Receivables	6	7	9
Total Current Assets		<u>934</u>	<u>698</u>
NON-CURRENT ASSETS			
Investments		1,499	1,419
Total Non-Current Assets		<u>1,499</u>	<u>1,419</u>
TOTAL ASSETS		<u>2,433</u>	<u>2,117</u>
CURRENT LIABILITIES			
Payables	7	28	6
Total Current Liabilities		<u>28</u>	<u>6</u>
TOTAL LIABILITIES		<u>28</u>	<u>6</u>
NET ASSETS		<u>2,405</u>	<u>2,111</u>
EQUITY			
Accumulated Surplus	8	2,325	2,111
Asset Revaluation Reserve		80	-
TOTAL EQUITY		<u>2,405</u>	<u>2,111</u>

The above statement is a draft only. Subject to the Auditor General's opinion, some figures may change slightly. The above statement should be read in conjunction with the accompanying notes.

Statement of Cash Flows for the year ended 30 June 2004

		2004 \$'000	2003 \$'000
	Note	Inflows/(Outflows)	Inflows/(Outflows)
CASH FLOWS FROM OPERATING ACTIVITIES			
Cash received			
Interest		104	103
Contributions by Licensees		322	305
Other		6	7
Total cash received		432	415
Cash used			
Administration		(44)	(66)
Claims		(138)	(225)
Other		(12)	(10)
Total cash used		(194)	(301)
Net cash from operating activities	9	238	114
CASH FLOWS FROM INVESTING ACTIVITIES			
Cash used			
Purchases of investments		(85)	(89)
Total cash used		(85)	(89)
Net cash used in investing activities		(85)	(89)
Net increase in cash held		153	25
Cash at beginning of the reporting period		385	360
Cash at the end of the reporting period	5	538	385

The above statement is a draft only. Subject to the Auditor General's opinion, some figures may change slightly. The above statement should be read in conjunction with the accompanying notes.

Notes to and forming part of the financial statements

Note 1. Summary of Significant Accounting Policies

1.1. Objectives of the Second-hand Vehicles Compensation Fund

The Second Hand Vehicles Compensation Fund (Fund) is regulated by the Second-hand Vehicle Dealers Act 1995 (Act). The Fund is kept and administered by the Commissioner for Consumer Affairs. It exists to provide compensation for persons who have a valid unsatisfied claim against a second hand motor vehicle dealer in relation to the purchase, sale or consignment of a second hand vehicle. The claim is heard by the Magistrates Court and an order for compensation will only be made if there is no reasonable prospect of recovering the amount of the claim other than from the Fund.

1.2. Basis of Accounting

The financial statements are required by Treasurer's Instruction 19 issued pursuant to Section 41 of the Public Finance and Audit Act 1987 and are a general purpose financial report.

The statements have been prepared in accordance with:

- Australian Accounting Standards and Accounting Interpretations issued by Australian Accounting Standards Boards;
- Other authoritative pronouncements of the Boards;
- Consensus Views of the Urgent Issues Group;
- Accounting Policy Statements and Treasurer's Instructions issued by the Department of Treasury and Finance;
- Statements of Accounting Concepts.

The Fund's Statement of Financial Performance and Statement of Financial Position have been prepared on an accrual basis and are in accordance with historical cost convention, except for certain assets which, as noted are at valuation. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

Assets and liabilities are recognised in the Fund's Statement of Financial Position when and only when it is probable that future economic benefits will eventuate or be required and the amounts of the assets or liabilities can be reliably measured. Assets and liabilities arising under agreements equally proportionately unperformed are however not recognised unless required by an Accounting Standard.

Revenues and expenses are recognised in the Fund's Statement of Financial Performance when and only when the flow or consumption or loss of economic benefits has occurred and can be reliably measured.

1.3 Taxation

In accordance with the requirements of UIG Abstract 31 "Accounting for the Goods and Services Tax (GST)", revenues, expenses and assets are recognised net of the amount of GST except that:

- the amount of GST incurred by the Fund as a purchaser that is not recoverable from the Australian Taxation Office is recognised as part of the cost of acquisition of an asset or as part of an item of expense; and
- receivables and payables are stated with the amount of GST included.

