



**CBOS**

Consumer, Building &  
Occupational Services

*Promoting a fair marketplace*

We are Tasmania's building  
and consumer regulator

Building and promoting a  
fair marketplace

# Be Scam Smart

## Connections

Edition 1 - Autumn 2018

Consumer, Building and Occupational Services  
Department of Justice





# Australian Consumer Law Advisory Visits

If you are a small business or know someone who runs a small business, it is important to know your obligations under the Australian Consumer Law (ACL).

The ACL applies nationally and in all states and territories, and to all Australian businesses. You can find the Tasmanian Act by searching the Tasmanian Legislation site at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) for the *Australian Consumer Law (Tasmania) Act 2010*.

If you run a small business and want help understanding your obligations like refunds, returns and guarantees, book in a free advisory visit. We can come to your business and work with you to help you understand and comply with the ACL.

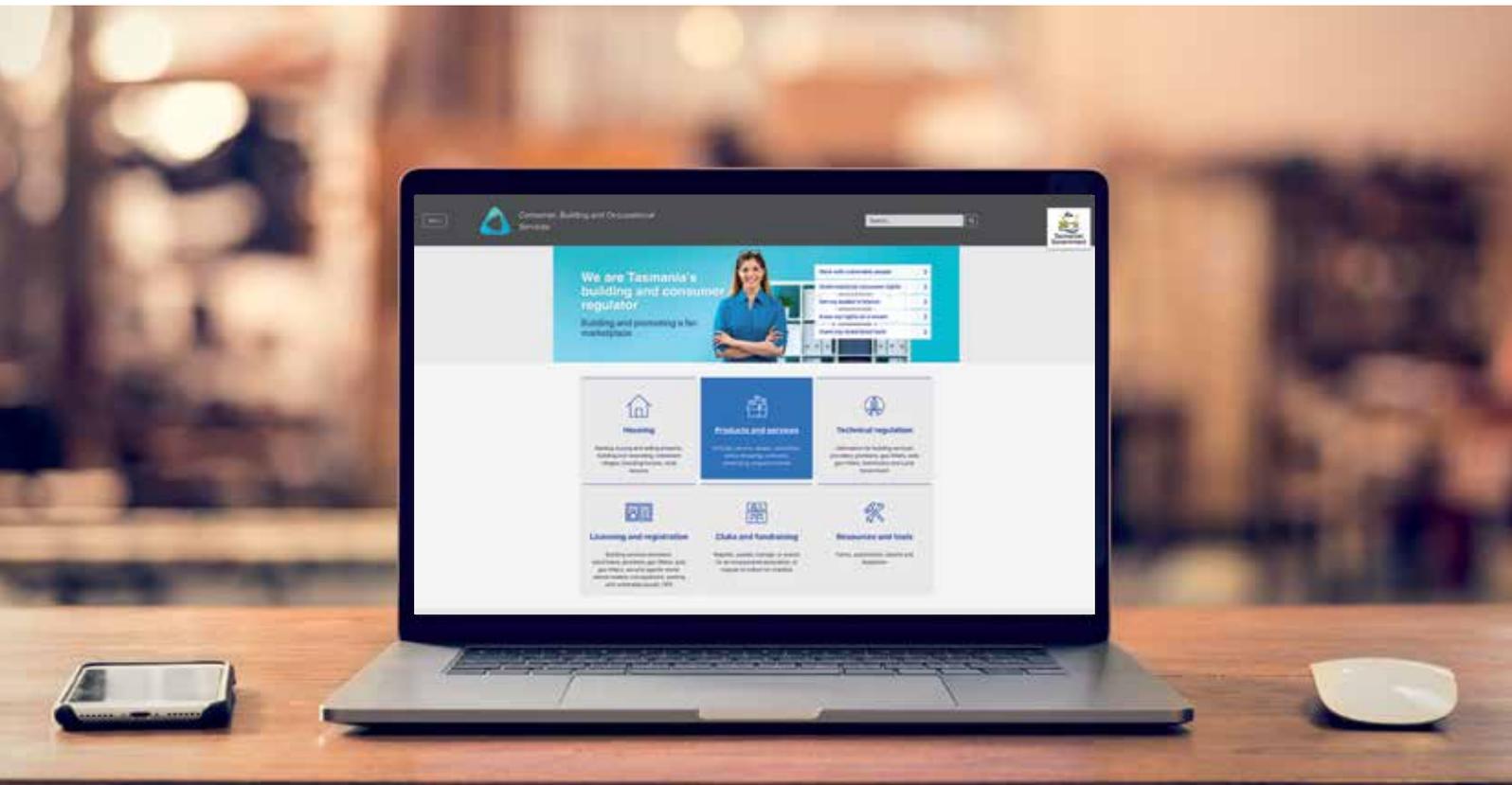
To book in a visit get in contact with us on **1300 654 499** or through our Facebook page **@ConsumerAffairsAndFairTradingTasmania**.

Other contact methods can be found on our new website:  
[www.cbos.tas.gov.au/contact-us](http://www.cbos.tas.gov.au/contact-us)

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# Our new website

Our team has been hard at work moving to a new, easy to use website. The new site is split into 6 categories:

- housing
- products and services
- clubs and fundraising
- licensing and registration
- technical regulation
- resources and tools

Our new site has some great information covering a wide range of topics and the search bar in the top right corner will help you find exactly what you need.

Can't find the information you're looking for? Fill in the online contact enquiry form. We will respond to your enquiry within 5 working days.

If you need a document or form, try looking under the resources and tools tab where you will find a variety of resources from applications for owner building permits right through to our rental guide.

The contact us page will help you find a way of reaching us. If you have any feedback on the website or think something's missing, let us know!

**Find our new site at: [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)**



# From the Minister

Hello and welcome to this first edition of *Consumer Connections*, a new publication aimed at informing consumers of their rights and protections available to them.

It is important that Tasmanian consumers be confident that the marketplace is fair and balanced.

This is why the Hodgman Liberal Government is taking action to strengthen protections to ensure that Tasmanian consumers are appropriately and fairly protected.

In recent times, the Government has introduced a number of changes to strengthen consumer protections including:

- improving petrol price transparency through funding the GasBuddy app, a real-time price comparison application, and introducing a Code of Practice that will make petrol price displays clearer
- introducing new protections for consumers buying and selling their home under the property agents legislative framework
- making the payment of residential tenancy bonds easier by allowing for electronic lodgements, and
- working with the other states and territories to update the *Australian Consumer Law (ACL)* so that it continues to adequately protect consumers.

The Government has also continued to cut red tape and streamline regulations, ensuring a more efficient and effective environment for Tasmanian businesses, retailers and incorporated associations.

This year, I am privileged to represent Tasmania as the Chair of the national Legislative and Governance Forum on Consumer Affairs (CAF). CAF consists of all Commonwealth, State, Territory and New Zealand Ministers responsible for fair trading and consumer protection laws. The forum focuses on consumer affairs and fair trading matters of national significance, and works to develop a consistent approach to these issues where it can.

As Chair of the Forum, Tasmania has the opportunity to play a key role in guiding consumer policy, including the changes to the ACL that are currently underway.

A suite of improvements are being made to the ACL that will benefit both consumers and businesses. These improvements will see consumer protections strengthened through enhanced price transparency for online shopping, making voluntary product recall requirements stronger, and increasing penalties for those caught doing the wrong thing.

You can read more on these initiatives and many others in the pages that follow. Happy reading and enjoy this first edition of *Consumer Connections*.

**Hon Guy Barnett MP**  
**Minister for Building and Construction**

## CBOS – how we can help you

Thank you for taking the time to read Consumer Connections, produced by Consumer, Building and Occupational Services (CBOS). This booklet helps consumers to understand consumer issues in the marketplace and supports the activities of national Scam Week, held in May each year.

CBOS is part of the Tasmanian Department of Justice. CBOS is responsible for many areas, and our services include:

- Occupational Licensing
- Gas Standards and Safety
- Electricity Standards and Safety
- Building Standards and Regulation
- Rental Tenancy Commission
- Rental Deposit Authority
- Corporate Affairs
- Registration to Work with Vulnerable People
- Consumer Affairs and Fair Trading
- Compliance and Dispute Resolution

CBOS activities are targeted to best use available resources to educate consumers and businesses about standards and regulations and to respond to non-compliance. CBOS also provides information and education about the Australian Consumer Law for both consumers and traders.

Within this Consumer Connections, you will find information and tips about various issues which affect the modern Tasmanian consumer and their families.

You can find out more about what services we provide by going to our new website **[www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)**

*Dale Webster*

*Executive Director, Consumer, Building and Occupational Services*



# Be Scam Smart

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Every year, Consumer, Building & Occupational Services participates in the national Scam Week, highlighting issues that affect all Tasmanians and Australians.

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Scams Awareness Week is an initiative of the Scams Awareness Network, a group of Australian and New Zealand government agencies with responsibility for consumer protection and policing in scams, cyber safety and fraud.

Tasmanians need to be aware of the growing range of scams that exist. Every day we hear about how normal people, going about their lives, are scammed.

All of us are aware of evening calls from a range of people and organisations, some legitimate and some not. The Australian Competition and Consumer Commission's Scamwatch received almost 33,000 reports of these scams in 2017. Over \$4.7 million was reported lost and more than 2800 people gave their personal information to these scammers.

**Don't let this happen to you!**

## How these scams work

- Some scammers claim to be from government departments or trusted, well-known businesses and use threats to pressure or scare you into giving them money or your personal information.
- These threats are commonly received over the phone.
- Almost 85 per cent of reports submitted to Scamwatch about these scams identified that the scammer had contacted them over the phone. The remaining were contacted by email.
- The typical threats scammers use include that you will receive a fine, you will be charged additional fees, your internet will be disconnected, the police or debt collectors will be sent to your home or even that you will be taken to court, arrested or deported.
- Scammers impersonate government officials and say that you have an outstanding tax debt or that there are problems with your government benefits, immigration papers or visa status, and you need to pay the debt or other fees to fix the problems.
- Scammers also pretend to be from trusted businesses and organisations, including energy or telecommunications providers, Australia Post, banks and law enforcement agencies like the

police. They may call and ask for remote access to your computer to fix a problem or they may email you fake invoices or fines, and threaten to cancel your service or charge you excessive penalty fees if you don't pay them immediately.

- If the scammer sends an email, it is likely to include an attachment or a link where you can download proof of the 'bill', 'fine' or 'missed delivery details' but opening the attachment or downloading the file could infect your computer with malware.
- Older people have been particularly vulnerable to these scams. People aged 65 and over submitted the largest number of reports to Scamwatch in 2017 and had the highest reported losses. Young people, people from non-English speaking backgrounds and people experiencing financial hardship have also been affected by these scams.

CBOS advises all Tasmanians to **'Stop and check: is this for real?'** For more tips and information about these scams, where to get help or to report a scam, visit the Scamwatch website at [www.scamwatch.gov.au](http://www.scamwatch.gov.au)

## Protect yourself tips

- When dealing with uninvited contacts from government agencies or trusted businesses – whether over the phone, by email, mail, in person or through social media – always consider the possibility that it may be a scam.
- If you're unsure whether a call or email is genuine, verify the identity of the contact through an independent source, such as a phone book or online search, then get in touch with them to ask if they contacted you. Don't use the contact details provided by the caller or in the message they sent to you.
- **Never give anyone remote access to your computer if they've contacted you out of the blue – whether through a phone call, pop-up window or email – and even if they claim to be from a well-known company like Telstra.**
- Don't be pressured by a threatening caller: Hang up then check whether their story is real.
- Don't respond to threatening emails or voicemail messages asking for you to call someone back. If you do, the scammers may increase their intimidation and attempts to get your money.
- **If you're still unsure, speak to a trusted friend or family member about what has happened.**
- Never send money or give your bank account details, credit card details or other personal information to anyone you don't know or trust, and never by email or over the phone.
- A government agency or trusted business will NEVER ask you to pay by unusual methods such as with gift or store cards, iTunes cards, wire transfers or bitcoin.

## Have you been scammed?

- If you've lost money or given personal information to a scammer, there are steps you can take straight away to limit the damage and protect yourself from further loss.
- If you've sent money or shared your banking or credit card details, contact your financial institution immediately. They may be able to stop or reverse a transaction, or close your account.
- If you've given your personal information to a scammer, visit IDCARE at [www.idcare.org](http://www.idcare.org) Australia and New Zealand's not-for-profit national identity and cyber support service. IDCARE can work with you to develop a specific response plan to your situation and support you through the process.
- As scammers are often based overseas, it is extremely difficult for government agencies to track them down or for law enforcement to take action against them. So take the time to warn your friends and family about these scams.
- **For more information about scams, where to get help if you've been scammed or to report a scam, visit the Scamwatch website at [www.scamwatch.gov.au](http://www.scamwatch.gov.au)**

## Internet scams

The ACCC is warning all Australians to watch out for dodgy internet pop-up windows claiming there are viruses or other seemingly nasty tech problems affecting their computer.

Known as remote access scams, these pop-up windows are used as a ploy to get unsuspecting victims to call a fake support line – usually a 1800 number. The scammer will then ask for remote access to their victim's computer to 'find out what the problem is'.

Once a scammer has remote access to your computer, they can install malicious software, steal

your personal data, con you into paying for a 'service' of your PC, or sell you unnecessary software to fix a problem that doesn't exist.

These scammers are very convincing and sound like they're the real deal when talking about tech issues. The pop-ups they create to lure people in look legitimate and are often made to imitate trusted websites for brands like Microsoft and Apple.

Scamwatch received 912 reports in March 2018 with more than \$700,000 lost.



