

Consumer Notes

Sept - Oct 2006

Volume 8, Issue 3

Meetings

Meetings are held on the last Wednesday of each month excluding December and January, in the Rona Okely meeting room, level 6, DOCEP, 219 St Georges' Terrace, Perth.

Next meetings

11th Oct - AGM, followed by general meeting at 1pm

29th Nov at 3.30 pm



From the President

Welcome to this issue of Consumer Notes.

In this issue we are showcasing the Australian Consumers Association's second issue of *Choice* magazine. In the early days the ACA thought they could only manage one or two publications a year and just look at them now. It may be a while before CAWA reaches Consumers International's annual budget of US \$ 5.5 million but for a very small group whose wheels must turn slowly, we achieve a great deal for the consumers in WA. Apart from DOCEP, who provide us with meeting space, parking, postage and newsletter printing facilities, we are not beholden to anybody so you can be assured there will be little conflict of interest in our organisation.

Since the last newsletter two new Consumer organisations have emerged in WA, largely through the efforts of the Consumer Advisory Council and Chris Fields. The Centre for Advanced Consumer Research at UWA had its inaugural Advisory Board (of which I am a member) meeting on 20th September. The Centre is funded for three years by DOCEP and will offer a new unit in "Advanced Consumer Law" and research in areas such as "Red Tape Reduction", "Switching Costs" and "E-commerce". The big launch for this initiative is to be on 22nd November.

The second organisation is the Consumer Advocacy Centre. A couple of meetings have been held with Chris, Lisa Baker (WACOSS) and Michelle Kosky (Health Consumers Council), Su Mahalingham (Consumer Credit Legal Service) and Gordon Renouf (ACA) to discuss the options. Funding looks good but

location and day to day function is still to be finalised. It is a pity that there are now so many small consumer organisations diluting the power of the

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Profile on CAWA member - Joan Milne



Coming from Victoria my parents settled in Perth in the 1950's. I was born in 1953. My childhood years were spent playing in the streets of Joondanna with the neighbourhood children - a very different situation to the organised free time children experience today. I walked to Mt Hawthorn Primary School and then later as a teenager bussed to Perth Modern School.

I did not know what career path I wished to follow but like many females of that era I fell into teaching. During a family holiday to Victoria, I was impressed by the hands on practical nature of a Home Economics course a cousin had just completed and decided to follow her lead. In Western Australia a home economics teaching

qualification was offered through Nedlands Teachers College and it involved concurrently completing an Associateship of Home Economics at the Western Australian Institute of Technology (now Curtin University).

I married the year I graduated (1975), and then it was off to Kalgoorlie to start my teaching career at Eastern Goldfields Senior High School. It was a large school with a supportive staff and I was given the opportunity to teach in the Foods, Textiles and Home Management areas of the subject. It was at this point, as I was incorporating consumer rights and responsibilities into my teaching, that my interest in consumer issues developed.

Several years, and two children later, I was introduced to the Consumers' Association of Western Australia by the then President, Glenda Lewis. I joined the Association in the early 1990's and soon found myself representing consumers on various committees. In 1994 I was appointed as a consumer member of the Building Disputes Committee and in 1995 through the Consumers Federation of Australia I became involved with Standards Australia reviewing the standard related to the flammability of children's nightwear. In 1997 I was on the Building Disputes Resolution Process Review panel and in 1998 the Building Legislation Changes Implementation panel. Through out this period I continued to work part time as a Home Economics teacher and managed to balance my work, family commitments and consumer activities.

More recently I have represented consumers as a member on the Consumer Product Safety Committee, the Retail Shops Advisory Committee, the Water Corporation Customer Advisory Council and I continue to sit as a member of the Building Disputes Tribunal. Currently, I am also the CAWA treasurer.

To date it has been an interesting and rewarding journey.

Joan Milne

President's report continued

WA consumer movement and it would be great if a new peak body can be formed (as it was once CAWA's intention to be).

We have almost completed our answers to the 207 questions in the current Issues Paper on the Builder's Registration Act as part of the ongoing Building Legislation Review. Thanks are due to Joan, John and Valdene who have committed many long and mostly thankless hours to the task for the benefit of those undertaking the daunting task of employing a builder. Joan, Valdene and I sit as consumer members of the Building Disputes Tribunal and regularly see the heartbreak of home builders whose dreams do not quite become reality.

On 11th September, I attended a meeting with Chris Puplick (from the Federal Privacy Taskforce) at the Health Consumers Council to discuss the proposed new Access Card. They have held 90 public consultation sessions around Australia and were expecting to report to the Minister, Joe Hockey (Human Services) by the end of September. Cards are expected to be issued to 16-18 million people in 2008/09. The card which they say is "not a national ID card" will combine Medicare, Centrelink and the Department of Veterans Affairs cards together with identification data. The card is also able to hold additional information such as health and medication information. Consumers at the meeting felt strongly that they should be able to access the information on the card particularly because the information held by these agencies is often found to be incorrect or out of date.

The Settlement Agents Supervisory Board have invited us to submit to the Review of the Settlement Agents Scale of Fees before 29th September. Although that date has passed, the SASB do not meet until the 24th October to consider the issue, so if anyone has any thoughts on the subject, contact Joe Ripepi at 9282 0554 or jrepipi@docep.wa.gov.au

CAWA is interested in receiving articles from other WA consumer groups who would like material published in our Newsletter.