The net GST to the Australian Taxation Office has been recognised in the Attorney-General's Department's Statement of Financial Position.

1.4 Cash

Cash means notes and coins held and any deposits held at call with a bank or financial institution. Cash on deposit represent funds held in a Special Deposit Account with Westpac Bank. Investments represent funds deposited with the Public Trustee Office.

1.5 Financial Instruments

Accounting policies for financial instruments are stated at Note 12.

1.6 Comparative figures

Comparative figures have been adjusted to conform to changes in presentation in these financial statements where required.

1.7 Rounding

Amounts have been rounded to the nearest \$1,000.

2. Other Revenue

	2004	2003
	\$'000	\$'000
Other revenues for the Fund comprised:		
Management fee recovery	5	4
Sundry recovery	1	3
Total Other Revenues	<u>6</u>	<u>7</u>

3. Claims

Payments to settle valid unsatisfied claims against 9 (2003, 8) second-hand vehicle dealers.

4. Administration

Reimbursements paid to the Attorney-General's Department for the cost of administering Schedule 3 of the Act.

5. Cash on Hand and on Deposit

	2004	2003
	\$'000	\$'000
Special Deposit Accounts with Westpac Bank	538	385
Total Cash on Hand and on Deposit	<u>538</u>	<u>385</u>

6. Receivables

	2004	2003
	\$'000	\$'000
Current		
Accrued interest	7	9
Total Receivables	<u>7</u>	<u>9</u>

7. Payables

	2004	2003
	\$'000	\$'000
Current		
Accruals	28	6
Total Current Payables	<u>28</u>	<u>6</u>

8. Equity

Equity represents the residual interest in the Fund's net assets. The South Australian Government holds the equity interest in the Fund on behalf of the community. Equity comprises:

	2004 \$' 000	2003 \$' 000
Accumulated Surplus		
Balance as at 1 July	2 111	2 059
Net operating surplus from ordinary activities	214	52
Balance as at 30 June	<u>2 325</u>	<u>2 111</u>
	2004 \$' 000	2003 \$' 000
Asset Revaluation Reserve		
Balance as at 1 July	-	-
Revaluation Adjustments:-		
Investments	80	-
Balance as at 30 June	<u>80</u>	<u>-</u>
Balance as at 30 June is made up of:-		
Investments	80	-
Balance as at 30 June	<u>80</u>	<u>-</u>

9. Cash Flow Reconciliation

	2004 \$'000	2003 \$'000
Reconciliation of cash per Statement of Financial Position to Statement of Cash Flows		
Cash at year end per Statement of Cash Flows	538	385
Statement of Financial Position items comprising above cash	538	385
Reconciliation of operating surplus to net cash from operating activities:		
Net surplus	214	52
Add non-cash items		
Revaluation decrement	-	59
Change in assets and liabilities		
Increase / (Decrease) in payables	22	1
(Increase) / Decrease in receivables	2	2
Net cash from operating activities	<u>238</u>	<u>114</u>

10. Contingent Obligations

The Fund has an estimated contingent obligation to pay \$35,000 relating to current and expected claims against the Fund.

11. Remuneration of Auditors

The amount payable by the Fund for audit services during the reporting period was \$4,000 (2003 \$5,000). No other services were provided by the Auditor-General.

12. Financial Instruments

a. Terms, Conditions and Accounting Policies.

Financial Assets

- Cash and Deposits are available at call and are recorded at cost. Interest on cash at bank is calculated quarterly by the Department of Treasury and Finance.
- Receivables are reported at amounts due to the Fund. Receivables are due within 30 days of an invoice being raised.
- Investments are recorded at net fair value based upon valuation provided by the Public Trustee.