### *You will be charged with tax fraud*

Alex received a recorded message that the Australian Taxation Office had tried to contact him many times and that it had sent him letters which had been returned, unopened. Because of this, the 'Tax Office' was now taking legal action against Alex for tax fraud and evasion which would result in a warrant for his arrest. Alex called back the 'Tax Office' and spoke to 'James Ree' who provided his badge number and a case number. 'James' confirmed the 'Tax Office' had sent Alex letters to a particular address, but Alex said he hadn't lived there for about a year. 'James' told Alex he was about to be arrested and lose his assets as he owed taxes. 'James' said Alex could end up in jail for up to 10 years. Alex believed what he was being told. 'James' then told Alex that he could stop all of this from happening if he set up a tax debt repayment plan. All that was needed was an upfront payment of \$500, then a regular payment plan could be organised with a taxation officer. Alex was also told that this could be done in one of two ways – he could pay the 'Tax Office' privately, otherwise, the situation would become public knowledge and the 'Tax Office' would publish his name and offence in the newspaper. By this time, all Alex could think about was losing everything he had so he followed the instructions he was given. He went to Coles and bought \$500 of iTunes gift cards. 'James' then said they would need another \$500 of iTunes cards for the taxation officer's expenses so Alex bought these additional cards as well.



## Mobile phone scams

Australian mobile telephone customers are being bombarded by strange overseas phone calls.

The ACCC says there are a few ways you can tell you might be on the phone with a scammer, including:

- if they claim to be from a computer software company wanting access to your computer
- if the overall quality of the call is poor
- if calls that claim to be made on behalf of government agencies ask for bills to be paid in the form of pre-paid gift cards – such as iTunes
- if the caller is applying inappropriate pressure – including threats and potentially inappropriate language, as part of their scam
- any calls asking for financial details such as credit card or banking details.

Telstra has also warned its customers on its website to avoid callers that claim to be from the Australian Federal Police, wanting you to help them “track down criminals”.

The ACCC says Microsoft and Telstra, etc are not remotely checking your computers unless you have been in contact with them.

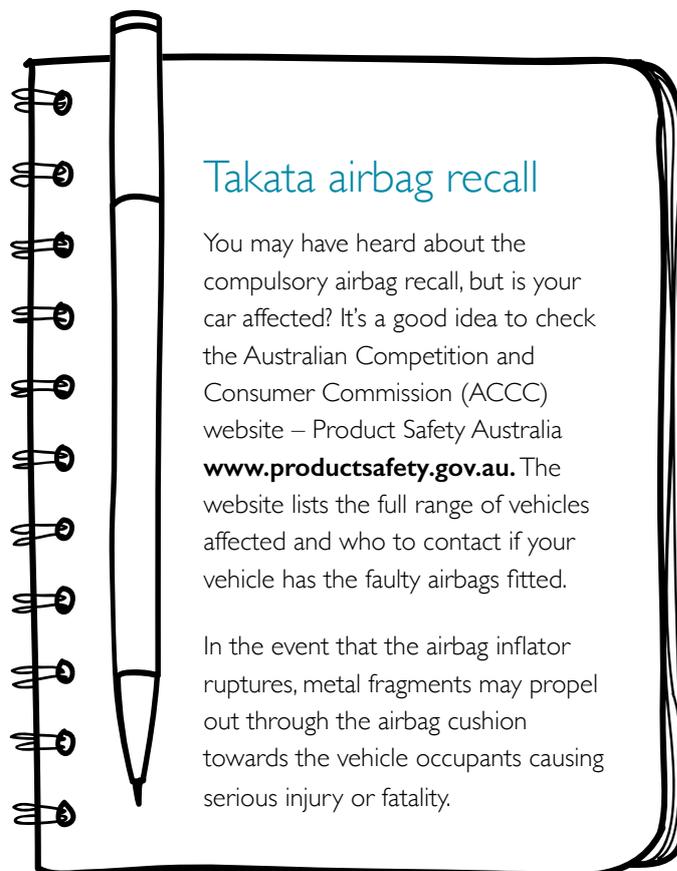
Telstra said in these calls you’re often asked to transfer money abroad using international wire transfer services.

## What should you do?

It might seem obvious, but the ACCC says the best thing you can do to protect yourself during a dodgy call is **HANG UP**.

The ACCC recommends:

- don't respond to numbers supplied in an automated call or from numbers you don't recognise
- always be sceptical and if you're unsure whether the person on the end of the phone is who they say they are, hang up and call the organisation directly on an independently verified number
- don't give someone who calls you out of the blue any money, personal details or access to your computer
- don't return calls to international numbers unless you know them
- don't pay with an iTunes gift card - no legitimate business in Australia is going to ask to be paid this way
- delete any messages left on your voicemail
- speak to someone you trust about the scam call.



## *Pay a penalty or lose your pension*

**SCAM**

Danielle's mother-in-law, Rosa, was called by someone claiming to be from Centrelink. 'Centrelink' told Rosa she had not replied to their letters requesting information so she had to pay a \$300 penalty. Of course, Rosa had never received any such letters. The caller spoke very quickly and told Rosa that her file had now been sent to the Canberra office and she would need to buy \$300 of iTunes cards to cover the penalty for not responding to their letters. If Rosa did this, her file would be returned to her local Centrelink office. If she didn't, 'Centrelink' threatened to stop her pension altogether. Rosa didn't know what iTunes cards were so she asked if she could pay the penalty by cash or credit card. The caller said that wasn't possible and harassed Rosa into buying the iTunes cards by telling her where to go to get them and how to get there. Rosa finally agreed and was told that someone would call her back for the codes on the backs of the cards. Rosa was also given a number, supposedly in Centrelink's Canberra office, to call if she had any concerns. And she was told she had an appointment at her local Centrelink at 11:00 am the following Monday with a ' Sylvia Johnson' to discuss the situation. After talking to her daughter-in-law, Rosa realised this was a scam. However, she had given her pension number to the caller which she then reported to Centrelink.

## Health & medical scams

There are two primary forms of health and medical product scams; fake online pharmacies and miracle cures. Both involve the sale of medical products which may be dangerous or ineffective. If you have concerns over your health always consult a doctor.

### Fake online pharmacies

Fake online pharmacies are scams designed to trick you into paying for items you will never receive, or items that do not live up to their claims.

Scammers will set up fake pharmacy websites that are designed to look like legitimate retailers. They will offer health products, medicines and drugs at very cheap prices or without the need for a prescription from a doctor.

Prescription-only medicine requires a doctor or other qualified healthcare professional to have examined you.

If you take up an offer, and pay the 'retailer', you may never receive the items you ordered.

### Miracle cures

Miracle cure scams usually promise quick and easy remedies for serious medical conditions. They exploit the emotional vulnerability of people who are suffering from serious health problems.

These scams cover a range of products and services which can appear to be legitimate alternative medicines. They can take the form of health treatments for medical conditions such as cancer, AIDS, arthritis or the common cold. Some products even claim to be a 'cure-all' for diseases or specific symptoms.

- Be careful about offers for medicines, supplements or other treatments. Always seek independent medical advice from your doctor or other qualified health care professional about the product to find out if it is safe and suitable for you.
- A medical diagnosis cannot be made by someone who is not qualified or has not seen you. **Do not** rely solely on information you find on the internet.



**MIRACLE CURE**



# SCAM

## Charity scams

Fake charities try to take advantage of your generosity and compassion for others in need. Scammers will steal your money by posing as a genuine charity.

Not only do these scams cost you money, they also divert much needed donations away from legitimate charities and causes.

Fake charity approaches occur all year round and often take the form of a response to real disasters or emergencies, such as floods, cyclones, earthquakes and bushfires.

Scammers will pose as either agents of legitimate well-known charities or create their own charity name. This can include charities that conduct medical research or support disease sufferers and their families. They may also pose as individuals needing donations for health or other reasons.

Fake charities operate in a number of different ways. You may be approached on the street or at your front door by people collecting money. Scammers may also set up fake websites which look similar to those operated by real charities. Some scammers will call or email you requesting a donation.

### Warning signs

You've never heard of the charity before, or it is well-known but you suspect the website, email or letter may be fake.

A fake website may look almost identical to a legitimate charity site, changing only the details of where to send donations.

The person collecting donations on behalf of the charity does not have any identification. Remember, even if they do have identification, it could be forged or meaningless.

You are asked to provide a cash donation as they don't accept cheques. Or, they want the cheque to be made out to them rather than to the charity.

You are not given a receipt. Or, they give you a receipt that does not have the charity's details on it.

### Protect yourself

- Approach charity organisations directly to make a donation or offer support.
- Check the organisation's name and look them up. Check the website address to make sure it's the same as what you searched for.
- Legitimate charities are registered – you can check an organisation's credentials to see if they are a genuine charity on the Australian Charities and Not-for-Profits Commission (ACNC) website at [www.acnc.gov.au](http://www.acnc.gov.au)
- Never send money or give personal information, credit card details or online account details to anyone you don't know or trust.
- If you are approached by a street collector, ask to see their identification. If you have any doubts about who they are, do not pay.
- If you are approached in person, ask the collector for details about the charity such as its full name, address and how the proceeds will be used. If they become defensive and cannot answer your questions, **CLOSE THE DOOR.**



## Door-to-door sales

We have probably all been visited by a door-to-door vendor at some stage. But when can a door-to-door salesperson legally visit your home or residence?

Door-to-door salespeople are not allowed to visit you:

- on Sundays or public holidays
- before 9am or after 6pm on weekdays
- before 9am or after 5pm on Saturdays

The salesperson must:

- tell you that you can ask them to leave
- leave immediately if you ask them to and not return for 30 days

If you don't wish to be visited by door-to-door salespeople, place a do not knock sign at your front door.

Similarly, we all receive unsolicited calls from telemarketers, traditionally on landline telephones but more and more on our mobile device.

When can a telemarketer call? Permitted hours for telemarketing are regulated under the *Do Not Call Register Act 2006* and associated telemarketing standards.

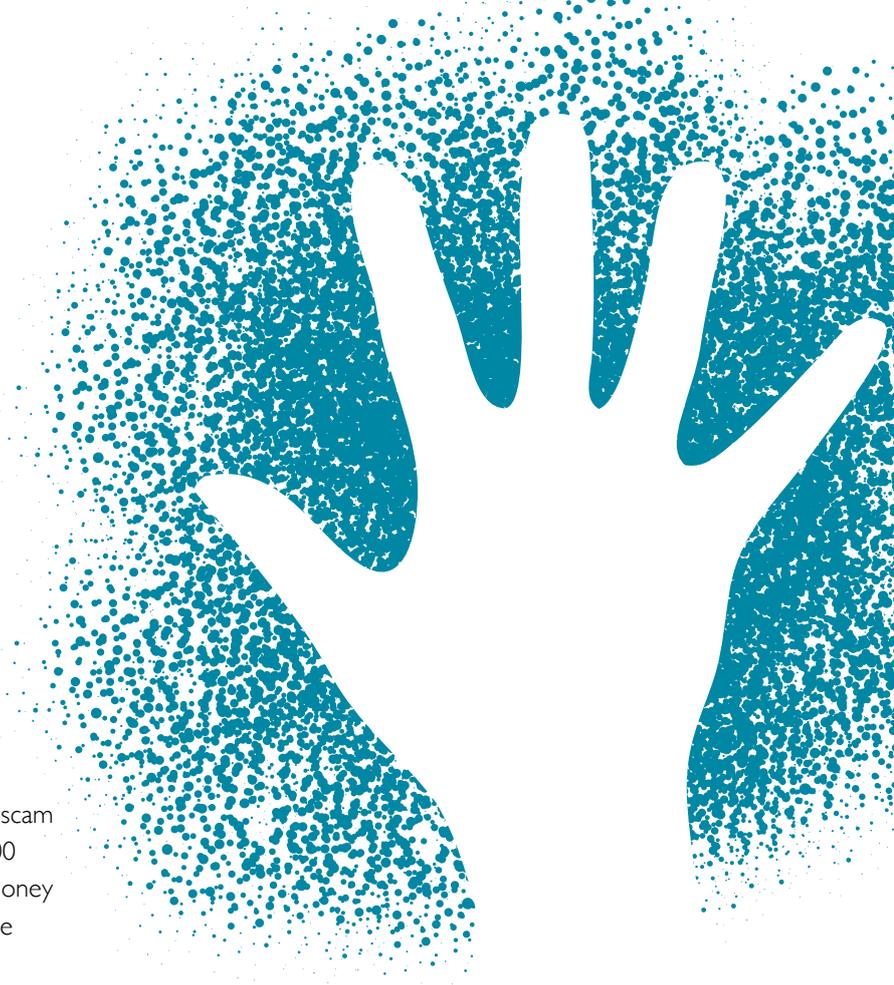
Telemarketers are not allowed to call you:

- on Sundays or public holidays
- before 9am or after 8pm on weekdays
- before 9am or after 5pm on Saturdays.

The Australian Government's national Do Not Call Register [www.donotcall.gov.au](http://www.donotcall.gov.au) allows you to list your home, personal mobile or fax number to reduce telemarketing calls.

By law the salesperson or telemarketer must tell you:

- their name
- the name and address of the organisation they represent
- the purpose of the phone call or visit



## Australian Tax Office (ATO) scams

The ACCC urges Australians to hang up on tax scam phone calls and delete tax scam emails. Over 300 people reported to Scamwatch that they lost money totalling more than \$1 million to tax scams in the first part of this year.

These incessant scams come in many guises but generally claim that you have underpaid your taxes and are required to repay the tax debt immediately or face frightening repercussions such as arrest.

Tax scammers are particularly aggressive so many people feel pressured to pay quickly without questioning them. The most threatening scammers even say that police are on their way to arrest you but can be stopped if you pay immediately.

These scammers often use personal information they found online to try and convince you they're legitimate. They usually ask for payment for an "unpaid debt" via wire money transfer, credit card, direct debit cards or even iTunes cards. The call looks like it comes from a local phone number but most use voice over internet protocol (VOIP) phone numbers to disguise the fact that they are calling from overseas.