Requests and articles should be forwarded to the Editor, Valdene Buckley by emailing buckley4@bigpond.net.au

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Gift vouchers

Consumers should note the expiry date which is printed on gift vouchers, it may be 2 years, 12 months, or in some cases as little as 6 months.

The Association recently queried the expiry date on a gift voucher and the Department of Consumer Protection advised the following:-

"With respect to the the gift voucher, there is no specific law that relates to gift vouchers. However, it is common for businesses to issue gift vouchers with terms and conditons, which generally, need to be adhered to, in order to utilise the voucher.

If a gift voucher has expired, the Department recommends that consumers negotiate with the trader and we often find that the trader will honour the voucher outside the specirfied date, although there is no legal obligation to do so."

Verity Cripps

Water Corporation Customer Advisory Council

The Water Corporation is currently updating its Customer Charter as it is required to, as a condition of its licence every two years. The document will clearly set out the standards of service that residential customers can expect from the corporation along with consumer rights and responsibilities. Customers in general pay minimal attention to the charter but if you have a problem, it is an excellent reference source. The current Water Corporation commitment is to:

- ◇ Supply you with water that is safe for you and your family to drink.
- ◇ Continuously monitor and assess the quality of drinking water supplied.
- ◇ Respond promptly, within two hours, to any reports of poor water quality.
- ◇ Provide you with information on water quality to assist with product selection.
- ◇ Advise you of any need to boil water prior to drinking or make alternative supplies of drinking water available to you.
- ◇ Provide you with information on the chemical analysis of your water.
- ◇ Advise you using media bulletins of any planned changes to our system likely to affect the quality of the water we supply to you.
- ◇ Provide you with water that is within a standard pressure range.
- ◇ Provide a flow rate of at least 20 litres per minute at the outlet of your water meter.
- ◇ Advise you well in advance of all planned work that may require entry to your property.
- ◇ During an emergency we will inform the occupier of the land or premises of work being undertaken or leave an information card.
- ◇ Make drinking water available for you if your supply is likely to be disrupted for more than six hours.
- ◇ Respond to urgent water service faults within two hours.
- ◇ Be there promptly, within two hours, to undertake repairs and clean-up if there is a sewer overflow on your property due to our system failure.
- ◇ Investigate and advise you of the outcome of any odour complaints within 24 hours or on the following business day.
- ◇ Give you at least 24 hours warning if we need to interrupt your water supply for planned work.
- ◇ Answer 70% of calls to our Customer Enquiry numbers within 20 seconds.
- ◇ Respond to any general written enquiries within 10 working days.
- ◇ Investigate any complaints and do all we can to resolve them within 21 days.
- ◇ Install your water connection within 10 working days of processing your application and receiving the fees.