Financial Liabilities

- Payables and Accruals are raised from amounts unpaid and are settled within the normal terms of payment of 30 days, unless otherwise agreed.

b. Interest Rate Risk

	Floating Interest Rate		Non-Interest Bearing		Total Carrying Amount as per Statement of Financial Position		Weighted Average Effective Interest Rate Percent	
	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000
Financial Assets								
Cash at Bank	538	385	-	-	538	385	4.87	4.60
Investments	1 888	1 723	-	-	1 888	1 723	7.94	2.44
Receivables	-	-	7	9	7	9		
Total	2 426	2 108	7	9	2 433	2 117		
Financial Liabilities								
Payables	-	-	28	6	28	6		
Total	-	-	28	6	28	6		

c. Net Fair Values

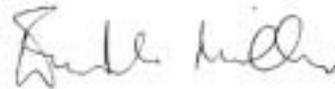
All financial instruments are valued at the carrying amount as per the Statement of Financial Position, which approximates net fair value. The carrying amount of Financial Assets approximates net fair value due to their short term maturity or being receivable on demand. The carrying amount of Financial Liabilities is considered to be a reasonable estimate of net fair value.

STATEMENT BY EXECUTIVE

In our opinion the financial statements and notes to the statements are presented fairly in accordance with Statements of Accounting Concepts, applicable Accounting Standards, Urgent Issues Group Consensus Views and Other Professional Mandatory Reporting Requirements, the Public Finance and Audit Act 1987, as amended and the Treasurer's Instructions, the financial position of the Second-hand Vehicles Compensation Fund as at 30 June 2004 and the result of its operations and its cash flows for the year ended 30 June 2004, and the internal controls over financial reporting have been effective throughout the reporting period.



M BODYCOAT
COMMISSIONER FOR CONSUMER AFFAIRS



E MILLER
DEPUTY COMMISSIONER (OPERATIONS)

Agents Indemnity Fund

Statement of Financial Performance for the year ended 30 June 2004

	Notes	2004 \$' 000	2003 \$' 000
Revenues from ordinary activities			
Interest	2	6,592	5,535
Other	3	75	89
Total revenues from ordinary activities		6,667	5,624
Expenses from ordinary activities			
Claims	4	276	2,792
Administration		265	223
Professional costs		317	315
Other	5	386	395
Total expenses from ordinary activities		1,244	3,725
Net operating surplus from ordinary activities		5,423	1,899
Equity Interest		5,423	1,899
Net debit to asset revaluation reserve	9	0	(956)
Total revenues, expenses and valuation adjustments recognised directly in equity		0	(956)
Total changes in equity		5,423	943

The above statement is a draft only. Subject to the Auditor General's opinion, some figures may change slightly. The above statement should be read in conjunction with the accompanying notes.

Statement of Financial Position as at 30 June 2004

	Note	2004 \$' 000	2003 \$' 000
CURRENT ASSETS			
Cash on Hand and on Deposit	6	5,197	975
Investments		3,766	2,514
Receivables	7	95	126
Total Current Assets		<u>9,058</u>	<u>3,615</u>
NON-CURRENT ASSETS			
Investments		24,334	23,032
Total Non-Current Assets		<u>24,334</u>	<u>23,032</u>
TOTAL ASSETS		<u>33,392</u>	<u>26,647</u>
CURRENT LIABILITIES			
Payables	8	26	6
Total Current Liabilities		<u>26</u>	<u>6</u>
TOTAL LIABILITIES		<u>26</u>	<u>6</u>
NET ASSETS		<u>33,366</u>	<u>26,641</u>
EQUITY			
Accumulated Surplus	9	31,268	25,845
Asset Revaluation Reserve	9	2,098	796
TOTAL EQUITY		<u>33,366</u>	<u>26,641</u>

The above statement is a draft only. Subject to the Auditor General's opinion, some figures may change slightly. The above statement should be read in conjunction with the accompanying notes.