The ATO does make thousands of calls to taxpayers every week, but the ATO **WOULD NEVER** cold call you about a debt, would never threaten jail or arrest, and staff certainly wouldn't behave in an aggressive manner. If you're not sure, hang up and call the ATO back on **1800 008 540**.

## Indigenous art

The ACCC says Indigenous artists don't always get a good deal when it comes to selling their artworks, and "Good art, good deal", aims to inform and empower visual artists about their rights.

Indigenous art is world renowned, but some artists are taken advantage of and don't get fair payment for their work, or have their designs reproduced without permission or payment. The ACCC is concerned that too often artists are agreeing to produce art for dealers where the artist has little or no opportunity to negotiate, does not fully understand the terms of payment, timeframes for finishing the artwork, or the quantity of artwork required.

The ACCC urges Indigenous artists to seek advice from an independent party before accepting contract terms and to ask for a written agreement with the dealer before sale. Not accepting non-cash payments such as meals, gifts, or goods in place of monetary payments, and checking prices with another dealer or an art centre before selling will help to ensure that Indigenous artists are valued as highly as their artwork.

# Shred & protect



## Protecting against identity theft

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Did you know identity theft is one of the most common crimes in Australia?

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If you or someone you know has had money taken, it may be part of a bigger operation not only designed to extract money but to also gain personal information that is used to steal identities and create opportunities for further scam operations.

Identity thieves use simple methods to obtain personal details and the most simple is to collect personal documents from your garbage such as credit card statements, expired bank cards, telephone or utility bills to create their false identity.

In April, CBOS launched a statewide awareness campaign to remind Tasmanians about the security of their personal information and how they can dispose of it securely or “Shred and protect” themselves from an identity thief.

Officers travelled throughout the state and visited community centres and shopping centres and invited the public to dispose of their personal documents securely. The shredded documents were delivered to a secured recycling bin thanks to the support of local recycling company Veolia/Collex.

**Further information about scams and identity theft is available from our website at**

**[www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)**

**or on the Scamwatch website at**

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

**You can also keep up to date on scams**

**by following our Facebook page @**

**ConsumerAffairsAndFairTradingTasmania**



'Buy now pay later' schemes are becoming more popular with consumers and retailers in Australia. Schemes such as zipPay and Afterpay allow you to buy goods now and pay for them later without needing the cash upfront or a credit card.

The schemes have different repayment methods such as linking to a debit card or directly to a bank account where regular instalments are charged.

What to watch out for:

- Be careful to not over-commit. You can easily make a large number of purchases without having to part with your cash upfront.
- Make sure this financial option suits your current situation. Often there is no credit check done when you sign up.
- Make sure you have enough money in your bank account to cover the repayments. If you are unable to pay any of the instalments, or pay the amount in full by the end of the term, you will pay a penalty and late fee.
- Compare the interest rate and penalty rates applied by these schemes with other credit options.

## Petrol price boards

The ever-changing price of petrol in Tasmania concerns many drivers in this State.

With this in mind, and to ensure Tasmanians can see the actual price of fuel clearly, a new Code of Practice for service stations was approved last year.

The new system takes effect from 7 May 2018 following a 180-day lead-in period to give retailers time to make any necessary changes to comply with the regulations.

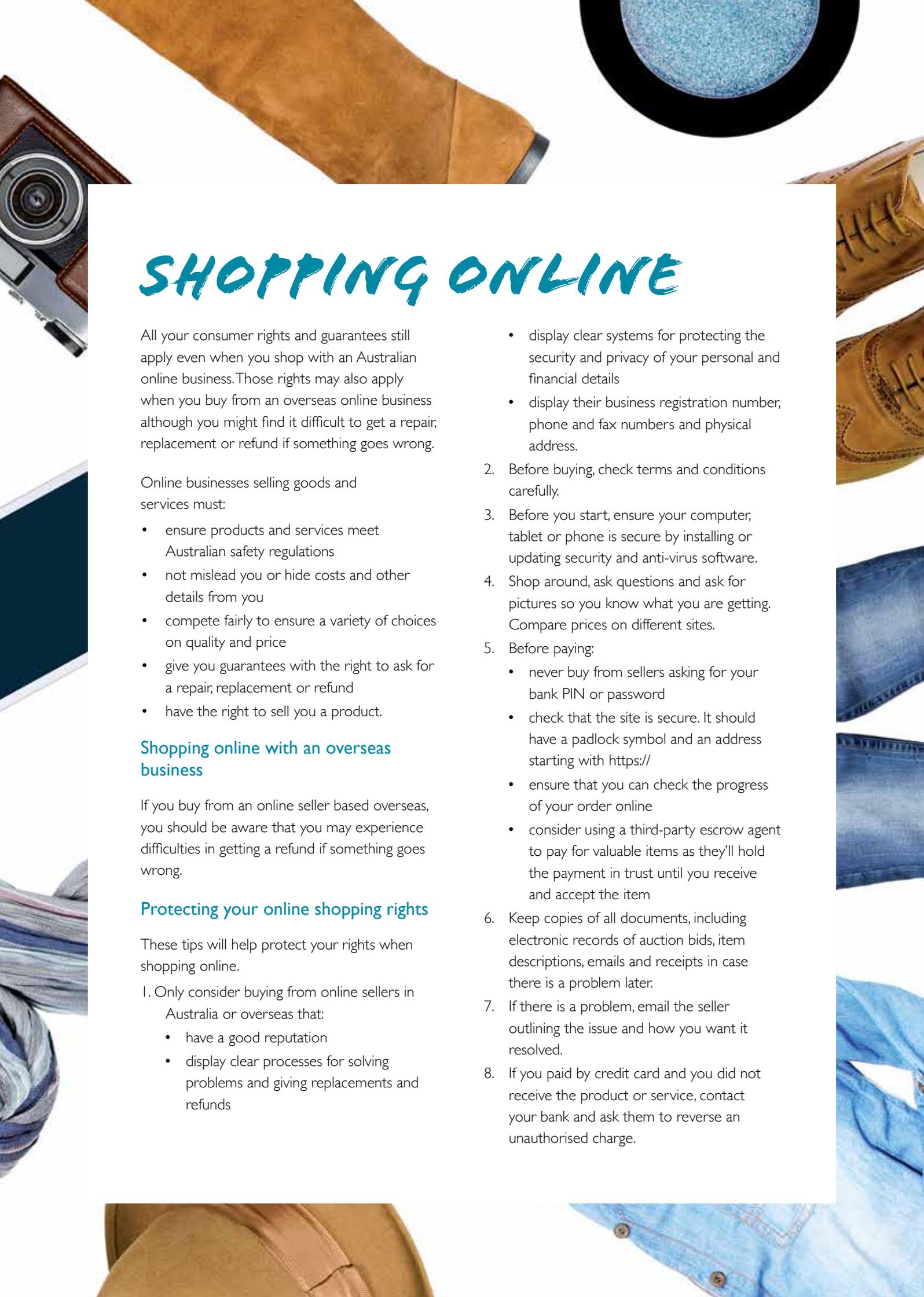
The Australian Consumer Law (Tasmania) requires retailers to advertise the full price on the petrol price board, rather than a discounted price, and regulates the manner in which changed prices are displayed.

This ensures the consumer is paying no more than the amount advertised on the price board.

The Code also regulates the manner in which changed prices are displayed, ensuring that the price on the board does not exceed the price advertised on the board.

Retailers may continue to display discounts and special offers, such as the cents per litre discount.

However, service stations must ensure that the fuel price board only advertises the full retail price.



# SHOPPING ONLINE

All your consumer rights and guarantees still apply even when you shop with an Australian online business. Those rights may also apply when you buy from an overseas online business although you might find it difficult to get a repair, replacement or refund if something goes wrong.

Online businesses selling goods and services must:

- ensure products and services meet Australian safety regulations
- not mislead you or hide costs and other details from you
- compete fairly to ensure a variety of choices on quality and price
- give you guarantees with the right to ask for a repair, replacement or refund
- have the right to sell you a product.

## Shopping online with an overseas business

If you buy from an online seller based overseas, you should be aware that you may experience difficulties in getting a refund if something goes wrong.

## Protecting your online shopping rights

These tips will help protect your rights when shopping online.

1. Only consider buying from online sellers in Australia or overseas that:
  - have a good reputation
  - display clear processes for solving problems and giving replacements and refunds

2. Before buying, check terms and conditions carefully.
3. Before you start, ensure your computer, tablet or phone is secure by installing or updating security and anti-virus software.
4. Shop around, ask questions and ask for pictures so you know what you are getting. Compare prices on different sites.
5. Before paying:
  - never buy from sellers asking for your bank PIN or password
  - check that the site is secure. It should have a padlock symbol and an address starting with <https://>
  - ensure that you can check the progress of your order online
  - consider using a third-party escrow agent to pay for valuable items as they'll hold the payment in trust until you receive and accept the item
6. Keep copies of all documents, including electronic records of auction bids, item descriptions, emails and receipts in case there is a problem later.
7. If there is a problem, email the seller outlining the issue and how you want it resolved.
8. If you paid by credit card and you did not receive the product or service, contact your bank and ask them to reverse an unauthorised charge.



# Online ticket sales and ticket reselling

When purchasing online tickets to a music concert, sporting event, the ballet or other events, the following points may help:

- make sure you buy from an official ticket seller
  - visit the artist's or promotor's website
  - be aware that the event could be cancelled
  - check the price of the ticket before finalising the purchase
  - check for any additional fees
  - check the price is in Australian dollars
  - be aware of any additional postage and handling, or delivery fees
  - keep all information you have in relation to your transaction, in case of any later dispute.
- If you search for the event online, look out for advertising from ticket resellers that often appears before the link to the official ticket seller.
  - If you are buying a ticket from a reseller; you should double check that:
    - o the price is in Australian dollars
    - o you know where your seat allocation is (if applicable)
    - o the final price compares to the official ticket price for the same tickets – watch for any extra fees at the check-out.
  - Always check terms and conditions before buying tickets to any event. This is your contract with the ticketing agent you bought it from. Keep all information you have about it, including ticket receipts, in case of any dispute later.

The market for tickets to music concerts, sporting matches and other events can be complex and confusing. The increase of reselling websites over the last few years has given consumers more purchasing options and flexibility, but has also made the secondary ticket market more difficult to navigate.

Buying a ticket to a concert or event from anyone other than the official seller is risky and you could be left out of pocket or out in the cold.

Keep these handy tips in mind when looking to buy a ticket to an event:

- Check the artist's or event's official verified websites for the authorised ticket sellers.

If an event is cancelled, you are entitled to a full refund from the company that sold you the ticket. Remember if you're buying tickets from a private seller instead of a business (like on an online marketplace), the Australian Consumer Law does not apply to you, and you will not be able to get a refund.

If you have difficulty receiving a refund for a failed event from the ticketing company, you can contact your bank for a credit card chargeback.

**For more information contact us on 1300 654 499, drop us a message on Facebook @ ConsumerAffairsAndFairTradingTasmania or visit our new website at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)**

# When things go wrong with products and services

## When you return a product

Sometimes when you buy products or services, things don't always work out. You are entitled to a refund, repair or replacement if a consumer guarantee isn't met. However, a refund isn't always a consumer's right. Businesses don't have to give a refund if you:

- change your mind
- buy the wrong size
- buy the wrong colour

Some businesses will still offer refunds or replacements in these situations. This is their choice and is not a legal right.

A consumer can return goods that:

- are faulty
- do not do what they are supposed to
- do not look acceptable
- are unsafe
- break down before it would be expected to

It's a good idea to keep receipts as it may be difficult to return a product without proof

of purchase. In some cases, the business may still choose to give a refund, exchange or credit note without proof of purchase.

Proof of purchase may include:

- receipts
- tax invoices
- bank statement

Businesses may also have their own refund policy that offers more than what is required by law. The store or seller must comply with the terms of their in-store policies.

The supplier or manufacturer does not have to accept the claim if a consumer cannot show where the product or service was purchased.

People who receive products as a gift still have the same rights to a refund or return as a person who buys a product directly. However, they must still supply proof of the purchase.

## Refund methods

Businesses will often give a refund to consumers the same way that they paid. They won't give the refund in cash unless that's how it was paid.



## *Your NBN is being used illegally*

Georgia received a phone call supposedly from Telstra and was told that her new NBN was being used illegally without her knowledge.

This situation had been flagged as urgent by 'Telstra' and needed to be fixed immediately. Georgia was asked to download the TeamViewer software so a 'Telstra' technician could remotely access her computer and look at the security settings to fix the problem.

'Telstra' also said it would set up an additional password for extra security on Georgia's computer. While in Georgia's computer, the technician blanked the screen so she couldn't see what he was doing but he stayed on the phone with her explaining every step.

He accessed Georgia's emails and hacked into her PayPal account, changing the settings so that a log-in would no longer be required each time a purchase was made.

The technician purchased gift vouchers from the United States, telling Georgia the vouchers were for security programs needed on her computer and they would be fully refunded by 'Telstra'.

After the technician ended the call, several other purchases were made from gaming stores in the US. Georgia turned off her computer when she realised these unauthorised purchases had been made.

But then 'Telstra' called her back asking her to switch her computer back on. Georgia is now receiving daily calls from 'Telstra Security' which is apparently another division of 'Telstra'.

She is also receiving calls from private numbers claiming to be PayPal and asking for her pin number. As well as the loss of some personal information, Georgia lost \$600 from the unauthorised purchases.

Businesses may not have cash available, even if a consumer paid cash originally. In this case, they must give the refund in another form. Businesses may offer replacement items, exchanges or credit notes instead of a refund.

Consumers can insist on a refund if a consumer guarantee entitles them to one. In most cases, a business cannot place fees or conditions on a refund or exchange. This includes restocking fees.

They can only place fees or conditions on a refund if they:

- aren't legally required to give the refund
- clearly display the terms in writing, in store or on the receipt.