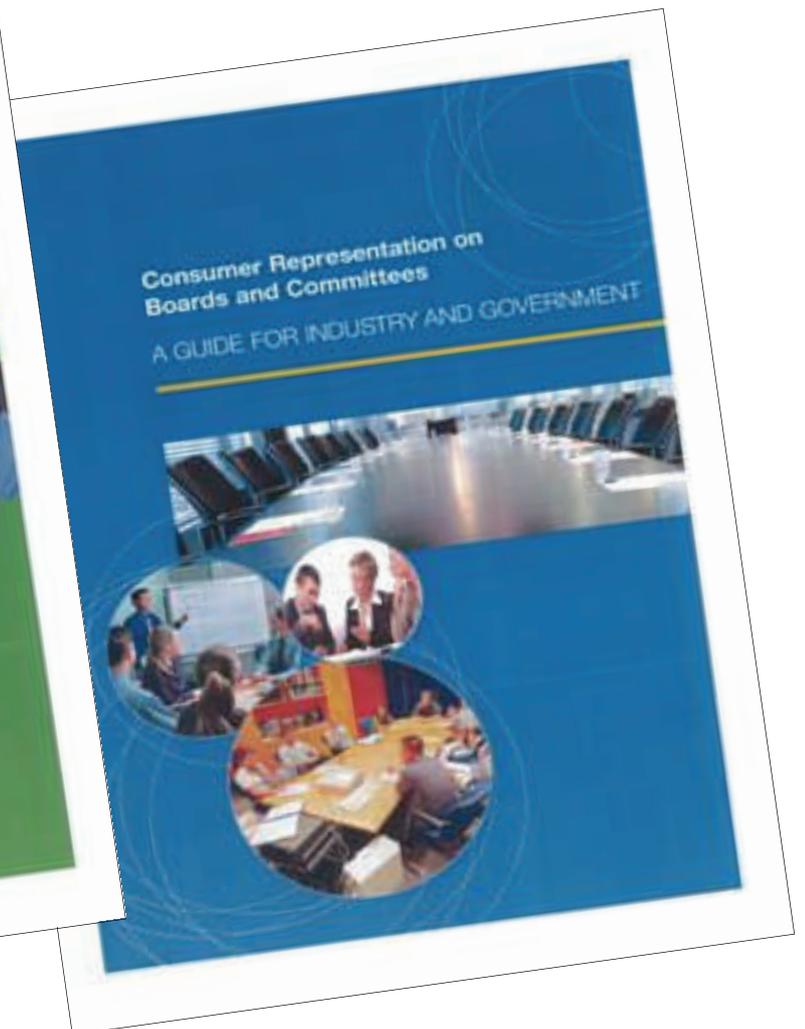
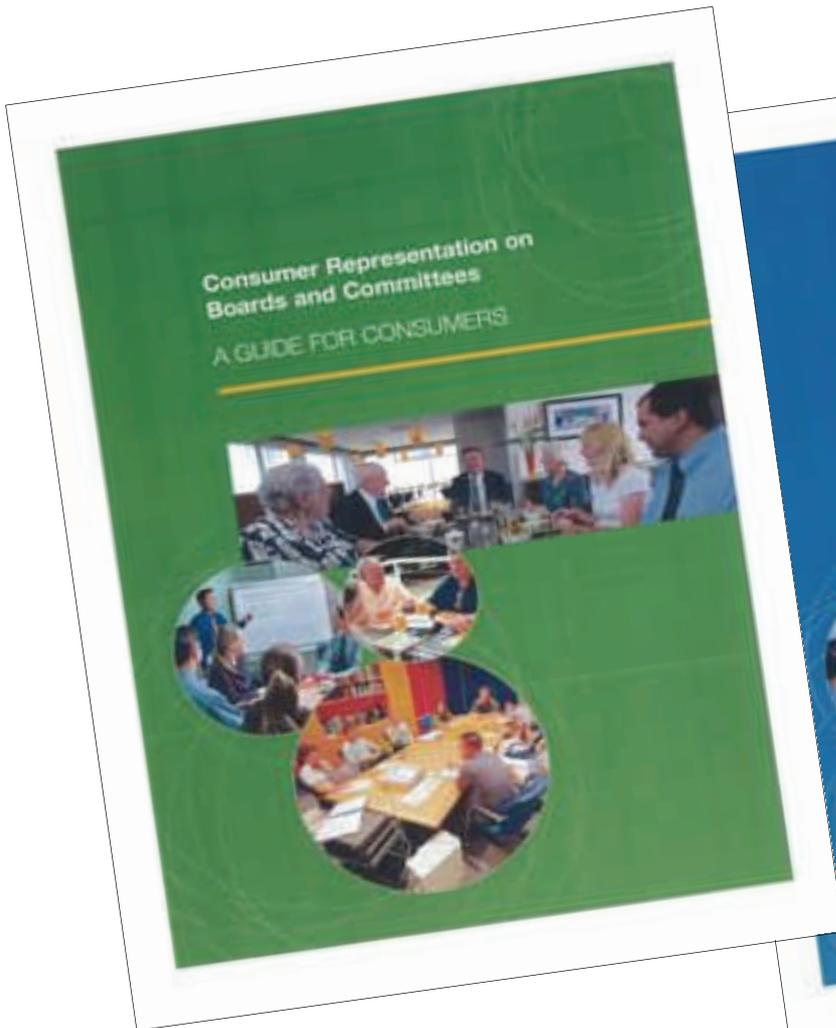
Joan Milne

Consumer Representation Brochures

The Consumer Advisory Council has produced two brochures aimed at increasing and improving consumer input in consumer affairs. With the anticipated greater participation of consumer representation on Boards and Committees the brochure, "A Guide for Consumers" sets out the role of a consumer representative. It includes some of the challenges encountered by consumer representatives in an area in which they may not have had previous experience and gives pointers as to how to deal with them.

The second brochure is "A Guide for Industry and Government". It aims to encourage government and industry to include consumer representatives when forming Boards or Committees, pointing out that a consumer representative can present a point of view which may be overlooked by those already involved in the industry or service.

The booklets are available electronically at www.docep.wa.gov.au/cac or in hard copy by phoning Christina Kadmos, Executive Officer, on (08) 9282 0471, Monday-Wednesday.



Consumer Representation Brochures continued

The following information was reproduced from the *Consumer Representation on Boards and Committees* brochure with the kind permission of Christina Kadmos, Executive Officer, Consumers' Advisory Council.

What is a consumer?

A consumer is someone who is, or may be, a buyer or user of goods or services, for personal or domestic use.

Rights of consumers

The consumer movement, through *Consumers International*, has adopted a charter of eight generic rights of all consumers.

- ◇ **Satisfaction of basic needs:** to have access to basic, essential goods and services: adequate food, clothing, shelter, health care, education, public utilities, water and sanitation.
- ◇ **Safety:** to be protected against products, production processes and services, which are hazardous to health or life.
- ◇ **Be informed:** to be given the facts needed to make an informed choice and to be protected against dishonest or misleading advertising and labelling.
- ◇ **Choice:** to be able to select from a range of products and services, offered at competitive prices with an assurance of satisfactory quality.
- ◇ **Be heard:** to have consumer interests represented in the making and execution of government policy and in the development of products and services.
- ◇ **Redress:** to receive a fair settlement of just claims, including compensation for misrepresentation, shoddy goods or unsatisfactory services.
- ◇ **Consumer education:** to acquire knowledge and skills needed to make informed, confident choices about goods and services, while being aware of basic consumer rights and responsibilities and how to act on them.
- ◇ **A healthy environment:** to live and work in an environment, which is non-threatening to the well being of present and future generations.

Sourced from: Consumers International, *How are consumer rights defined?* World Consumer Day, History and Purpose, <http://www.consumersinternational.org>

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Consumer Representation Brochures continued

What is a consumer representative?

