

28 August 2006

(General Purpose Standing Committee No. 4)

Portfolio
Fair Trading

ANSWERS TO QUESTIONS TAKEN ON NOTICE DURING HEARING

Question 1

The Hon Charlie LYNN: How many different licences are administered and issued by the Department of Fair Trading? Could you give the type of those licences and indicate each licence and fees for each of those licences?

Answer

I am advised by the Office of Fair Trading that the following licences are administered and issued, as at 30 June 2006:

Licence types	Total licences(*) registered as at 30 June 2006
Builders	165,482
Conveyancers	660
Motor Dealers	3,762
Motor Vehicle Repairs Licences	12,029
Pawnbrokers & Second-hand Dealers	990
Property, Stock, & Business Agents	26,441
Public Weighbridge	79
Real Estate Certificates	15,711
Trade Measurement Services	198
Travel Agents	1,471
Valuers	2,870
Total	229,693

(*) includes certificate holders except for those under the *Motor Vehicle Repairs Act 1980*

The fees for each category of licence are available on the Office of Fair Trading's website www.fairtrading.nsw.gov.au

Question 2

Deputy-Chair Sylvia HALE: Since 1995, how many current or former members of staff of the Office of Fair Trading have become members of the Consumer, Trader and Tenancy Tribunal, or its predecessor tribunals?

Answer

I am advised by the Chairperson of the Consumer, Trader and Tenancy Tribunal that there are currently six members of the Tribunal who have been staff of the Office of Fair Trading.

Records about other members of predecessor Tribunals are not held.

Question 3

Deputy-Chair Sylvia HALE: I believe Coopers and Lybrand have conducted a review of the Consumer, Trader and Tenancy Tribunal. I think they have in the past. If that review were conducted in the past, would you be in a position to make its findings public?

Answer

I am advised by the Office of Fair Trading and the Chairperson of the Tribunal that the Tribunal has never been reviewed by Coopers & Lybrand.

Question 4

Deputy-Chair Sylvia HALE: How many members of the tribunal have experience in home building litigation; how many of the current members?

Answer

I am advised by the Chairperson of the Tribunal that all Tribunal members have experience in home building litigation.

Question 5

Deputy-Chair Sylvia HALE: What training do members of the Consumer, Trader and Tenancy Tribunal undergo and does anyone, for example the chairperson, oversee the rulings of tribunal members in order to ensure consistency?

Answer

I am advised by the Chairperson of the Tribunal that:

The training of Tribunal members operates across a number of levels, including an annual conference and access to MemberNet.

New Tribunal members participate in an induction program overseen by the Deputy Chairperson (Determinations).

The Chairperson implements a range of measures to promote consistency in decision making.

Question 6

Deputy-Chair Sylvia HALE: How many instances has there been the necessity for a rehearing of a case?

Answer

I am advised by the Chairperson of the Tribunal that in the financial year 2005-2006 0.6% of Tribunal matters were approved for rehearing.

Question 7

Deputy-Chair Sylvia HALE: Could you tell me how many prosecutions were undertaken in the last five financial years?

Answer

I am advised by the Office of Fair Trading that there were:

766 prosecutions undertaken in 2001-02;
668 in 2002-03;
779 in 2003-04;
408 in 2004-05; and
373 in 2005-06.

In 2005-06 there were 319 successful prosecutions. The introduction of penalty notices and other disciplinary processes has provided quick remedies to consumers and resulted in a slight decline in the number of prosecutions in recent years.

Question 8

Deputy-Chair Sylvia HALE: Can you supply the number of occasions on which landlords who locked tenants out have been prosecuted?....For the financial year.

Answer

I am advised by the Office of Fair Trading that there have been two prosecutions in the past five years.

Question 9

Deputy-Chair Sylvia HALE: For every case where a landlord was reported to have not complied with a tribunal order to carry out repairs, in what percentage of those cases has the landlord been prosecuted in the last five years.

Answer

I am advised by the Office of Fair Trading that there is no mechanism for Fair Trading to be advised of a landlord's failure to comply with a Tribunal order. As a consequence, no landlords have been prosecuted in the past five years for not complying with tribunal orders to carry out repairs.