## Refunds on sales items

Consumers have the same legal refund rights on sale items as they would have on full-price products. Businesses cannot take away these rights by claiming they have a 'no refund' policy for sale items, or displaying a 'no refund' sign.

The same refund rights exist on samples and seconds, but if a product is on sale because it is faulty, a consumer cannot claim a refund for the problem if the business informed them of it before the sale.

## Returning products for repair

It is your responsibility (as the consumer) to return goods to the supplier. Products don't need to be in their original packaging to be returned.

If you are not able to take the products to the supplier in person, and the supplier does not have a complimentary pick up or return policy, you may have to return them by post or another delivery service. Postage costs may be recovered if the returned products are found to have a fault.

When products with a major fault are too large, too heavy or too difficult to remove, the supplier must collect the goods or arrange shipping at their own expense and in a reasonable time frame.

# Guarantees on products and services

## What is a consumer guarantee?

The Australian Consumer Law (ACL) automatically gives consumers' rights when they buy products and services. These are called **Consumer Guarantees**.

A warranty is different from a consumer guarantee. It is a voluntary promise to the consumer from the seller, manufacturer or supplier. Warranties are separate and do not replace the Consumer Guarantees, as the guarantees cannot be excluded.

## Consumer guarantees on products

Consumer guarantees apply to products that; are valued at less than \$40,000, for personal or household use (regardless of price), and to vehicles and trailers.

The following consumer guarantees for products apply automatically:

- products are of acceptable quality
- products will match description or sample
- products will be fit for purpose
- the product is sold with clear title, possession and security
- there will be repairs and spare parts available for a reasonable time

## Consumer guarantees on services

Consumer guarantees apply to services that are

under \$40,000, or are for personal or household use (regardless of price).

If businesses do not meet these guarantees, they must attempt to correct any failure. This might be a refund, repair, replacement or compensation for the drop in value of the product.

The following consumer guarantees for services apply automatically:

- service will be undertaken with due care and skill
- service will be fit for purpose
- service will be provided within a reasonable time.

## Failing to meet a consumer guarantee

Consumers have the right to get an outcome for their issue if they buy a product or service that doesn't meet a consumer guarantee. The types of outcome will depend on whether the problem is a major or minor failure.

Failure can happen at any time in the reasonable life of a product or service. A reasonable life is how long consumers can realistically expect the product to last. This will depend on the type of product.

## What is a major failure?

A major failure is when products or services fall significantly short of a consumer guarantee.

A major failure with products is when:

- the consumer would not have bought it if they knew about the problem



- the products are very different from what was in the description or sample model
- they break (and can't be repaired easily), meaning they:
  - can't do their job
  - don't suit why the consumer bought them (as long as the consumer told the business about this before buying)
- the products are dangerous

If there is a major failure with products, consumers can choose to:

- get a refund
- replace for the same product
- get a replacement of similar value
- keep the products and be compensated for any drop in value

A major failure with services is when:

- the consumer would not have bought the service if they knew about the problem
- the service does not meet the standard expected and can't be fixed in a reasonable time
- the service does not achieve the purpose outlined by the business
- it caused a dangerous situation

**Consumers have the right to choose** which of these options to take in the event of a major failure. If there is a major failure with a service, consumers can:

- cancel the contract and claim a refund
- keep the contract and be compensated for any drop in value.

## What is a minor failure?

A minor failure is anything not listed above. The business has the right to choose which option to take in the event of a minor failure.

For a minor failure with products, the business may:

- provide a refund
- replace the products
- repair the products
- fix the title to the products

For a minor failure with a service, the business must fix the problem for free and in a reasonable time frame.



# Car sales, repair and warranties

## Tips for buying a car

Take care when choosing a car to buy. Taking the time to research your choices and rights before buying can help avoid problems.

Before buying a car, you should:

- compare on-road and operating costs including:
  - registration
  - compulsory third-party insurance
  - stamp duty
  - additional insurance
  - fuel
  - servicing and spare parts
- get an independent safety assessment on new cars through the Australian New Car Assessment Program
- test drive the car
- get an independent vehicle inspection on a used car by a qualified person
- check the Personal Property Securities Register (PPSR) to make sure there's no money owing on used cars (there is a small fee to check vehicles)

- ask about and compare after sales support and warranties that different sellers and manufacturers offer
- understand the purpose of fuel consumption labels on new cars
- **note there are no statutory cooling-off rights or “lemon laws” for car sales in Tasmania.**

All motor vehicle traders in Tasmania must have a licence to sell:

- used cars
- other used vehicles

Search for the motor vehicle trader licence to make sure the dealer is licensed via our website at

**[www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)**

Under the Australian Consumer Law, guarantees apply to new and used cars. These guarantees are offered by suppliers and/or manufacturers and cover:

1. That the car is of acceptable quality
2. The car is fit for any purpose the consumer or supplier has specified

3. Suppliers and manufacturers guarantee that their description of motor vehicles (for example, in a catalogue or television commercial) is accurate
4. The car will match any sample or demonstration model
5. The car will meet any extra promises – or 'express warranties' – made about them
6. Sellers have the right to sell the car (known as clear title), unless they tell you before the sale (Note: licensing laws in some states or territories may require motorcar traders to guarantee clear title)
7. 'Undisturbed possession' meaning that no one will try to repossess, take back or prevent you from using the car
8. The car is free of any hidden securities or charges
9. Suppliers and manufacturers will take steps to make spare parts and repair facilities available for a reasonable time after the sale.

Consumer guarantees cannot be excluded, even by agreement. Any warranty offered is additional to the consumer guarantees.

## Car warranties

### Manufacturer's warranty

All new cars come with a manufacturer's warranty covering any faults and defects. Take care reading the warranty, as details such as the length of the warranty period can vary.

Before the warranty expires, it's a good idea to have a mechanic do a full check on the car. This allows problems to be fixed within the warranty period.

### Extended warranty

Motor vehicle dealers may also offer extended warranties at the point of sale or at the end of a manufacturer's warranty. These warranties extend the coverage provided in the original manufacturer's warranty, usually at an additional cost. Extended warranties are optional.

Extended warranties may restrict your choice of mechanic and parts used, or lock the car into a service schedule with a specific dealer or group of dealerships. Regardless of the type of warranty (or even after a manufacturer's warranty expires), you still have protection under the Australian Consumer Law if there is a problem with your car:

### Statutory warranty

Licensed motor vehicle traders must provide a statutory warranty at no extra cost if the car:

- is less than 7 years old, and
- has travelled less than 120 000km

The warranty expires after 3 months or after 3000km, whichever happens sooner.

The following vehicles do not have a statutory warranty:

- cars that are out of the warranty period
- motorcycles
- caravans
- commercial vehicles
- cars being sold on consignment for a private seller
- cars that can't be registered because of their design
- cars that are on the 'written-off' register.

Dealers or auctioneers must state if a car does not come with a statutory warranty.

### What statutory warranties cover

A statutory warranty will cover most defects, including where a part does not do what it is supposed to do, or has worn out so much that it no longer works.

A statutory warranty does not cover defects:

- occurring in brake linings, pads, drums, discs, clutch pressure plates, spigot bearings, clutch release bearings or flywheel clutch plates, tyres or batteries

- subject to a manufacturer's recall
- resulting from unauthorised repair after sale
- resulting from failure to maintain or service the vehicle after sale
- resulting from misuse, negligence, immersion in water, collision, accidental or deliberate damage, or water freezing after sale
- resulting from racing or trialing
- resulting from any unauthorised repairs, fittings or modifications made to the vehicle after the time of sale.

## Making a claim

If a problem or fault is covered by the statutory warranty and no manufacturer's warranty applies, the motor vehicle trader must have the car repaired at no cost to you.

A claim for repair must be made:

- within 7 days of the problem or fault being discovered (unless a longer time is specified in the contract or any additional warranty), or
- within 7 days of the owner being notified that the manufacturer has refused repair under a manufacturer's warranty.

The repair must be carried out according to industry standards.

The repaired car must be 'fit for purpose' and in a reasonable condition, having regard to its age, its original price and description, and all other relevant circumstances. It may be acceptable for example to fit a second-hand part to a used car.

**For more information on car sales, repairs and warranties visit the CBOS website at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)**

## Quiz

- How much money was lost to scams in March 2018?
  - \$433,549
  - \$1,533,549
  - \$8,633,549
  - \$10,733,549
- In 2017 most scams were conducted by what delivery method?
- What is the name of the brand that produced the faulty airbags recently identified for recall?
- Which homeware appliance brand was recently ordered to pay penalties of \$4,608,500 for making false or misleading representations and misleading the public about its appliances?
- Facebook page - Consumer Affairs and Fair Trading – Tasmania - published a post during Easter stating you can recycle what product?
- The Shred and Protect campaign motivated people to shred sensitive information rather than just throw it out. What does that prevent?
- What type of composite panels caused a deadly blaze in London (chemical element symbol – Al)?
- What agency website can you access to find out about recalls?
- True or false: before 2014 no framework existed in Tasmania for vulnerable people checks?
- After checking with your local council for extra requirements, a home owner can install what size of prefabricated steel shed?
  - Up to 26m<sup>2</sup>
  - Up to 36m<sup>2</sup>
  - Up to 46m<sup>2</sup>
  - None, you must always hire a builder



# What you need to know before signing a contract

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There are certain things you should know before you sign a contract.

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A contract is an agreement between two or more parties. It is legally binding, can be written or verbal, and has terms and conditions. A contract is created when a party makes an offer and the other party accepts it.

You can enter a contract by:

- signing a document
- taking something from a store shelf and paying for it at the check-out counter
- posting a letter of acceptance
- clicking an 'I agree' button on a web page

Some contracts must be in writing (for example, a contract to sell land or a lay-by contract). **The terms and conditions of a contract** make up the agreement of the parties, and their rights and responsibilities. The terms can be either:

- spelled out (set down in writing or expressed verbally) or
- implied (either by law or as necessary to make sense of the agreement).

Tips to remember:

- it is important to always read contracts carefully before signing
- contracts are legal documents - ask questions and get advice
- keep copies of documents or anything signed
- **NEVER** sign a contract you do not understand
- say **NO** if you feel pressured

Contracts for products, services, or the sale or grant of interest in land, must comply with the Australian Consumer Law. These are called standard form contracts, which:

- have been prepared in advance for consumers to sign
- give an offer on a 'take it or leave it' basis
- are not negotiated with consumers

## Unfair contract terms

Some contract terms are not allowed as they can be unfair to one of the parties. An unfair contract term:

- doesn't fairly divide the parties' rights and obligations
- are not necessary to protect the business
- would cause loss or detriment (financial or otherwise) to a consumer

Only a court can decide if a term in a consumer contract is unfair. If a court finds a term is unfair, that term is treated as if it never existed but the rest of the contract may still be binding. If you think your contract is unfair and you cannot resolve the issue with the business, we suggest you seek legal advice.

There are certain terms that are excluded from the meaning of an unfair contract term. These include:

- terms that define the main subject matter of the contract
- terms that set the upfront price payable
- terms that are required or expressly permitted by a law of the Commonwealth, State or Territory

## Small business contracts

Contracts with small businesses, entered into or renewed after 12 November 2016, have extra requirements by law. These include requirements such as:

- the contract must cover the supply of goods or services, or the sale or grant of an interest in land
- at least one party must be a small business, employing fewer than 20 staff (including casual employees)
- the upfront price payable must be no more than \$300,000 for a 12 month contract, or \$1 million for contracts longer than 12 months

If an existing contract is varied or changed after 12 November 2016, the law only applies to the changed terms.

## Common contracts for small businesses

A standard form contract is a contract that is the same or similar for all consumers purchasing a certain product or service. Standard form contracts for small businesses include:

- services provided (such as information technology, advertising, document handling, security or transport)
- mobile phone contracts
- utilities such as power, gas or water

## Contracts and terms which are not covered by small businesses

- contracts entered into before 12 November 2016, unless renewed on or after
- shipping contracts
- constitutions of companies, managed investment schemes or other kinds of bodies
- certain insurance contracts, including car insurance



# Booking travel

Under the Australian Consumer Law, a range of guarantees apply to goods and services including travel.

## When booking a holiday with a travel agent, the agent must:

- ensure that their promotional material and other information is not false or misleading
- inform consumers of any increase in costs or charges as soon as possible
- quote accurate prices and ensure optional surcharges are clearly displayed

## When booking travel with an agent you should:

- look for an accredited agent under the Australian Federation of Travel Agents' Travel Accreditation Scheme (ATAS). To find an accredited agent, visit the ATAS website [www.atas.com.au](http://www.atas.com.au)
- book with an agent who advertises their services clearly
- get advice from family and friends
- consider how you will pay for it
- read the terms and conditions
- ask the agent if they have insolvency insurance
- consider taking out travel insurance

## If you decide to book through an online provider, you should:

- research the business first
- check the browser bar when making payments to make sure it includes basic security features, such as a padlock symbol or address starting with 'https://'
- take into account that paying by credit or debit card gives consumers extra protections with chargeback options through their bank.
- check you have the business's contact details, so you can contact them if things go wrong
- read the terms and conditions
- consider taking out travel insurance

## When a flight is cancelled

You may be entitled to a refund.