A consumer representative is a person appointed to a board or committee to represent the interests or perspectives of consumers. The consumer representative may be appointed either to represent the consumer interest generally, or to represent the views of a specific group, perhaps a group of consumers with special needs.

A consumer representative must be prepared to represent the interests of consumers as a group, and not to simply provide a narrow personal view of any issue. Keeping in touch with a network of consumer contacts will help to provide that broad view of the consumer interest.

The role of a consumer representative in any particular situation should be to represent *only* the interests of consumers. A board or committee member who is expected to represent the interests of both consumers and another stakeholder group may encounter a situation in which those interests differ, and perhaps even conflict. Consumer representatives must be diligent in avoiding potential conflicts of interests. One individual cannot adequately represent the consumer interest as well as the interests of another stakeholder group in any given industry or sector.

The role of a consumer representative

The role of a consumer representative is to bring a consumer perspective to all discussions and decision-making of the board or committee on which he or she sits. The consumer representative needs to critically evaluate the business of the committee in light of the consumer interest. Sometimes proposals being considered by the committee will not meet the needs of consumers. In such cases the consumer representative should present the consumer view persuasively and may need to develop alternative suggestions that better meet the needs of consumers.

A consumer representative can contribute, as a positive member, to the overall role and direction of the board or committee and may be able to provide a perspective on an issue that other members have not considered.

**A reminder that annual
subscriptions are due in
October 2006, and should be
forwarded to the Treasurer asap.**

Writing submissions - How to get results

These notes were submitted by Rhonda Algaba and come from a workshop she went to in 1995, with Bill Mitchell, from the then Ministry of Fair Trading. The information is still very relevant.

WHY MAKE A SUBMISSION:

- ◇ To make a point of view.
- ◇ To offer knowledge and experience.
- ◇ To influence a decision or outcome in a particular way.

HOW TO PREPARE:

- ◇ Read the relevant material.
- ◇ Talk to others, on the subject.
- ◇ Consider what you want to achieve and decide on outcome.
- ◇ Formulate your view.
- ◇ Consider what form of submission.

ASK YOURSELF, WHAT DO I WANT TO ACHIEVE BY A SUBMISSION:

- ◇ To achieve an outcome and influence a decision.

WHAT TO INCLUDE:

- ◇ Include name and address in a typed format.
- ◇ Identify the topic or matter of submission.
- ◇ Respond to specific points.
- ◇ Use reference numbers.
- ◇ Clearly articulate what is your view or point.
- ◇ Be constructive if you want a good outcome.
- ◇ Use references or other supportive information.
- ◇ Separate discussion, for each topic or matter.
- ◇ Submit in good time.
- ◇ Include your signature and representative body.
- ◇ Remember Confidentiality and the Freedom of Information issues
- ◇ And that all submissions are public.

WHAT TO DO AFTER MAKING SUBMISSION.

- ◇ Maintain a watching interest.
- ◇ Expect a reply or acknowledgment.
- ◇ Consider further submission options.

Rhonda Algaba

Choice Magazine - August 1960 - Issue 2

Following on from the last newsletter, where we profiled the first *Choice Magazine*, we are featuring the second issue in this Newsletter. While the second issue follows much the same format at the first, and concentrates on assessing and comparing consumer products, it also contains information about the beginning of the ACA nationwide, and has an article about Australia's involvement in the formation of the International Office of Consumer Unions.

The cover and information is reproduced with the permission of *Choice Magazine*.

The editorial had the following to say about consumer response to first issue.

Editorial

'We are sorry that four months have passed since you received, *Choice* No. 1, but a great deal has been achieved in that time. The Council has been very hard at work.

If you recall, we carefully avoided saying anything about the frequency of the publication of *Choice* in our first issue. We thought it possible, but extremely unlikely that the £150 odd we put in would never permit a second issue to come out. ACA is now on the road to success. Our first printing of *Choice* No. 1 is exhausted - 5,000 copies - and a second printing is now complete - 15,000 this time.

We are not prepared to say, quite definitely, that there will be four issues of *Choice* in 1960, and we hope eventually to produce the magazine bi-monthly.

Success depends entirely, as we have said before, on our membership and we must aim to make this as great as possible. We have started branches on other States and you will see a note on this in this issue. Please do realise that this is your Association - yours and mine - because we are all consumers.'

International Office of Consumer Unions

'At the International Conference of Consumer Associations held in Holland last April, the International Office of Consumer Unions, IOUCU for short, was formed. The founders of this office are the following wholly independent Consumers' Unions:

- ◇ Consumers Unions of U.S. Incorporated (CU),
- ◇ Consumers Association Ltd. (CA)
- ◇ Union Belge des Consumateurs (UBC)
- ◇ Australian Consumers' Association (ACA).'

'The objects of the IOCU were:

- (a) To act as a Clearing House for test methods, plans and publications,
- (b) To build up an index of independent testing houses in various companies,
- (c) To promote international co-operation in the field of comparative testing.

Choice Magazine - August 1960 - Issue 2 - continued

- (d) To organise international meetings to promote comparative testing.
- (e) To regulate the use of ratings and reprints on published material subject to such regulations as may be promulgated by the member organisations concerned.
- (f) To give grants to organisations dealing with consumers' interests.
- (g) And in general to do everything which may further the objects of the Foundation.'