Statement of Cash Flows for the year ended 30 June 2004

		2004 \$'000	2003 \$'000
	Note	Inflows/(Outflows)	Inflows/(Outflows)
CASH FLOWS FROM OPERATING ACTIVITIES			
Cash received			
Interest		6,623	5,561
Other		75	89
Total cash received		<u>6,698</u>	<u>5,650</u>
Cash used			
Claims		(276)	(2,792)
Administration		(265)	(223)
Professional costs		(317)	(315)
Other		(366)	(602)
Total cash used		<u>(1,224)</u>	<u>(3,932)</u>
Net cash from operating activities	10	<u>5,474</u>	<u>1,718</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Cash used			
Purchases of investments		(1,252)	(1,343)
Total cash used		<u>(1,252)</u>	<u>(1,343)</u>
Net cash used by investing activities		<u>(1,252)</u>	<u>(1,343)</u>
Net increase (decrease) in cash held		4,222	375
Cash at beginning of the reporting period		975	600
Cash at the end of the reporting period	6	<u>5,197</u>	<u>975</u>

The above statement is a draft only. Subject to the Auditor General's opinion, some figures may change slightly. The above statement should be read in conjunction with the accompanying notes.

Notes to and forming part of the financial statements

Note 1. Summary of Significant Accounting Policies

1.1. Objectives of the Agents Indemnity Fund

The Agents Indemnity Fund (Fund) is regulated by the Land Agents Act 1994 and Conveyancers Act 1994 and is administered by the Commissioner for Consumer Affairs. It exists to provide compensation for persons whom have suffered financial loss as a result of fiduciary default of a land agent or conveyancer and whom have no reasonable prospect of recovering full amount of that loss other than from the Fund.

1.2. Basis of Accounting

The financial statements are required by Treasurer's Instruction 19 issued pursuant to Section 41 of the Public Finance and Audit Act 1987 and are a general purpose financial report.

The statements have been prepared in accordance with:

- Australian Accounting Standards and Accounting Interpretations issued by Australian Accounting Standards Boards;
- Other authoritative pronouncements of the Boards;
- Consensus Views of the Urgent Issues Group;
- Accounting Policy Statements and Treasurer's Instructions issued by the Department of Treasury and Finance;
- Statements of Accounting Concepts.

The Fund's Statement of Financial Performance and Statement of Financial Position have been prepared on an accrual basis and are in accordance with historical cost convention, except for certain assets which, as noted are at valuation. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

Assets and liabilities are recognised in the Fund's Statement of Financial Position when and only when it is probable that future economic benefits will eventuate or be required and the amounts of the assets or liabilities can be reliably measured. Assets and liabilities arising under agreements equally proportionately unperformed are however not recognised unless required by an Accounting Standard.

Revenues and expenses are recognised in the Fund's Statement of Financial Performance when and only when the flow or consumption or loss of economic benefits has occurred and can be reliably measured.

1.3 Taxation

In accordance with the requirements of UIG Abstract 31 "Accounting for the Goods and Services Tax (GST)", revenues, expenses and assets are recognised net of the amount of GST except that:

- the amount of GST incurred by the Fund as a purchaser that is not recoverable from the Australian Taxation Office is recognised as part of the cost of acquisition of an asset or as part of an item of expense; and
- receivables and payables are stated with the amount of GST included.

The net GST receivable from the Australian Taxation Office has been recognised in the Attorney-General's Department's Statement of Financial Position.

1.4 Cash

Cash means notes and coins held and any deposits held at call with a bank or financial institution. Cash on deposit represent funds held in a Special Deposit Account with Westpac Bank. Investments represent funds deposited with the Public Trustee Office.

1.5 Financial Instruments

Accounting policies for financial instruments are stated at Note 13.

1.6 Comparative figures

Comparative figures have been adjusted to conform to changes in presentation in these financial statements where required.

1.7 Rounding

Amounts have been rounded to the nearest \$1,000.

2. Interest

	2004	2003
	\$'000	\$'000
Interest for the Fund comprised:		
Interest from Agents & Conveyancers Trust accounts	5 296	4 262
Interest on Investments held with Public Trustee	1 132	1 246
Interest on deposits with the Dept of Treasury and Finance	164	27
Total Interest	<u>6 592</u>	<u>5 535</u>

3. Other Revenues

	2004	2003
	\$'000	\$'000
Other Revenues for the Fund comprised:		
Management fee recovery	73	69
Sundry recovery	2	20
Total Other Revenues	<u>75</u>	<u>89</u>

4. Claims

The amount of claims against a defaulting conveyancer/mortgage financier and a land agent.