This depends on:

- the reason for the cancellation
- the terms and conditions of the contract with the airline
- the travel insurance policy
- the airline's ability to organise alternative flights
- the airline's refund policy

## If you do not get what you paid for

You should always try to resolve the problem with the business first. If an ATAS-accredited agent was used, the business should have a complaint process in place. Otherwise, consumers can contact ATAS. If the business is not able to help resolve the issues then you should:

- contact your bank or credit card provider to apply for a chargeback if you booked with a credit card or if you selected 'credit' on your debit card
- for problems with an airline visit the Airline Customer Advocate (ACA) website at [www.airlinecustomeradvocate.com.au](http://www.airlinecustomeradvocate.com.au)
- check your travel insurance policy

## Car hire

Under the Australian Consumer Law, consumer guarantees apply when you hire a rental car. This means the rental company must offer certain guarantees when you rent a car from them. The rental car must:

- be fit for any purpose you or the supplier has specified
- be of an acceptable quality

- meet any description that the car-hire company provided in brochures, advertisements, commercials, online, etc
- match any sample or model
- meet any extra promises or 'express warranties' made by the car-hire company
- have undisturbed possession of the vehicle, meaning no one will try to take back the hire car (except in certain circumstances)

We also offer advice and guidance for consumers and traders to consider before entering into car-hire agreements. These may prevent issues from arising:

- get quotes and compare prices from car-hire businesses
- what is the total cost, including rental, basic and excess insurance cover and all extra costs?
- thoroughly read through all terms and conditions of the car-hire agreement including any rules about where the car cannot be driven (such as on gravel roads), break-downs, accidents and damage to the hire car
- are there any restrictions on using insurance if the rental car is damaged while being used by a consumer? If so, can a consumer use his or her own insurance from elsewhere?
- who is permitted to drive the rental car?
- is the consumer entitled to a refund if they can return the car early?

- can the consumer pick up the vehicle in one location and return it at another? Is there an extra cost for this?
- in what circumstances will the car-hire company make unauthorised charges to the consumer's credit card? What amounts could be charged in each circumstance?
- when will the company refund money you're entitled to, such as a security deposit?
- keep copies of all documents including quotes, orders, invoices and correspondence.

As Tasmania is a popular tourist destination and a great place to self-drive, CBOS receives a large number of complaints and enquires concerning car-hire agreements.

If an issue arises, after signing or entering into a car-hire agreement, we advise you to discuss the matter with the car-hire company. If you cannot reach an outcome, then you should put your concerns in writing.

The response provided by the car hire company could explain the situation and clear up any misunderstandings. However, if you are still concerned, you can contact us on 1300 654 499 or visit our website for more information at

**[www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)**

## *You have an infringement notice*



Anthony received an email apparently from the Australian Federal Police as it featured the agency's logo. The email said that he had been issued with an infringement notice for a violation such as speeding or illegal parking. It also stated that if Anthony didn't pay the fine within 28 days, enforcement action would be taken and he could be prosecuted in the Magistrates Court. The email Anthony received included a file with the actual infringement notice and specific details of his violation which he tried to download. However, the file was corrupted. His computer security software alerted him there was a security threat and disabled the file.



# Product safety

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In Australia, many businesses, government agencies, safety experts, standards writers and consumer advocates work together to maximise the safety of products sold and used in Australia.

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Over 15 000 types of products are available in Australia. To ensure that these products work safely, the Australian product safety arrangements combine measures including government laws, restrictions, information and education.

Below you will find information relating to product safety issues you may face in your household or daily life.

## Prams and strollers

Using a pram or stroller correctly will ensure it doesn't roll away or tip over. Buy a pram or stroller that meets the Australian Standard AS/NZS

2088:2013 *Prams and strollers - Safety requirements*. All prams and strollers sold by businesses in Australia must meet this standard. Look for the standards label or ask the retailer if you are unsure.

## Children's toys

We all know children love toys, but before you buy toys, here are some tips to help you choose the right ones.

- check age suitability
- choose toys that are well made
- avoid toys that have sharp edges
- remember that toy size matters

## Banned magnets

Magnets are a feature in some toys and are often small enough to be swallowed. Any toy that includes a magnet or magnetic component must contain a warning and an age grading for the product. This must be clear on the packaging and in the instruction booklet. **If your child swallows a magnet, seek medical help immediately.**

There is a permanent ban on the sale of small high-powered magnets.

This ban applies to magnets that:

- are smaller than a Ping-Pong ball
- have a magnetic flux of 50 or more
- are supplied in groups of 2 or more

These magnets must not be sold in:

- any toy, game or puzzle
- a construction or modelling kit
- jewellery to be worn in or around the mouth or nose

## Button batteries

Parents and carers should also be aware of the risks of button batteries. They are found in common household items and can cause life-threatening injuries if swallowed.

## Blinds and curtain cords

Low hanging blind and curtain cords can be a risk to young children. Make sure children can't reach any blind or curtain cords, even if they stand on furniture.

**The bottom of any blind or curtain cord must be at least 160cm above the floor.** Wrap blind cords securely around a hook attached high on the wall.

## Furniture stability

There are hidden dangers in a house you may not notice. The following tips may help:

- look for solid-based furniture
- test before you buy (apply a little pressure to make sure it's stable)
- check any type of furniture that has drawers that could be easily climbed on
- secure any unstable furniture
- use child-safe locks

## Decorative burners (ethanol)

Decorative alcohol-fuelled burners, or ethanol burners, have caused some serious injuries in Australia. Decorative burners produce a flame using alcohol as fuel. They are used for decoration, but larger models also may provide heating.

New safety standards from 15 October 2017 prevent the sale of unsafe decorative burners. An existing national interim ban applied for all sales that were made before 15 October 2017.

## Bunk beds

When buying a bunk bed, make sure it complies with the Australian Standard AS/NZS 4220:2010 *Bunk beds and other elevated beds*. By law, all new bunk beds sold in Australia must meet this standard. Ask the retailer if you're not sure.

## Ladder safety

Ladder related injuries are increasing in Australia, especially in men aged 65 years and older. The following are some simple ladder safety tips to reduce the risk of injury:

- choose the right ladder for the job
- don't work in wet or windy conditions
- take time to set up your ladder
- work safely up the ladder
- have another person hold the ladder
- know your limits and work to your ability

Product Safety Australia has a national campaign called Ladder Safety Matters. The campaign has further safety tips and videos. It can be viewed at [www.productsafety.gov.au](http://www.productsafety.gov.au)

## Swimming aids & pool toys

Swimming aids and pool toys are common pool items. Before using them, check the age limit and make sure the toys or swimming aids are fit for your

child's age and weight. Swimming aids and pool toys can provide a false sense of a child's swimming ability.

**Children should always be supervised by a responsible adult when in the pool area. Giving a child a swimming aid or pool toy is not a substitute form of supervision.**

## Trampolines

There are more than 3000 injuries associated with trampolines every year. The following tips may assist you to avoid injuries on trampolines:

- choose a safe model only buy a trampoline that complies with the Australian Standard AS 4989—2003 *Trampolines*
- check the trampoline regularly
- check the safety features
- have a clear jumping area
- use soft ground

You can also buy safety nets for the sides of some trampolines. Many round trampolines are sold with nets and are a safer option.

## Hoverboards

A new standard for self-balancing scooters, or hoverboards, was introduced on 17 July 2016. There are certain models that do not meet the standards and have been recalled. The list of recalled models is available at the ACCC website at [www.accc.gov.au](http://www.accc.gov.au)

If you have purchased one of the recalled models, you should:

- immediately stop using it
- unplug any charging units, and
- follow the advice in the recall to return the device

Owners of non-recalled models should still watch the recalls website. There may be other models recalled in the future. You should be careful when using hoverboards and leaving them to charge unsupervised.

## Avoid paying extra fees for bills you receive in the mail

Companies may be charging you extra to send your bills by mail. This fee may be charged by the business to cover their costs to print and post your bill.

If you want to avoid this fee, there are some options that might work for you.

The simplest way is to receive your bills electronically – by email or via the company's app. Check the company's website or contact the company to find out how you can change to online billing.

If you are not able to receive bills electronically, find out if you are eligible for an exemption from paper billing fees. Companies have different rules about when they will give exemptions. Some companies will give an exemption if customers:

- are seniors
- are registered for a concession
- receive income support
- are on a hardship program
- don't have internet access.

Contact each of your providers and ask if you're eligible for an exemption from paper bill fees, and how to apply.

If you have friends or family who may be eligible for an exemption, let them know who to contact and how they can apply, so they can avoid paying extra fees for paper bills as well. If you have checked with a provider that you are eligible for an exemption, but are having trouble getting your exemption processed, please contact us for help using the details below.

**For more information about paper billing, visit [www.accc.gov.au](http://www.accc.gov.au)**



# GAS SAFETY AT HOME

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Gas is one of the most effective and safe forms of heating and cooking, but it must be treated with respect. The greatest dangers arise through people being careless.

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Common gases used around the home are Natural Gas (NG) and Liquefied Petroleum Gas (LPG). The correct gas must be used for each appliance. Operating an appliance on the wrong type of gas can be extremely dangerous. Most (but not all) appliances can be converted to run on natural gas. A licensed gas-fitter must perform and certify conversions of gas appliances from one fuel to another.

When purchasing an appliance, whether new (in store or online) or second-hand, ensure they are

designed to operate on the gas you wish to use. Also make sure the appliance is manufactured to an Australian Gas Association approved standard, by looking for a certification badge fitted to the appliance.

In some instances the gas-fitter may install bayonet fittings (a quick connect device). These are installed to allow the connection of appliances, such as portable unflued heaters and BBQ's for domestic use. It is important to check the heater or BBQ will run on the gas supplied to the residence as you cannot easily tell the type of gas supplying the bayonet simply by inspecting the fitting.

If purchasing a second-hand appliance, check the ID plate to ensure that it is the correct gas appliance you require. When a second-hand appliance is installed, the licensed gas-fitter must service the appliance to make sure it is operating safely.

Once installation is complete, the gas-fitter is required to issue a Certificate of Compliance. This certifies that the gas installation meets all requirements and is safe for gas to be supplied.

The gas supplier must also receive a copy of the Certificate of Compliance submitted by the gas-fitter.

Always follow the manufacturer's instructions and have the appliance serviced regularly. If unsure, ask your licensed gas-fitter to instruct you on how to use the appliance correctly.

## Installation

Your domestic gas installation starts at the outlet of the natural gas meter or LP gas first stage regulator. The installation includes:

- pipes - they convey the gas to the appliance
- the appliance
- flues or ducts – they carry the burnt products to the atmosphere and provide fresh air to the appliance
- any ventilation system that provides oxygen for gas combustion

**Always use a licensed gas-fitter for all gas installations and repairs.**

## Purchasing appliances online

There are dangers associated with the purchase of gas appliances online. These dangers include misleading and sometimes unsafe information regarding the installation of these appliances.

Always remember the following:

- only buy gas appliances that have been approved by the Director of Gas Safety, i.e. approved by an Accredited Certification Authority (Australia Gas Association (AGA), SAI Global, IAMPO, R & T Oceana, Vipac). The approved appliances must be installed by a licensed gas-fitter in accordance with Australian Standards

Gas-fitters should ensure that gas appliances or components have product safety certification.





# Digging near gas pipes? Play it safe!

## Dial Before You Dig

If a gas pipeline ruptures it can cause explosions and fire that may result in personal injury, property damage or even death.

**Make sure you have accurate information about the location of buried gas pipelines before you do any work.**

Contact Dial Before You Dig (DBYD) before you begin any form of excavation work. DBYD is a free referral service for information on underground pipes (including gas) and cables.

To contact Dial Before You Dig:

- phone 1 100
- fax 1300 652 077
- go online [www.1100.com.au](http://www.1100.com.au)

You must read and comply with any requirements for both your safety and the safety of the pipeline. You can usually expect a response within two working days, but you should allow more time to be on the safe side.

## Pipelines

There are two types of buried gas pipelines within Tasmania.

- transmission gas pipelines – high pressure (found trans-state)
- distribution gas pipelines – medium pressure (found in towns and cities).

## Transmission gas pipelines

You can face penalties of up to \$30,000, even if the pipeline is undamaged, for breaches including:

- unauthorised excavation, boring and earth work of any type within the easement granted for the pipeline (excluding hand excavation or agricultural activities such as ploughing or cultivation to a depth not exceeding 300 millimetres)
- not complying with requirements made by the pipeline operator for the protection of the pipeline or the safety of people or property
- interfering with the pipeline's operating and maintenance activities, such as building fences, planting trees, installing dams, or roads

## Distribution gas pipelines

You can face penalties of up to \$15,000, even if the pipeline is undamaged, for breaches including:

- unauthorised excavation, boring and earth work of any type within the proximity of distribution pipelines
- damage or interference with the distribution pipeline without proper authority.

## Important information

- It is essential that you report any accidental damage to gas pipelines immediately.
- If you need to do urgent excavation work near gas pipelines (maybe an emergency or incident response), you should contact the pipeline operator before you begin.
- Gas pipelines are often installed using trenchless methods such as Horizontal Directional Drilling. Take extra care excavating near pipes installed this way as the normal methods for locating pipes may not be accurate.
- If you notice any signs of a leak near a gas pipeline, immediately:
  - o remove and/or switch off all ignition sources and evacuate the immediate area by foot
  - o call Emergency Services (Fire) on 000
  - o call the pipeline operator emergency phone number.
- Signs of a gas leak can include:
  - o an unusual smell
  - o a blowing or hissing sound, or dust blowing from a hole in ground
  - o continuous bubbling in wet or flooded areas
  - o a spot of dead or discoloured vegetation in an otherwise green area
  - o flames
- Report any unauthorised or suspicious activity on or near a gas pipeline to the pipeline operator.

## Play it safe

In the interest of everyone's safety, look out for gas pipeline markers and contact the Dial Before You Dig service before starting any excavation, drilling, boring or blasting activities.

Pipeline marker posts or curb markers serve to indicate that there is a buried gas pipeline nearby. Markers are only indicative and do not provide the precise location or depth of the pipeline.

## Contacts for urgent or emergency situations:

### Emergency Services – 000

**Tas Gas Networks (TGN)** – Contact the gas emergency line immediately on 1802 111. If you can't reach this number when using your mobile phone, call 02 9397 9013 or 131 909

**Tasmanian Gas Pipeline (TGP)** – Emergency contact 1800 195 666, Zinfra 03 6345 2300

## Further information

For more information contact CBOS:

Phone: 1300 654 499

Email: [cbos.info@justice.tas.gov.au](mailto:cbos.info@justice.tas.gov.au)

Address: PO Box 56, Rosny Park TAS 7018



# Tasmania's gas pipelines

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Tasmanians are becoming increasingly reliant on natural gas to provide our households and industry with energy.