The products evaluated were:

- ◇ Vacuum flasks
- ◇ Sunglasses
- ◇ Queen Bee Jelly
- ◇ Electric Frying Pans

The issues discussed were:

- ◇ How hot is a hot cup of tea?
- ◇ Can tubeless tyres be recapped successfully?



Consumers International
www.consumersinternational.org

Consumers International is a Peak body for consumer organisations around the world with its head office in London. These are a few excerpts from their website which seems to cover a range of issues from organic coffee to drug company sponsorship of charities eg if a sunscreen company sponsors the cancer council should we really just slip and slap and not slop? Consumer organisations vary considerably in their concerns and priorities. However, they all act on the common ground of promoting and defending the eight basic consumer rights: access to basic goods and services, to safety, to information, to representation, to redress, to consumers education and to a healthy environment. Forty years of experience shows that this shared philosophy and commitment is much stronger than the different emphases at the national level. As the world becomes more interconnected, consumer organisations have increasingly recognised the need to work together under the umbrella of Consumers International.

Consumers International provides a range of information, training and support services to members, delivered through newsletters, online forums, exchange programmes, training events and materials, research projects and direct practical help. Members also participate in determining the policies that the consumer movement, through Consumers International, promotes at the international level. And through Consumers International, members have access to international and regional bodies, such as UN agencies and the World Trade Organisation, where advocacy is essential to complement their own work with national governments.

Peter Kell from the Australian Consumers Association (ACA) is Australia's only representative on the Consumers International Council.

Consumers International is funded through membership fees (about 35 per cent of its funding) and project grants (about 65 per cent). Supporters during the last five years include:

- the Governments of the:
 - Netherlands, Australia, Germany, Norway, UK, Sweden, Finland, Denmark, Canada and New Zealand
- the European Commission:
- the United Nations Environment Programme - UNEP
- the United Nations Children's Fund
- the United Nations Development Programme - UNDP
- the World Health Organisation
- the Food and Agriculture Organization of the United Nations - FAO
- the Ford Foundation
- the Rockefeller Foundation

Genette Keating

Commuting Consumers

by **Genette Keating**

As a consumer representative I frequently attend meetings in various parts of the city at different times of the day. I take the car because I have an eclectic schedule and no access to convenient public transport. I generally avoid shopping, commercial activity and entertainment events in the city because of the sheer headache of the logistics involved. My time is very valuable to me and in high demand so I hate being forced to waste it. I live and work in Forrestdale where the increasing population is evidenced by the vast tracts of bushland being cleared for development, together with masses of domestic and commercial building activity.

Railway construction and freeway diversions with constantly changing speed limits turn what should be a short, pleasant and uninterrupted drive, listening to the radio or considering a meeting agenda into a rally. Bits of orange lane marker are strewn about where people have been unable to avoid them. They are obscured by 4WDs and larger vehicles. There is a lot of broken glass on the road where people have been forced to merge without adequate signage and speed limits and diversions are unpredictable and often appear to have no bearing on the actual work being undertaken. Of course, you also have to look out for the usual clowns who think freeway means speedway (they must hate peak hour).

My nearest bus stop is more than a kilometre away, has no parking facilities and is not an express service. There is little chance that I will avail myself of the new Mandurah train line when it opens because it just won't be the most efficient method of transport for me. No acceptable feeder service from Forrestdale has been proposed and I suspect the "park and ride" facilities will be crammed with the vehicles of early rising daily commuters. Will we really have to get used to increased travelling time into the city or will the roads free up after the rail line opens?

Driving in from the suburbs (particularly in peak hour) and having to find parking is also increasingly time consuming, annoying and expensive in fuel and parking fees. Outside peak hour it takes about twenty-five minutes to drive from Forrestdale to the city. In peak hour this stretches to more than an hour of bumper to bumper with the parking roundabout added on too.

Recently I had a meeting at UWA for the new Consumer Research Centre followed by a meeting of the ERACCC in St George's Terrace. The invitation to the first meeting blithely stated that parking was available on campus or in Hackett Drive. I arrived on campus early but was half an hour late for the meeting, having spent the time circling the campus in an increasingly familiar stream of traffic. I feel for young students from outer suburbs who may not have the means to use the paid parking facilities and who also have irregular hours and limited access to public transport.

I can usually get a parking spot under the DOCEP building so didn't anticipate a problem for the second meeting. However on arrival the security guard informed me
continued on next page
that the car park was full and that the Convention Centre car park was also full and I

Commuting Consumers continued

might try the Wilson's facility nearby. Plenty of space, given the rate of \$9 per hour. There was no attendant, the pay machine didn't take notes, only coins and credit cards. The credit card facility was out of order and I only had \$10 in coins (anticipating three hour meeting) so I put in my \$10 and expected to return to find a parking ticket. Fortunately this didn't eventuate.

You can probably tell I am exasperated with the whole situation. I want to either drive in 25 minutes to a convenient car park with space available at a reasonable rate or have access to public transport which can achieve similar results. This would save me about an hour a day travelling time, a significant amount of fuel and a great deal of stress. Now multiply that by the number of consumers in the same situation and we are talking significant amounts of lost productivity.



Review of the Hairdressers Regulations

Thank you for this opportunity to respond to this Position Paper on the Hairdressing Industry in Western Australia. I note it is dated July 2006 yet I have only received a copy at the end of August.