5. Other Expenses

	2004	2003
	\$'000	\$'000
Other expenses for the Fund comprised:		
Consumer & Agent Education	377	390
Debt Recovery Collection Fees	3	
Audit Fees	6	5
Total Other expenses	<u>386</u>	<u>395</u>

6. Cash on Hand and on Deposit

	2004	2003
	\$'000	\$'000
Special Deposit Account with Westpac Bank	5 197	975
Total Cash on Hand and on Deposit	<u>5 197</u>	<u>975</u>

7. Receivables

	2004	2003
	\$'000	\$'000
Current		
Accrued interest	95	126
Total Receivables	<u>95</u>	<u>126</u>

8. Payables

	2004	2003
	\$'000	\$'000
Current		
Creditors	20	-
Accruals	6	6
Total Current Payables	<u>26</u>	<u>6</u>

9. Equity

Equity represents the residual interest in the Fund's net assets. The South Australian Government holds the equity interest in the Fund on behalf of the community. Equity comprises:

	2004 \$' 000	2003 \$' 000
Accumulated Surplus		
Balance as at 1 July	25 845	23 946
Net operating surplus from ordinary activities	5 423	1 899
Balance as at 30 June	<u>31 268</u>	<u>25 845</u>
Asset Revaluation Reserve		
Balance as at 1 July	796	1 752
Revaluation Adjustments:-		
Investments	1 302	(956)
Balance as at 30 June	<u>2 098</u>	<u>796</u>
Balance as at 30 June is made up of:		
Investments	2 098	796
Balance as at 30 June	<u>2 098</u>	<u>796</u>

10. Cash Flow Reconciliation

	2004 \$'000	2003 \$'000
Reconciliation of cash per Statement of Financial Position to Statement of Cash Flows		
Cash at year end per Statement of Cash Flows	5 197	975
Statement of Financial Position items comprising above cash	5 197	975
Reconciliation of operating surplus to net cash from operating activities:		
Net surplus	5 423	1 899
Change in assets and liabilities		
Increase (Decrease) in payables	20	(207)
(Increase) Decrease in receivables	31	26
Net cash from operating activities	<u>5 474</u>	<u>1 718</u>

11. Contingent Obligations

The Fund has an estimated contingent obligation to pay \$17m relating to current and expected claims against the Fund.

12. Remuneration of Auditors

The amount payable by the Fund for audit services during the reporting period was \$6,000 (2003 \$5,000). No other services were provided by the Auditor-General.

13. Financial Instruments

a. Terms, Conditions and Accounting Policies.

Financial Assets

- Cash and Deposits are available at call and are recorded at cost. Interest on cash at bank is calculated quarterly by the Department of Treasury and Finance.
- Receivables are reported at amounts due to the Fund. Receivables are due within 30 days of an invoice being raised.
- Investments are recorded at net fair value based upon valuation provided by the Public Trustee.

Financial Liabilities

- Payables and Accruals are raised from amounts unpaid and are settled within the normal terms of payment of 30 days, unless otherwise agreed.

b. Interest Rate Risk

	Floating Interest Rate		Non-Interest Bearing		Total Carrying Amount as per Statement of Financial Position		Weighted Average Effective Interest Rate Percent	
	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000
Financial Assets								
Cash at Bank	5 197	975	-	-	5 197	975	4.87	4.60
Investments	28 100	25 546	-	-	28 100	25 546	7.94	2.44
Receivables	-	-	95	126	95	126		
Total	33 297	26 521	95	126	33 392	26 647		
Financial Liabilities								
Payables	-	-	26	6	26	6		
Total	-	-	26	6	26	6		

c. Net Fair Values

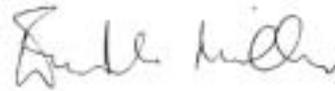
All financial instruments are valued at the carrying amount as per the Statement of Financial Position, which approximates net fair value. The carrying amount of Financial Assets approximates net fair value due to their short term maturity or being receivable on demand. The carrying amount of Financial Liabilities is considered to be a reasonable estimate of net fair value.