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As a result, it is important to maintain the security of our gas infrastructure. Increasing urbanisation has meant more people are living and working closer to gas pipelines. Planners need to be aware of the impact new developments can have on the ongoing safe operation of existing gas pipelines and gas assets within these areas.

Developments in the vicinity of gas pipelines can increase risks around public safety, maintenance activities and emergency response. To manage this risk, the *Gas Pipelines Act 2000* and *Gas Act 2000* provide for 'pipeline planning corridors' to reduce the risk for gas pipelines.

## What is a pipeline planning corridor?

A pipeline planning corridor is an area around a high pressure gas pipeline that is monitored for possible impacts from future developments.

A planning corridor extends either side of a gas pipeline. This distance differs for each individual pipeline and is determined considering pipeline material, pressure and size. Typically, pipeline planning corridors vary between 25 and 38 metres from the centre-line of the pipeline for distribution networks, and 300 and 700 metres from the centre-line of the pipeline for transmission pipelines.

## Why is a pipeline planning corridor needed?

Gas pipelines are built to an Australian industry standard, which requires heavier pipes and deeper installation in built-up areas, compared with rural areas. This is called the 'location class' of the pipeline. However, long after pipelines are completed, there can be ongoing development activity that may not have been foreseeable at the time the pipeline was built.

For more information visit the CBOS website at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)

# CARBON MONOXIDE KILLS



## Boats, caravans and recreational activities

Boats, caravans, recreational vehicles (RVs) and even tents are our great Australian getaway options. Sadly, sometimes memorable adventures can end in tragedy. **Carbon monoxide is a silent killer.** It may be quietly waiting to join you and your family on your next holiday or adventure, especially if you don't expect it and don't understand its dangers.

## What is carbon monoxide?

Carbon monoxide is a colourless, odourless and tasteless gas that can replace oxygen in an enclosed space like a boat or caravan.

Carbon monoxide is produced when some fuels – such as LP gas, diesel, petrol or natural gas – don't

burn properly. These fuels need a lot of air and the right gas supply pressure to burn safely.

Carbon monoxide is generally not produced in harmful concentrations when fuels burn properly. But in faulty or poorly maintained appliances, carbon monoxide may be produced. Poor ventilation, an appliance flue or exhaust not located correctly, the wrong supply pressure or dust blocking gas ports can all affect the burning process.

### You can't see, taste, feel or smell carbon monoxide

If a gas appliance or other fuel-burning device, such as a generator, develops a fault during your next boating or camping trip, you won't notice the carbon monoxide.

## The effects of carbon monoxide

Even at low levels, carbon monoxide can cause significant health problems. Those most vulnerable to carbon monoxide poisoning include babies and young children, the elderly and people with respiratory problems.

If you have inhaled high levels of carbon monoxide, it is likely that you will experience more severe symptoms.

With very high levels of carbon monoxide, **death may occur in minutes.**

## What can be done to prevent carbon monoxide?

### Regular servicing

Gas appliances and other fuel-powered portable equipment need regular servicing to ensure:

- they are operating correctly
- exhaust gases are conveyed outside
- they are not damaged, dirty or out of calibration
- they are burning at their optimum level

Complete combustion of gas will produce carbon dioxide (CO<sub>2</sub>) and water vapour, and not carbon monoxide (CO). As a result, if gas appliances are maintained and used in accordance with operating instructions, the risk of carbon monoxide production is greatly reduced.

Other tips to help prevent carbon monoxide include:

- keep vents clear
- always vent to the outside and away from open windows
- 'approved for outdoor use only' means an appliance should only be used outdoors

**The Director of Gas Safety recommends that all gas installations in boats, caravans and RVs should be checked annually by a licensed gas-fitting practitioner.**

- always use a gas appliance in accordance with manufacturer's instructions and never for anything other than its intended purpose (for example, a gas cooker is for cooking; it is not designed to be a space heater)

### LP gas

LP gas installations are one of the most common fuel-burning appliances used in the recreational environment.

### Check the installation date

If the LP gas installation in your boat, caravan or RV has been installed by a licensed gas-fitting practitioner within the last six years, then it is likely that the ventilation requirements meet the relevant Australian Standard.

Check the installation date. If the gas installation is older than six years, you should contact a licensed gas-fitting practitioner to ensure that the installation, appliances, flue or exhaust and permanent ventilation requirements are in safe working order.

# Issues for recreational vehicle (RV) users

## Annexes and awnings affect gas flue ventilation

If you have an annexe or awning on your recreational vehicle (RV), you may have affected the flue ventilation for your gas appliances.

A flue must vent into the outdoors. Having a fully enclosed annexe around your flue can create an unventilated space.

Gas appliances can cause carbon monoxide poisoning. Faulty, or incorrectly flued appliances, can increase the carbon monoxide levels in RV's, and their annexes, to dangerous levels.

Carbon monoxide is an odourless and highly toxic gas. There have been a number of deaths in Australia, caused by gas appliances that have been used in poorly ventilated areas. If a flue terminal ends indoors, or inside an annexe, it can create excessive build-up of carbon monoxide.

Annexes such as that pictured below can cause carbon monoxide build-up due to poor ventilation.

## What should you do

It is still safe to use an annexe or awning. However, the following rules apply:

- If you are using an annexe which covers a gas vent, the area must be opened on two sides. This is to allow a free flow of air across the vent.
- If the flue is fan-assisted, it is acceptable to have your annexe open on one side only as long as the vent is within 500mm of the opening, and the direction of gas discharge is towards the open side.



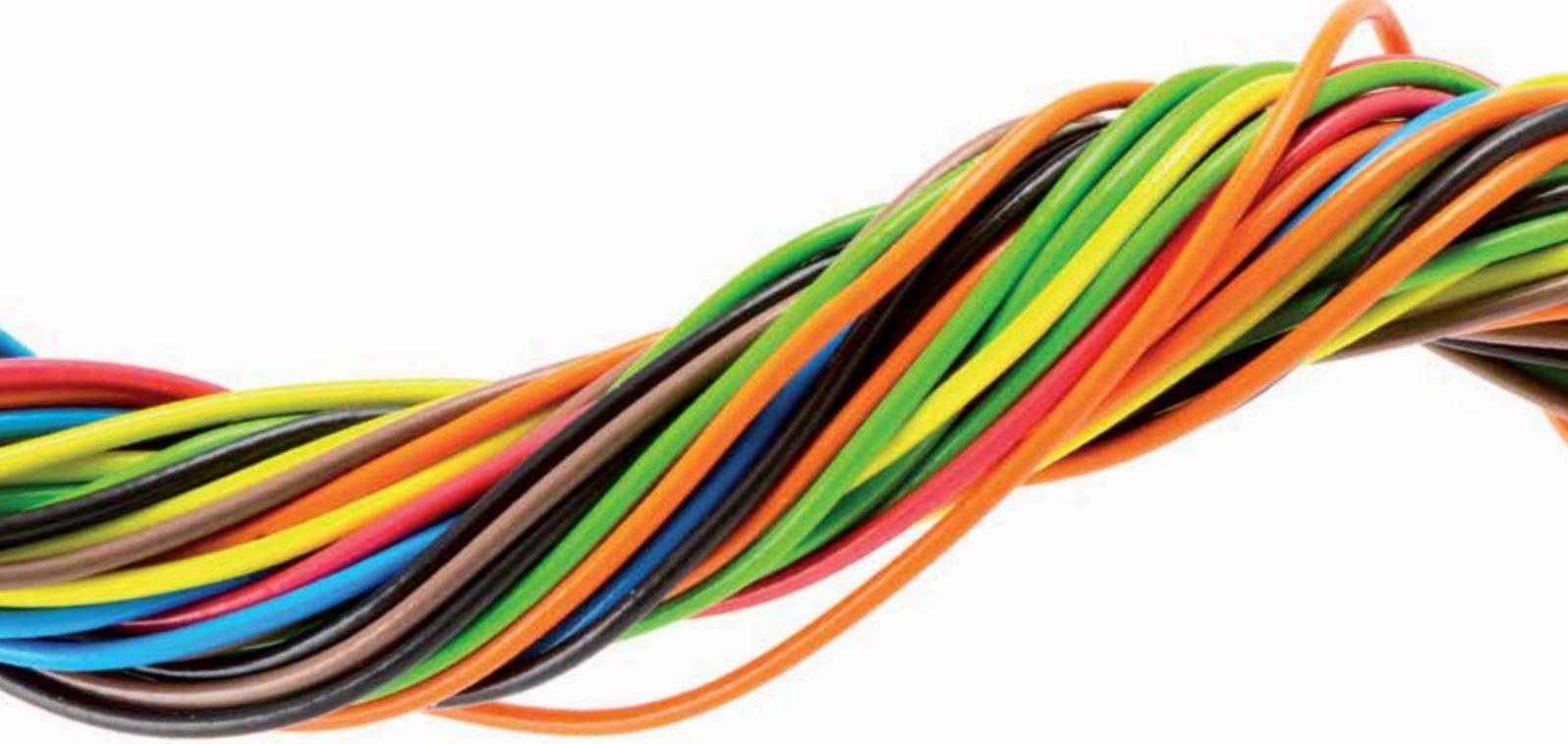
*Annexes can cause carbon monoxide build-up due to poor ventilation*



*Refrigerator flue terminal on an RV*



*Flue Terminal on an RV*



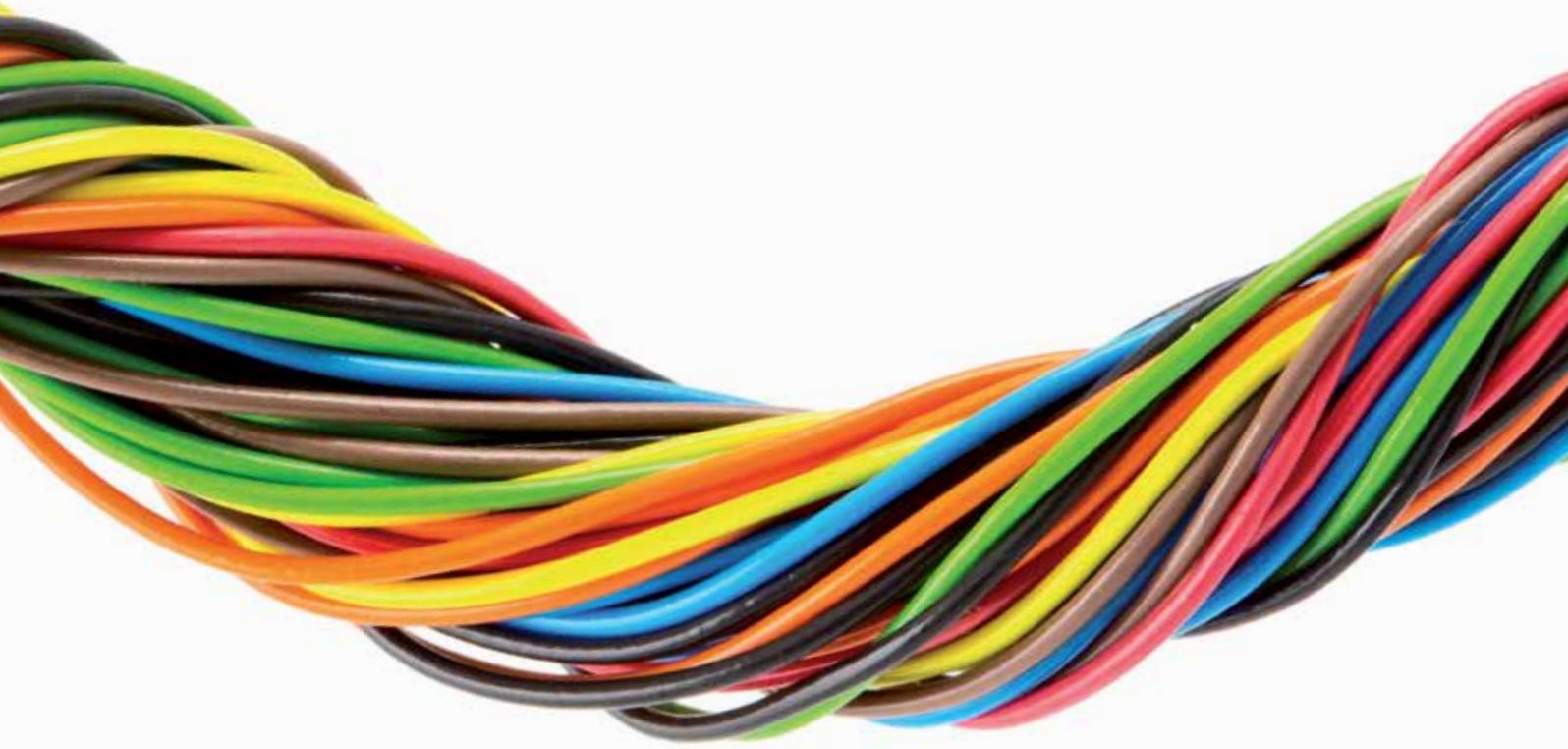
SAFETY

## Safety of your electrical installation

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Each year as we become more dependent on electricity to power our homes, schools, places of recreation and workplaces, we are at greater risk of electrical shock and fire. Electrical shock and fires are commonly caused by non-compliant installations and products.

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# FIRST

To manage this risk, CBOS has contracted TechSafe Australia to conduct inspections on electrical work performed by your electrical contractor. Work that may be inspected includes: new electrical installations, alterations and additions, and solar arrays.

Your electrical contractor must provide a Certificate of Electrical Compliance (CEC) to TechSafe. TechSafe inspects electrical work, chosen on a risk-based approach.