1. EXECUTIVE SUMMARY:

I applaud the recognition as to the consensus on the need for significant change of regulation in the hairdressing industry, which does needs streamlining to reduce costs where possible and lift unnecessary restrictions on the industry. The ongoing improved standards and protection to consumers is paramount.

1.1 SUBMISSION PROCESS :

Speaking to Hairdressers, I had a varied response to the statement that there was a mail out to targeted industry members or that [there was] a mail out to every registered hairdresser giving advice of this paper, was achieved in an open and informative manner. Some had never heard of it or had little idea of the implications for themselves and their industry.

As for contacting consumer stakeholders it would be interesting to know just who was informed as the Consumers Association has not to my knowledge received it, specifically, until now, other than [through] the Review of Boards [Legislative Review]. Were institutions that have hairdressers such as nursing homes, hostels, and hospitals [also] informed?

3. PAST AND PRESENT REVIEWS:

After so many reviews it is about time the whole area of regulation of the

Review of the Hairdressers Regulations continued

Hairdressing Industry was clarified and that the disjointed 'in-fighting' was put to rest and we move forward.

The improved consumer awareness of grievance procedures is paramount as also the enhanced consumer confidence in the industry is to be applauded by these reviews and clarified regulations.

I agree with the NCP review yet it did not exactly fit the TOR for Competition policy though it would benefit the public somewhat in protection.

3.4 REVIEW OF BOARDS IN CP PORTFOLIO

Increased Consumer Representation is vitally important for this Board.

5 OPTIONS FOR REGULATION IN WESTERN AUSTRALIA:

In 5.2.3. The availability of a register for consumers to identify proper, legal, hairdressers - Is imperative yet just where this is kept and just how 'available' it will be is. Another query, 'It is covered in the Recommendation no 6?'

6 RECOMMENDATION:

6.2.1. Registration Process: The main concern for consumers would be the ensuring that 'mobile' hairdressers who have no establishment are fully assessed as to their qualifications and that consumers are not being overcharged by these persons. How will Consumers be aware of their registration? An advertising scheme must be undertaken to ensure that consumers are aware of the changes and [will] know to ask to see a registration number. This could be a difficult situation for some of the elderly who do not like to 'complain'

6.2.3. The register of hairdressers must be made easily available to the public through a simple phone call and by list posted on the Internet.

6.3. The suggested increased penalties will be applauded to protect consumers from the unqualified.

Submission from Ms RHONDA ALGABA
Vice/P Consumers Association of WA (Inc)



Making a complaint

A reminder that consumers wishing to make a complaint can download the following complaint form by going to the Consumer Protection section of the DOCEP website:

The image shows a screenshot of the 'Complaint Form' from the Department of Consumer and Employment Protection. The form is titled 'Complaint Form' and includes instructions at the top: 'Please use a pen and write clearly using BLOCK LETTERS and tick where required.' and 'If you need help in completing this form please contact our Call Centre on 1300 30 40 34 between 8.30am - 5.00pm Monday to Friday excluding public holidays or visit the office nearest to you.' The form is divided into several sections: 'Complaint made by (your details)', 'Who is the complaint against?', and a sidebar with contact information. The 'Complaint made by' section includes fields for Preferred title (Mr, Mrs, Miss, Ms, Other), Family Name, Given Name, Address, Postcode, and four telephone numbers (Work, Home, Mobile, Email). The 'Who is the complaint against?' section includes fields for Name of Business, A/C Number, Contact Person, Business Address, Postcode, Phone No, Fax No, and Email. The sidebar on the right contains contact information for the Consumer Protection Division, including the General Advice Line (1300 30 40 34), a Registered Office Network, and a Customer Feedback Line (0800 37 46 46).

Thanks to members who contributed to this issue of Consumer Notes - Genette Keating, Verity Cripps, Rhonda Algaba and Joan Milne.

Joan needs special thanks because she has once again generously proof read the Newsletter.

Who pays the piper?

This article by Simon Crompton was published in *The Times* September 23, 2006

If health charities get money from drug companies, can you trust their advice on medicines? Your doctor has just told you you've got something nasty. You want to know more. Among all those hundreds of websites peddling cures under the guise of health information, where is the first place you go for some reliable advice about treatments? Well, the charities, of course; those havens of independent advice in a world of vested interests.

Unfortunately, it's no longer that simple. Health charities have been bombarded recently with criticism for their close links with the world of commerce, particularly the pharmaceutical industry. And the independence of their views has been seriously questioned. The leading cancer charity Cancer Research UK came under fire this week from the journalist Oliver Gillie because of its connection with the pharmacist Boots.

It is not the only charity under fire. The medical journal *The Lancet* criticised in July the UK charity Cancer Backup for not being more open about receiving £371,410 (9 per cent of its total funding) from the pharmaceutical industry each year. Donors include Roche, the manufacturers of the breast cancer drug Herceptin.

This, said the *Lancet*, compromises the charity's outspoken view that Herceptin should be more widely available and it undermines the group's credibility and raises the question: in whose interests does the group work? In response, Cancer Backup insisted that it was open about its funding, and that its opinions were formed through a board of clinical specialist advisers in which pharmaceutical companies played no part.