STATEMENT BY EXECUTIVE

In our opinion the financial statements and notes to the statements are presented fairly in accordance with Statements of Accounting Concepts, applicable Accounting Standards, Urgent Issues Group Consensus Views and Other Professional Mandatory Reporting Requirements, the Public Finance and Audit Act 1987, as amended and the Treasurer's Instructions, the financial position of the Agents Indemnity Fund as at 30 June 2004 and the result of its operations and its cash flows for the year ended 30 June 2004, and the internal controls over financial reporting have been effective throughout the reporting period.



M BODYCOAT
COMMISSIONER FOR CONSUMER AFFAIRS



E MILLER
DEPUTY COMMISSIONER (OPERATIONS)

Retail Shop Leases Fund

Statement of Financial Performance for the year ended 30 June 2004

	Notes	2004 \$' 000	2003 \$' 000
Revenues from ordinary activities			
Interest		96	92
Other		5	5
Total revenues from ordinary activities		101	97
Expenses from ordinary activities			
Administration	2	104	121
Other		(1)	32
Total expenses from ordinary activities		103	153
Net operating surplus / (deficit) from ordinary activities		(2)	(56)
Equity Interest		(2)	(56)
Total changes in equity		(2)	(56)

The above statement is a draft only. Subject to the Auditor General's opinion, some figures may change slightly. The above statement should be read in conjunction with the accompanying notes.

Statement of Financial Position as at 30 June 2004

	Note	2004 \$' 000	2003 \$' 000
CURRENT ASSETS			
Cash on Hand and on Deposit	3	484	355
Investments		524	441
Receivables	4	5	7
Total Current Assets		<u>1,013</u>	<u>803</u>
NON-CURRENT ASSETS			
Investments		1,305	1,259
Total Non-Current Assets		<u>1,305</u>	<u>,259</u>
TOTAL ASSETS		<u>2,318</u>	<u>2,062</u>
CURRENT LIABILITIES			
Security Bonds lodged	5	227	159
Other current liabilities	6	108	126
Total Current Liabilities		<u>335</u>	<u>285</u>
NON-CURRENT LIABILITIES			
Security Bonds lodged	5	1,888	1,726
Total Non-Current Liabilities		<u>1,888</u>	<u>1,726</u>
TOTAL LIABILITIES		<u>2,223</u>	<u>2,011</u>
NET ASSETS		<u>95</u>	<u>51</u>
EQUITY			
Accumulated Surplus	7	49	51
Asset Revaluation Reserve	7	46	-
TOTAL EQUITY		<u>95</u>	<u>51</u>

The above statement is a draft only. Subject to the Auditor General's opinion, some figures may change slightly. The above statement should be read in conjunction with the accompanying notes.

Statement of Cash Flows for the Year Ended 30 June 2004

		2004 \$'000	2003 \$'000
	Note	Inflows/(Outflows)	Inflows/(Outflows)
CASH FLOWS FROM OPERATING ACTIVITIES			
Cash received			
Interest		98	91
Bond lodgement		457	333
Other		5	5
Total cash received		<u>560</u>	<u>429</u>
Cash used			
Admin		(121)	(50)
Bond refunds		(224)	(159)
Cancelled Bonds		(3)	-
Total cash used		<u>(348)</u>	<u>(209)</u>
Net cash from operating activities	8	<u>212</u>	<u>220</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Cash used			
Payments for Investment		(83)	(85)
Total cash used		<u>(83)</u>	<u>(85)</u>
Net cash used in investing activities		<u>(83)</u>	<u>(85)</u>
Net Increase in cash held		129	135
Cash at beginning of the reporting period		355	220
Cash at the end of the reporting period	3	<u><u>484</u></u>	<u><u>355</u></u>

The above statement is a draft only. Subject to the Auditor General's opinion, some figures may change slightly. The above statement should be read in conjunction with the accompanying notes.