This service is provided free to owners and CBOS will ensure any defective electrical work is rectified by the contractor. Contractors cannot charge a consumer for the cost to rectify works.

It is important to ensure you are using a contractor that has an electrical contractors licence. Using unlicensed contractors places you at risk of electrical shock and fires and you may be responsible for having the work fixed.

**You should remind your electrical contractor they need to submit the CEC to TechSafe. If you are concerned about electrical work that has been performed, you can contact CBOS on 1300 654 499 or visit our website at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)**



# Private power poles

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You may not be aware that large wooden power poles located on your property could be your responsibility to maintain. These power poles are normally identified with a large yellow plastic tag with the words **PRIVATE POLE** on it.

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In some situations, two property owners can share the use of a private pole. In this case, the cost of fixing any defects should be shared between owners.

Because people may not be aware of the condition of the pole to assist with the maintenance, TasNetworks tests and inspects private poles at the same time they inspect their own power poles. The inspection and testing ensure a reliable power supply and reduce the risk of electrical shock, or fire.

Wooden power poles have a lifespan of about 30 years depending on environmental conditions. Over time, wooden power poles will rot and need to be replaced. One way you can help reduce pole rot is

to keep scrub and long grass one metre away from the base of the pole.

During inspections, TasNetworks will also check to ensure vegetation is clear of private powerlines.

**Trees should be kept three metres away from powerlines.** However, clearance distances may depend on the type of overhead conductor. For more information regarding vegetation near powerlines, visit [www.tasnetworks.com.au](http://www.tasnetworks.com.au)

TasNetworks will advise CBOS of any defects relating to private poles and powerlines. CBOS will write to the owner/s of the pole and provide information on how to have the defects repaired. If the defects are not repaired in a specified time, in the interest of safety, CBOS will arrange for the electricity supply to be disconnected.



Grab a copy of our new brochure

## PRODUCT RECALL

### PV Array Solar System Isolator

If you have a PV Array Solar System, you need to check the brand of the isolating switches.

If your installation has 'Salzer' brand DC isolators, you need to contact IPD Group Limited. IPD Group Limited is the supplier of the 'Salzer' brand isolators and has now recalled the product.

It has been identified that the isolator switch may fail, causing excessive heat, which can be a fire hazard or electrical shock risk. The recalled isolators (Salzer DC LB232), were sold between 10 August 2016 - 13 November 2017.

If you have one of these systems, you should turn it off immediately. The Solar/Photovoltaic system can be turned off by turning the "AC ISOLATOR" switch to "off".

At no time should you operate the isolators marked "PV ARRAY DC ISOLATOR".

To contact IPD Customer Service Centre, call 1 300 682 473 or visit

[www.ipd.com.au/recall](http://www.ipd.com.au/recall)

You will be asked to provide your contact details and details of the electrical contractor that originally installed the system. You will then be registered for a replacement once available.

For further information, contact IPD Customer Service Centre on 1 300 682 473 or email [quality@ipd.com.au](mailto:quality@ipd.com.au)



# BUILDING OR RENOVATING A HOME

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You may be able to renovate or build a home without needing a building permit from the permit authority at your local council.

This is because, depending on the circumstances, the work may be classified as low or medium risk.

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## Who needs to be involved?

Depending on the category your design falls within, you may not need a building permit from the council permit authority.

However, the work may still need to be:

- designed by a licensed designer
- constructed by a licensed builder
- assessed and inspected by a licensed building surveyor

It is recommended you contact your local council to check what approval process your building work fits into and whether you need to gain a planning permit.

## Steps for getting approval to build a new home

If your proposed new home is notifiable work, the approval process will be as follows:

1. Apply for planning permission from your local council.
2. Hire a licensed building designer to prepare designs of your home.
3. Hire a building surveyor and submit the designs to them with an application for a Certificate of Likely Compliance. The application should be in Form 2. This is an approved form under the *Building Act 2016* and can be accessed on the CBOS website at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)
4. The building surveyor will assess the design to see whether it complies with the *Building Act 2016* and the National Construction Code (technical standards for buildings in Australia). If they think the design is compliant, they will issue

a Certificate of Likely Compliance to you and will forward a copy to the council permit authority.  
Note: If the work was permit work, this is when you would apply for a permit from your council's permit authority. You would do this using Form 2 with the help of the building surveyor.

5. Your builder will provide a notice to the building surveyor saying that they are ready to start work. If the building surveyor is happy for the project to start, they will issue a start work authorisation.
6. Your builder will start work and will notify the building surveyor when certain stages of the project are complete. The building surveyor will then inspect the work to make sure it is compliant. If it isn't, they can serve a direction on the builder to fix the work.
7. When the work is complete, your builder issues a Standard of Work Certificate stating that the work is compliant. Your building surveyor will then inspect the work.
8. You can then apply for an Occupancy Permit from your building surveyor using Form 4. The building surveyor will issue this certificate, along with a Certificate of Completion (notifiable building work), or Certificate of Final Inspection (permit building work), if they are satisfied that the work is compliant and finished. They will then forward a copy of the Certificate to the council's permit authority. This will finalise the building project for notifiable work, or allow you to apply to the permit authority for a Certificate of Completion (permit building work).

## Plumbing work when building a new home

Plumbing work which is done as part of building a new home will require a separate plumbing permit issued by the council's plumbing permit authority. Permit plumbing work will need to be carried out by a licensed plumber and inspected by the council's plumbing permit authority.



## What about approval for renovations?

Renovations may be notifiable work, permit or low risk work.

Where work on your home is classified as low risk work, in certain circumstances you may do it yourself without a building surveyor or a permit from the council.

A common example is adding a deck onto your house. You can do this yourself as low risk work if certain limitations are complied with including:

- the deck must be no more than 1 metre high
- it must not have a roof including shade structures
- it must meet the requirements for building in bushfire or landslip-prone areas
- the work must not be over or near easements or affecting infrastructure

If you are doing the work yourself, you will need to make sure that it is safe and that it complies with the National Construction Code. You should consider engaging a designer to make sure that the design is compliant and that other issues such as boundary setbacks are dealt with appropriately.

# Building surveyors

## Who are they?

A building surveyor is a licensed building services provider hired by a property owner to perform a range of duties as part of the building work process.

Building surveyors are qualified in technical standards including the National Construction Code (NCC) and Australian Standards. They also have knowledge of building approvals and legislation, such as the *Building Act 2016*. They use these skills to assess building designs and inspect and approve building work, among other functions.

Building surveyors must have either a degree or advanced diploma in building surveying and hold a licence under the *Occupational Licensing Act 2005*. Their licence might be limited to work on certain building types, or unrestricted.

To find a licensed building surveyor, you can search our database at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)

## What role do they play?

Building surveyors are responsible for making sure that building and demolition work complies with the NCC, plans and specifications. They work on behalf of the owner, not the builder.

## When do I need to hire a building surveyor?

If you want to do medium risk (notifiable) or high risk (permit) work, at your property, you will need to

engage a building surveyor as part of the approvals process.

To find out whether your proposed project is notifiable or permit work, you can view the 'Director's Determination on Categories of Building and Demolition Work' at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)

## What will they do?

A building surveyor will:

- review building work designs
- assist owners to communicate with council to ensure all approvals for building work have been obtained
- authorise building work to begin
- inspect building work as it progresses and authorise it to proceed
- issue occupancy permits for buildings
- issue certificates of completion for projects (notifiable building work only)

## What powers do they have?

Building surveyors also have the following powers to help ensure that work is compliant:

- entering properties to carry out their functions
- taking photos or videos of properties they have entered lawfully
- issuing directions, notices, and/or orders for defective work
- requiring documents or records to be produced that relate to building work.

# Building in Tasmania

The *Building Act 2016* and associated regulations provide a framework for all building, plumbing and demolition work in Tasmania. This is backed up by the National Construction Code, which is the minimum standard for all building and plumbing work in Australia.

Under the new risk-based approach, there are categories of building work: permit, notifiable and low risk. A building surveyor will be able to advise you whether your project meets the requirements for permit or notifiable work.

## Who needs to be involved?

There is some building work you can do without a permit, or getting a building surveyor involved. Some of the more common things you can build are fences, low decks (below 1m high), and small sheds (less than 18m<sup>2</sup>).

If the designs for your new home or renovations fall within the notifiable or permit work categories, you will need to have the work:

- designed by a licensed designer
- constructed by a licensed builder
- assessed and inspected by a licensed building surveyor

As a consumer, you should always check that the builder you hire is licensed. You can do this by visiting [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)

You should also contact your local council to:

- find out whether you can build on your property
- find out if your building type requires a planning permit
- find out what type of building approval process applies to your building type.

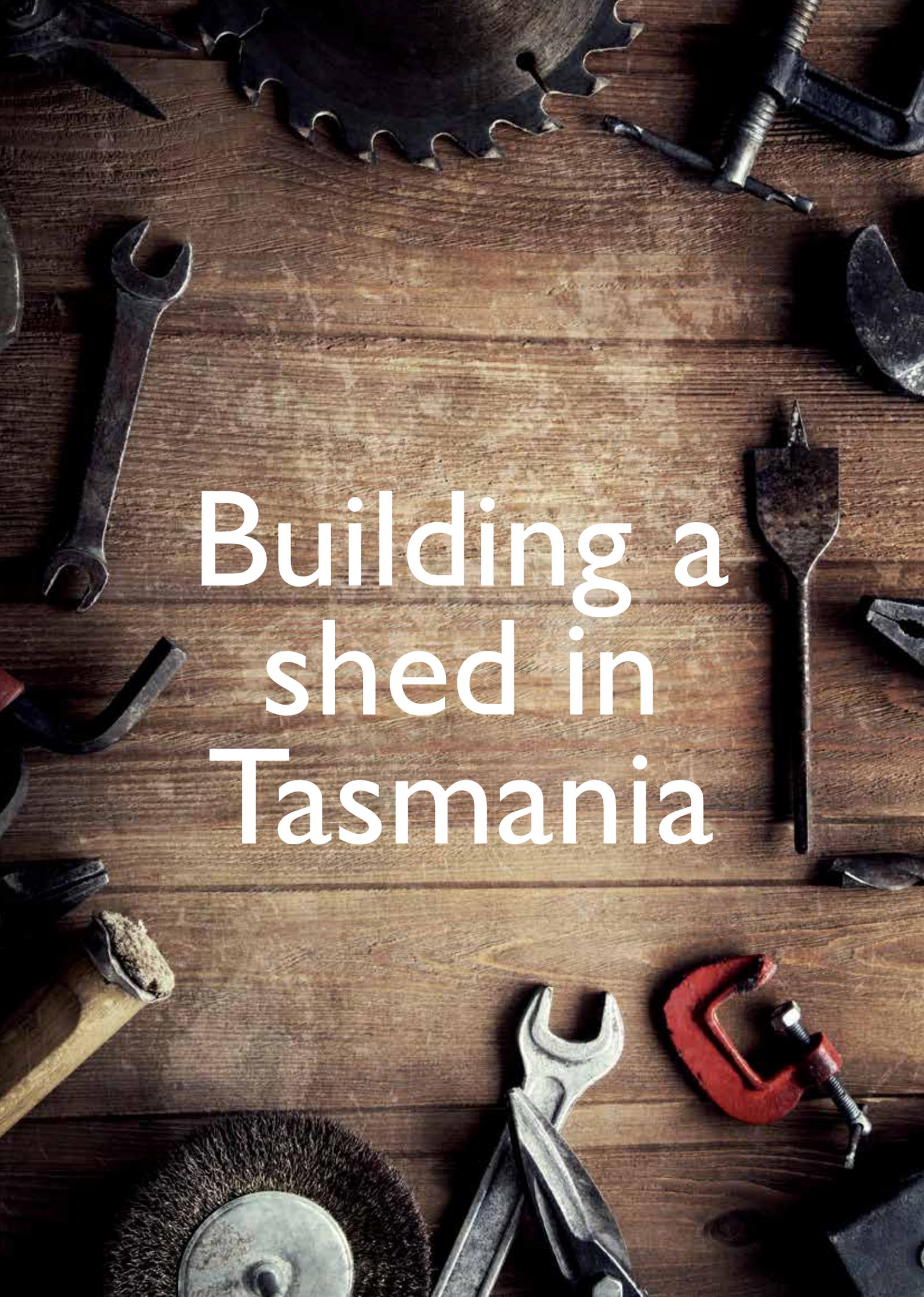
## Being an owner builder in Tasmania

If you wish to become an owner builder visit our website at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)

## Plumbing work

Plumbing work which is done as part of building a new home will require a separate plumbing permit issued by the council's plumbing permit authority. The work will need to be carried out by a licensed plumber and inspected by the council permit authority. To find out more about the plumbing requirements and plumbing work, visit our website at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)





# Building a shed in Tasmania

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## New building legislation in Tasmania has made it faster, simpler and cheaper to build smaller buildings, such as sheds, carports and garages.

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These projects are usually low risk and, as long as basic factors are considered, can safely be done by an owner or licensed builder (including owner builders).

Although in most cases you won't need to have a council permit, it is always recommended that you talk to your local council who can let you know of anything else you need to consider.

If you're building in a bushfire-prone area, there are additional matters to consider. For more information visit our website at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)

If you're building a shed that is larger than 36m<sup>2</sup>, you will need to engage a building surveyor.

### What can an owner do?

Before you build you should contact your local council to make sure there are no extra requirements you need to meet including planning.

You can build a small shed (non-prefabricated) up to 18m<sup>2</sup> without a building permit. You can also build a prefabricated steel shed up to 36m<sup>2</sup> without a building permit but you will need to notify the council on completion.

For any sheds larger than 36m<sup>2</sup>, owners must hire a licensed builder, licensed designer and a building surveyor.