That is no doubt the case, but seeds of doubt are being sown that could dent public confidence. Another article in the *British Medical Journal* points out that many charities, supported by drug companies, are campaigning for new and expensive drugs to be made available on the NHS. The Alzheimer's Society, for example, has been campaigning for the more widespread introduction of the drug Aricept, which happens to be manufactured by Roche, one of its funders.

All this, of course, does not mean that charities are corrupt, or the pawns of big industry. But most of the public are unaware of the extent of commercial involvement in bodies that have built their reputation on representing the public and no one else. According to the Charities Aid Foundation, corporate donors give £1 billion to charities: the drug company GlaxoSmithKline alone donated £380 million last year (including gifts in kind, such as discounted medicines).

This isn't just cash for their coffers. The money donated is often for specific events or projects such as websites. A new trend is for smaller charities to organise "think tank" educational events for the media, using the funds donated by commercial sponsors to pay journalists to attend and to learn more about a condition. I have recently been

continued on next page

Who pays the piper? continued

invited to three such events and have been offered (and refused) an “honorarium” of £200 just to attend. At one, speakers openly praised the benefits of the drugs manufactured by the sponsors.

So the question arises: who benefits most from such arrangements? The suspicion is that companies wouldn't bother to give such large amounts if it were not a subtle means of marketing their products. A European alliance of consumer organisations published a report in June criticising drug companies for their underhand techniques of promoting their medicines. The report by Consumers International said that Big Pharma's “nice and friendly” marketing techniques, such as involvement with patient groups, were “often disguised as corporate social responsibility”.

This, it said, has been shown to create a subtle demand among consumers for the drugs, while also giving consumers a sense of trust in the pharmaceutical companies.

The pharmaceutical industry denies such subterfuge. The European Federation of Pharmaceutical Industries has a code of practice dictating how medicines are promoted, stipulating that no marketing should be disguised. Equally, the Association of the British Pharmaceutical Association has launched a new code stipulating that from this year companies should make public all the groups they support.

For their part, charities are maintaining that the independence of their views is not threatened by the nature of their funding. Cathy Pharoah, a charity analyst and the research director of the Charities Aid Foundation, says it's in no one's interests if charities become the pawns of industry. “Being involved with charities gives companies a lot of legitimacy. But, in turn, that legitimacy depends on the independence of charities and everyone suffers if voluntary bodies are seen as the tools of someone else.

“It's a myth to think that charities and commerce can be entirely separate. There have to be partnerships between companies and charities because of the amount of money that many charities need to support medical research. Charities alone could never find that funding.”

The problem, then, is not so much that health charities find support from commerce, but that support is not openly spelt out penny by penny so that the public can make up its mind whether the charity is playing things straight.

Many of the big charities already post information. Cancer Backup, for example, publishes a full list of corporate donations on its website. The Alzheimer's Society has been vocal about the need for charities to have strict and public codes on their relationships with companies. But, generally, there is a lack of transparency. A survey this year by Patient View, a research organisation for health campaigning groups, found that just 11 per cent of the 530 patient groups in the UK publicly stated that they received support from the drug industry, with only 2 per cent stating the precise amount.

Until everything is more clearly above-board, the public suspicion may grow that that you can't trust the advice of charities any more.

Pharmaceuticals: the consumer perspective 04/06

ACA Health Officer, Viola Korzak's attended the Inaugural Disease Mongering Conference in April 2006. What follows is a brief overview of some issues she identified in her presentation. These are a good adjunct to the previous article, *Who pays the piper?* Her complete speech is posted on the ACA website at: <http://www.choice.com.au/> Go to Home > Campaigns > Speeches.

The pharmaceutical industry is extremely powerful in Australia and is supported by the Government. The Pharmaceutical Industry Action Agenda was launched in 2001, by the then Minister for Tourism, Industry and Trade with a stated objective of doubling the size of the pharmaceutical industry by 2012. It set out a 16 point action plan that will enable Government and industry to achieve this objective. The Government also provides support for research and development, through the Pharmaceutical Partnership Program - worth \$150 million between 2004-9, even though the industry is highly profitable and is the third largest exporter of manufactured goods in Australia.

Although drugs do improve the quality of life, there is a problem about how drugs are marketed. Pharmaceutical companies target consumers in a number of ways to increase demand for drugs. They create demands for drugs that are not really needed. They target two main groups in their marketing campaigns - doctors and consumers.

Ways the pharmaceutical industry target consumers

- ◇ Advertising is masqueraded as education campaigns suggesting consumers 'ask their doctors'.
- ◇ Stories in the media are presented as medical breakthroughs.
- ◇ High profile support groups are sponsored by drug companies
- ◇ Academics are 'subsidised' to give 'expert opinions' - for example, the recent TV campaign with Dr Fiona Wood
- ◇ Companies lobby to change the schedule, so that drugs are no longer require perscriptions and visits to doctors.
- ◇ Matching consumers with doctors using the Net. When consumers indicate a preference for a doctor, the drug company facilitates this by sending the GP an information pack with the consumer's name and contact details. The consumer is sent a sms to remind them of their appointment.

What do consumers want?

Consumers want facts, not advertising so that they can make informed decisions. They also need effective regulation to ensure that the current marketing practices undertaken by the pharmaceutical industry do not continue.

Review of the Builders' Registration Act

As part of the ongoing review into building legislation, CAWA members, Genette Keating, John Robertson, Joan Milne and Valdene Buckley have been compiling CAWA's response to the 207 questions in the *Issues Paper* put together by DOCEP about the Builders' Registration Act.