Notes to and forming part of the financial statements

Note 1. Summary of Significant Accounting Policies

1.1. Objectives of the Retail Shop Leases Fund

The Retail Shop Leases Fund (Fund) is kept and administered by the Commissioner for Consumer Affairs. The Fund consists of amounts received by the Commissioner by way of security bonds, and other amounts paid into the Fund under the Retail and Commercial Leases Act 1995 (Act). Income derived from investment of the Fund may be applied towards the costs of administration of the Act, enforcing the Act and education of lessors and lessees about their statutory and contractual rights and obligations.

1.2. Basis of Accounting

The financial statements are required by Treasurer's Instruction 19 issued pursuant to Section 41 of the Public Finance and Audit Act 1987 and are a general purpose financial report.

The statements have been prepared in accordance with:

- Australian Accounting Standards and Accounting Interpretations issued by Australian Accounting Standards Boards;
- Other authoritative pronouncements of the Boards;
- Consensus Views of the Urgent Issues Group;
- Accounting Policy Statements and Treasurer's Instructions issued by the Department of Treasury and Finance
- Statements of Accounting Concepts;

The Fund's Statement of Financial Performance and Financial Position have been prepared on an accrual basis and are in accordance with historical cost convention, except for certain assets which, as noted are at valuation. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

Assets and liabilities are recognised in the Fund's Financial Position when and only when it is probable that future economic benefits will flow and the amounts of the assets or liabilities can be reliably measured. Assets and liabilities arising under agreements equally proportionately unperformed are however not recognised unless required by an Accounting Standard

Revenues and expenses are recognised in the Fund's Statement of Financial Performance when and only when the flow or consumption or loss of economic benefits has occurred and can be reliably measured.

1.3 Employees

The liability for employee entitlements (provision for annual leave and long service leave) rests with the Attorney-General's Department. No provision has been made for sick leave as all sick leave is non-vesting.

1.4 Taxation

In accordance with the requirements of UIG Abstract 31 "Accounting for the Goods and Services Tax (GST)", revenues, expenses and assets are recognised net of the amount of GST except that:

- the amount of GST incurred by the Fund as a purchaser that is not recoverable from the Australian Taxation Office is recognised as part of the cost of acquisition of an asset or as part of an item of expense; and
- receivables and payables are stated with the amount of GST included.

The net GST receivable from the Australian Taxation Office has been recognised in the Attorney-General's Department's Statement of Financial Position.

1.5 Cash

Cash means notes and coins held and any deposits held at call with a bank or financial institution. Cash on deposit represent funds held in a Special Deposit Account with Westpac Bank. Investments represent funds deposited with the Public Trustee Office.

1.6 Financial Instruments

Accounting policies for financial instruments are stated at Note 12

1.7 Comparative figures

Comparative figures have been adjusted to conform to changes in presentation in these financial statements where required.

1.8 Rounding

Amounts have been rounded to the nearest \$1,000.

2. Administration

	2004 \$'000	2003 \$'000
Administration expenses for the Fund comprised:		
Other Admin expense	104	121
Total Other expenses (1)	<u>104</u>	<u>121</u>

(1) Reimbursement to be paid to the Attorney-General's Department for the cost of administering Part 10 of the Retail and Commercial Leases Act 1995 is \$104,000 (2003 \$121,000).

3. Cash on Hand and on Deposit

	2004	2003
	\$'000	\$'000
Special Deposit Accounts with Westpac Bank	484	355
Total Cash on Hand and on Deposit	<u>484</u>	<u>355</u>

4. Receivables

	2004	2004
	\$'000	\$'000
Current		
Accrued interest	5	7
Total Receivables	<u>5</u>	<u>7</u>

5. Security Bonds Lodged

	2004	2003
	\$'000	\$'000
Current		
Bonds Lodged	227	159
Total Bonds Lodged	<u>227</u>	<u>159</u>
Non Current		
Bonds Lodged	1 888	1 726
Total Bonds Lodged	<u>1 888</u>	<u>1 726</u>

6. Other Current Liabilities

	2004	2003
	\$'000	\$'000
Current		
Creditor - Attorney-General's Department	104	121
Accruals	4	5
Total Other Current Liabilities	<u>108</u>	<u>126</u>