### What can a farmer do?

If the shed is for farm use (on a rural property), you can erect a prefabricated steel shed up to 200m<sup>2</sup> without a building permit. You will need to notify the council on completion and, before building, consider all planning and plumbing requirements.

### What can a licensed builder do?

You don't have to build sheds yourself. You can employ a competent person or a licensed builder to erect a prefabricated shed, garage, or similar structure up to 36m<sup>2</sup> without a permit. You need to notify the council on completion.

### What checks do I need to make before building?

You need to make sure you comply with any planning requirements, for example, boundary setbacks. Check with your local council to make sure your shed meets the local planning scheme.

You should also check your title to make sure you are not building over an easement. Dial Before You Dig, to make sure you are not building over underground pipes or cables.

### Check plumbing requirements

Larger sheds need to have the storm water from the roof properly managed, so you don't cause problems for yourself or your neighbours.

**For more information on plumbing requirements, visit our website at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)**

# Categories of building work



Under the *Building Act 2016* there are categories of building work based on the risk. Each category of work has a different approval process.

The types of work that fall into each category is listed in a Determination passed by the Director of Building Control, called 'Categories of Building and Demolition Work', which is available at

**[www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)**

Before you look at the Determination to find out which risk category your work falls into, you should consider other requirements such as planning. There is a checklist on the CBOS website of the things you should consider:

## Low risk building work

Low risk building work does not require a building permit from a council permit authority. It also does not require a Certificate of Likely Compliance from a building surveyor.

Low risk building work includes:

- small sheds, garages and carports
- interior alterations to houses that don't affect structural integrity
- disability access ramps
- solar panels (within certain limits)
- non-roofed decks up to 1 metre high

For building work to be low risk it must be a standalone project and not associated with any other notifiable or permit building work.

Low risk building work is divided into two sub-categories:

- work that must be done by a licensed builder
- work that may be done by the owner or a competent person other than a builder

The different types of work that fall into these categories are set out in the Director's Determination.

Even though low risk work does not require any formal building approval, it must still comply with the *Building Act 2016* and any plumbing requirements. The person doing the work must make sure that they are aware of the requirements. They must comply with the size restrictions for low risk work. If they exceed the size restrictions, the work becomes notifiable.

For some types of low risk work, the owner must notify the council when the work is complete, for example porches, sheds and decks.

## Medium risk building work

Medium risk building work does not need to be approved by the council's permit authority. However, you will need to hire a building surveyor who will notify the permit authority that the work is taking place. This work is called 'notifiable building work'.

Notifiable building work includes:

- large sheds, garages and carports
- decks over 1 metre high
- major structural repairs to residences

The work must comply with the size limits for notifiable work as outlined in the Director's Determination. Otherwise, it becomes permit work. Notifiable building work must be designed by a licensed designer and carried out by a licensed builder.

You will need to hire a building surveyor to assess the designs for compliance and issue a Certificate of

## Resolving building disputes

Most parties are satisfied at the end of a residential build, however disputes do sometimes arise between an owner and their building services provider. When building or renovating, things may not always go to plan, but, there are steps you can take to resolve your issues.

1. Talk about it with your building services provider
2. Write a letter to the building services provider
3. Talk to your building surveyor
4. Contact CBOS

The Guide to Resolving Residential Building Work Issues has been developed to help resolve issues related to residential building work, in Tasmania, between home owners and building services providers. This Guide can be found by visiting our website at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)



Likely Compliance. Once this Certificate is issued, the building surveyor will forward a copy to the permit authority. The building surveyor can then authorise work to commence and will inspect the work at certain stages.

## High risk building work

High risk building work requires a building permit from your local council. It is often called 'permit building work'. Any work that is not classified as low risk, or notifiable, in the Director's Determination is permit building work.

Permit building work includes:

- most commercial buildings
- some residential buildings that require a planning permit
- larger, non-standard residential buildings
- any owner builder permit projects, regardless of the type or category of work
- buildings in most hazardous areas, such as land prone to flooding.

All permit building work must be designed by a licensed building designer, overseen by a building surveyor and carried out by a licensed builder.

You will need to hire a building surveyor for permit building work. They will guide you through the approvals process for the work. The building surveyor will assess the design to make sure it complies with the *Building Act 2016* and National Construction Code (the technical standards for buildings in Australia). They will then issue a Certificate of Likely Compliance, which you will need before you apply for a building permit from the council.

Once you are granted a building permit, the building surveyor can authorise work to begin and will inspect the work at certain stages.

**For more information on the categories of building work and their approvals processes, you can view the Director's Determination on Categories of Building and Demolition Work on the CBOS website at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)**



New rental standards

# Minimum standards for rental properties

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Minimum standards now exist for rental properties in Tasmania.

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This means that when you rent a property the landlord must make sure certain items exist to make the place able to be lived in. These minimum standards apply for leases signed after 1 August 2015, and there are additional standards for leases signed after 1 August 2016.

NOTE: For leases signed before 1 August 2015, the property must meet all the standards listed below by 1 August 2018.

## Leases signed after 1 August 2015

A property that has been rented after 1 August 2015 must be weather-proof and structurally sound.

This means:

- any defects is obvious, without needing careful inspection
- there is no obvious way for air or water to get into the property accidentally, including:
  - o that the roof, floors, ceilings, walls and stairs are in good repair
  - o the property does not have significant dampness, and
  - o does not collapse due to rot or other defects.

## Leases signed after 1 August 2016

All properties rented after 1 August 2016 must have the following:

- a flushable toilet, connected to a council-approved waste disposal system and in a separate room with ventilation
- a bathroom that is private and has a shower or bath (or both) and washbasin, each with hot and cold water
- a working sink with hot and cold water
- a working stove top and microwave or convection oven
- a fixed heater (electric or gas), heat pump, wood heater (not an open fireplace), floor heating, or ceiling heating
- supply of electricity that can meet the needs of the number of people that the property is designed to house
- safe power points and electrical connections





- plenty of natural or artificial light in each room (other than storage rooms or garage)
- suitable ventilation in each room
- a window that provides ventilation and can be locked into an open position that:
  - o is 15cm or more wide, and
  - o prevents a person entering the room
- window coverings in bedrooms and living rooms

For more details of renting a property and minimum standards visit the CBOS website at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)

## Smoke alarms

It is also a requirement that all rental properties contain a functional smoke alarm that complies with:

- AS 3786—1993 *Smoke alarms*, or
- AS 1670.1—2004 *Fire detection, warning, control and intercom systems – System design, installation and commissioning - Fire*.

The smoke alarm must be either mains-powered or powered by a 10 year non-removable lithium battery. There must be an alarm in the hall or corridor outside a bedroom, and any storey of the property that does not contain a bedroom should also have a smoke alarm installed.



# The role of the Residential Tenancy Commissioner

If you have a dispute with your landlord or rental agency about bond, rental increases, minimum standards, conditions, or repairs, the Residential Tenancy Commissioner (the Commissioner) may be able to assist.

## The Commissioner:

- determines disputes over bond at the end of a lease/tenancy
- investigates complaints about the condition of a property and issues fines
- assesses whether a rent increase is “unreasonable” and can issue an order
- issues orders requiring owners to undertake repairs at a property
- issues fines where owners have breached some sections of the *Residential Tenancy Act 1997*
- issues orders in relation to smoke alarms
- issues exemptions from the application of minimum standards for certain properties
- makes orders in relation to boarding premises
- issues orders in relation to residential tenancy databases.

**Further information concerning the Commissioner, and the matters in which the Commissioner may be able to assist, can be found on the CBOS website at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)**

# CAN YOUR RENT

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Rent can only be increased if there is a written lease that allows for rent increases, or if the lease is not in writing.

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An owner can only increase the rent after giving the tenant written notice at least 60 days before the new rent amount is to start. The notice must state:

- the amount of the new rent, and
- the day on which the new rent begins.

The rules around rent increases were designed so that a tenant would know what to expect for

a 12-month period. Therefore, in most cases, rent cannot be increased mid-lease – it can only be increased:

- at the beginning of the lease, or
- at lease renewal or extension.

If the lease is longer than 12 months (for example 18 months), rent can be increased at 12 months.

If the lease is less than 12 months, rent can only be increased at a minimum of 12 months after the tenancy has started, even if the lease is extended or renewed.

If a Court Order is made about rent during a lease, rent can only be increased 12 months or more after the Order was made.



# BE INCREASED?

## Unreasonable rent increases

If a tenant believes a rent increase is extremely high, or makes the rent payable extremely high compared to other properties, they can apply to the Residential Tenancy Commissioner to have the rent increase reviewed.

The Commissioner can make an order about the rent increase and whether it is acceptable or not.

When applying, a tenant will need to supply:

- a copy of the lease
- a copy of the rent increase notice
- any details of the history of the tenancy that might be relevant (such as length of tenancy,

details of any other increases) and

- any details about the property that might make the rent increase unreasonable, such as outstanding maintenance, or how much other similar properties in the area are being rented for.

The Commissioner will ask the owner or agent for similar details. The Commissioner will assess the information and make a decision. The Commissioner will make the findings in a formal Order and provide a copy of the Order to each party. Either party may appeal the Order to the Magistrates Court within 60 days. If the Order is appealed, the rent increase continues as if the Order was not made, until decided at appeal.





# Protecting our most vulnerable

Governments across the country agree that the protection of vulnerable people is a priority. Every state and territory has implemented a registration process.

In 2014, the *Registration to Work with Vulnerable People Act 2013* was introduced in Tasmania and a Registration to Work with Vulnerable People team was formed within CBOS. Before this, no framework existed in Tasmania for checking persons who work with vulnerable people. The legislation is designed to reduce the likelihood of harm to vulnerable people and offer added safety and protection.

Registration is currently a requirement for anyone involved in child-related work or child-related volunteering in Tasmania. For example, anyone working in schools, child care centres, sporting clubs and religious organisations. The next stage is to require people working with vulnerable adults to be registered.

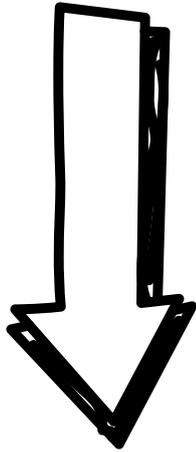
Applications are completed online and are usually assessed within six weeks of lodgement. Some people will receive their results within a few days, others may have to wait longer.

Applications are assessed to make sure a person is suitable to work, or volunteer, with vulnerable people. An applicant may be asked to supply additional information and the Registration to Work with Vulnerable People team will make contact if needed.

Registration is valid for 3 years. Once an applicant is registered, they are monitored over the 3-year period for any new relevant records or information.

Since registration began in 2014, more than 113,000 Tasmanians have been registered to work with vulnerable people, while a small number have been refused.

**For more information visit our website at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)**



## New online licensing system

From 6 November 2017 plumbers, electricians, gas-fitters and those providing building services have been able to apply for, or renew, their licence online.

From 1 June 2018 motor vehicle traders, conveyancers and those requiring licences to work in the security industry will also be able to apply for, or renew, their licence online.

The system does away with the old paper-based forms and is accessible 24 hours a day, 7 days a week allowing licence holders greater flexibility when they renew or apply for a licence.

Existing licence holders are provided with a MyLicence account which holds all the current licence details.

The licensing system also makes it easier for consumers to check the licence details of any tradesperson and, soon any motor vehicle trader, security agent or conveyancer, by simply going to the CBOS website at **[www.cbos.tas.gov.au](http://www.cbos.tas.gov.au)**

# What is an Incorporated Association?

Many people in Tasmania are members of associations such as; sporting clubs or community groups. These groups, known as Incorporated Associations, are not-for-profit and voluntary organisations that are registered to be able to collect charitable donations within Tasmania. In addition to this, they can:

- operate regardless of changes to members
- accept gifts and donations
- enter into contracts
- apply for government grants.

The role and size of the not-for-profit sector has significantly changed over the years, and many Tasmanian not-for-profit organisations are now registered. To date, approximately 10,000 Tasmanian not-for-profit organisations have benefited from being registered as an Incorporated Association. Being registered as an Incorporated Association allows small associations to become legal entities, without the need to register as a company.

If your Incorporated Association is a charity, you may also deal with the Australian Charities and Not-for-profits Commission (ACNC). The ACNC is the independent national regulator of charities. The ACNC is responsible for registering charities nationally. The ACNC also provides education, guidance, advice and help to registered charities. For more information visit the ACNC website at

**[www.acnc.gov.au](http://www.acnc.gov.au)**

# How to contact us

Do you have a question or comment for us? We want to hear it. We deal with questions about product safety and returns, building standards and permits, renting, gas, electrical, and plumbing and much more.

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## You can contact us

By Phone: 1300 654 499 (Monday to Friday 9am to 5pm)

By Email: [cbos.info@justice.tas.gov.au](mailto:cbos.info@justice.tas.gov.au)

By Post: Consumer, Building and Occupational Services  
PO Box 56, Rosny Park, TAS 7018

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## Why not 'like' our Facebook pages and send us a message.

You can find our pages:

[@ConsumerAffairsAndFairTradingTasmania](#)

[@TasBuildingStandards](#)

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## National Relay Service

If you are deaf or have a hearing or speech impairment, you can call us through the National Relay Service,

TTY users: call 133 677 and ask for 1300 135 513,

for speak & listen users (speech-to-speech relay): call 1300 555 727 and ask for 1300 135 513,

for Internet relay users: connect to the NRS via the National Relay Service website and ask for 1300 135 513.

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## Feedback about our services

Provide feedback about our services through the online contact enquiry form at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au) or call 1300 654 499.

All details included in your complaint or feedback will be kept confidential.

If you are not satisfied with how we have responded to your feedback, you have the right to lodge a complaint with the Tasmanian Ombudsman.

The Tasmanian Ombudsman is an independent officer of the Tasmanian Parliament who investigates complaints about state and local government services. For more information, visit Ombudsman Tasmania website at [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au) or call 1800 001 170.

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