7. Equity

Equity represents the residual interest in the Fund's net assets. The South Australian Government holds the equity interest in the Fund on behalf of the community. Equity comprises:

	2004 \$' 000	2003 \$' 000
Accumulated Surplus		
Balance as at 1 July	51	107
Net operating (deficit)/surplus from ordinary activities	(2)	(56)
Balance as at 30 June	<u>49</u>	<u>51</u>
	2004 \$' 000	2003 \$' 000
Asset Revaluation Reserve		
Balance as at 1 July	-	-
Revaluation Adjustments:-		
Investments	<u>46</u>	<u>-</u>
Balance as at 30 June	<u>46</u>	<u>-</u>
Balance as at 30 June is made up of:		
Investments	<u>46</u>	<u>-</u>
Balance as at 30 June	<u>46</u>	<u>-</u>

8. Cash Flow Reconciliation

	2004 \$'000	2003 \$'000
Reconciliation of cash per Statement of Financial Position to Statement of Cash Flows		
Cash at year end per Statement of Cash Flows	484	355
Statement of Financial Position items comprising above cash	484	355
Reconciliation of operating surplus to net cash from operating activities:		
Net surplus / (deficit)	(2)	(56)
Revaluation decrement	-	30
Change in assets and liabilities		
Movement in bonds	230	174
Increase / (Decrease) in other current liabilities	(18)	71
(Increase) / Decrease in receivables	<u>2</u>	<u>1</u>
Net cash from operating activities	<u>212</u>	<u>220</u>

9. Contingent Obligations

The Fund has no contingent obligations.

10. Average Staffing Levels

	2004	2003
The average staffing levels for the business operation during the year were:	1.5	1.5

11. Remuneration of Auditors

The amount payable by the Fund for audit services during the reporting period was \$4,000 (2003 \$5,000). No other services were provided by the Auditor-General.

12. Financial Instruments

a. Terms, Conditions and Accounting Policies.

Financial Assets

- Cash and Deposits are available at call and are recorded at cost. Interest on cash at bank is calculated quarterly by the Department of Treasury and Finance.
- Receivables are reported at amounts due to the Fund. Receivables are due within 30 days of an invoice being raised.
- Investments are recorded at net fair value based upon valuation provided by the Public Trustee.

Financial Liabilities

- Payables and Accruals are raised from amounts unpaid and are settled within the normal terms of payment of 30 days, unless otherwise agreed.

b. Interest Rate Risk

	Floating Interest Rate		Non-Interest Bearing		Total Carrying Amount as per Statement of Financial Position		Weighted Average Effective Interest Rate Percent	
	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000	2004 \$'000	2003 \$'000
Financial Assets								
Cash at Bank	484	355	-	-	484	355	4.87	4.60
Investment	1 829	1 700	-	-	1 829	1 700	7.94	2.44
Receivables	-	-	5	7	5	7		
Total	2 313	2 055	5	7	2 318	2 062		
Financial Liabilities								
Payables	-	-	108	126	108	126		
Total	-	-	108	126	108	126		

c. Net Fair Values

All financial instruments are valued at the carrying amount as per the Statement of Financial Position, which approximates net fair value. The carrying amount of Financial Assets approximates net fair value due to their short term maturity or being receivable on demand. The carrying amount of Financial Liabilities is considered to be a reasonable estimate of net fair value.

STATEMENT BY EXECUTIVE

In our opinion the financial statements and notes to the statements are presented fairly in accordance with Statements of Accounting Concepts, applicable Accounting Standards, Urgent Issues Group Consensus Views and Other Professional Mandatory Reporting Requirements, the Public Finance Audit Act 1987, as amended and the Treasurer's Instructions, the financial position of the Retail Shop Leases Fund as at 30 June 2004 and the result of its operations and its cash flows for the year ended 30 June 2004, and the internal controls over financial reporting have been effective throughout the reporting period.



M BODYCOAT
COMMISSIONER FOR CONSUMER AFFAIRS



B SCHOLZ
MANAGER, TENANCIES BRANCH