This has been (and still is) a marathon task and it raises a number of issues re the value of many of the questions posed. Joan Milne, who has participated in two previous reviews, in 1997 on the Building Disputes Resolution Process Review panel and in 1998 on the Building Legislation Changes Implementation Panel mentioned that many of the issues have already been weighed up in recent times, and some are put forward by small interest groups.

Generally, CAWA members found many questions overlapped with those already posed in the Review of the Building Contracts Act. There was also concern that a considerable number of questions raised were not supported by the relevant background information required to give an informed opinion.

There was also at times an underlying premise that the regulation of the WA Building Industry is in need of radical change, a view that is countered by page 57 of the *Issues Paper* which states,

'The criteria for registration/licensing of a builder in Western Australian is often said to be the most stringent of all the States. That stringency is reflected in the generally high quality of construction that is achieved in this State.'

The CAWA members involved in the review firmly believe that changes should only be implemented if they are going to bring about significant benefits to the industry and consumers. For example, it is difficult to understand how industry and consumers will benefit from the incorporation of the Board into DOCEP, based on the model of the Finance Brokers' Board. The old adage, 'If it ain't broke, don't fix it' needs to be applied.

Valdene Buckley

CAWA's proposed responses to some of the more topical questions are reproduced below.

Question 1: Should the BRB be enabled to impose appropriate conditions on a builder that is registered or licensed under mutual recognition legislation?

Yes, builders entering WA need to understand the WA building acts and regulations to ensure they comply with the requirements.

Note: The Electrical Licensing Board is currently exploring this issue, and its COAG representative stated that most Australian States were looking at imposing a short course to ensure electrical workers new to the State have the required knowledge of the WA regulations to ensure they can comply and work safely in the industry.

Question 2: Should the BRB be entitled to require all applicants under mutual recognition legislation to provide evidence that they are of good character and have sufficient financial resources?

Review of the Builders' Registration Act continued

Yes, for equity and to protect consumers, all builders entering WA needs to have an equivalent financial standing to those builders already working in the WA building industry, and a record of good character.

Question 7: Should a definition of either "Structural work" or "Structural parts of buildings" be included in the BR Act?

No. CAWA believes that the time limit for lodging a complaint for all work, both structural and non-structural should be kept to six years. Often "non-structural" workmanship issues do not become apparent within the two year time frame, for example poor quality painting may hold for two years but fail shortly after leaving consumers with no redress. The six year time frame should continue, but consumers/home owners must maintain their properties and not expect builders to be responsible for defects that arise from inadequate maintenance.

There is also an issue of remedies to faulty workmanship that fails. In the past the BDT has ruled that the 6 year warranty starts again on remedied items, but this ruling has now been brought into question by a District Court judgment on an appeal. CAWA believes that the six year warranty should be reinstated because there is no incentive for unscrupulous builders to remedy faulty work in a workmanlike manner, if the work is close to the six year expiry date.

Question 10: Should any further definitions be included in the BR Act or should any other definitions or terms be reviewed to eliminate anomalies or to provide clarification? If so, please list these.

CAWA discussed the need for definitions for 'workmanlike' and 'proficient'. The BDT must often decide what falls within these definitions. Whilst CAWA members, who are also Tribunal members, felt there would be some advantages in being able to apply definitions to decisions, they also believe there is a danger in having definitions that are too narrow. There is general concern that in future, some consumers may not have any redress under legislative definitions that are too prescriptive.

Question 11: Should any definitions in the BR Act be aligned to those in the Local Government (Miscellaneous Provisions) Act? If so, please list these.

CAWA does not have any knowledge on this, but wished to make the following observations:

- Consumers find it difficult to understand the building plans and approvals, and compliance with the building by-laws rest with the local government authority, while builder compliance, and contractual and workmanship issues are the responsibility of the BRB and the associated BDT.
- Renaming the BRA the BLA may add to this confusion. Consumers will find it difficult to understand the difference between a 'builder's licence' and a 'building licence'.

Question 14: If the existing system of a single level of builder registration is to remain, should the real value of the monetary limit for unregistered building be increased and, if so, by how much?

CAWA would prefer the existing system of a single level of builder registration is to remain, and does not believe the monetary limit for unregistered building should be increased.

continued on next page

Review of the Builders' Registration Act continued

Question 17: Should a higher monetary threshold for unregistered building apply to certain regional areas of the State? If so, what should that threshold be, and what regional areas should be subject to that higher threshold?

No, while CAWA recognises the problems that consumers and builders face in some regional areas, such as north of the 26th parallel. They feel that introducing a different threshold for unregistered building would make the situation unnecessarily complex and that, on balance, it is important to maintain consumer protection and administrative ease by maintaining the same monetary threshold in all areas of WA.

Question 18: Should the BR Act be amended to cover the whole of the State?

Yes.

Question 19: If the BR Act is to be amended to cover the whole of the State, should exemptions be allowed by Regulation for those areas that can demonstrate proper and sufficient reason why they should be made exempt?

Yes, but CAWA believes the exemptions should apply to individuals rather than areas. CAWA is concerned about how exemptions would be decided. Ministerial decisions may be subject to political pressure, through lobbying of local parliamentary members. The BRB Board may be an appropriate body to make such decisions because they have a wide knowledge of building issues, including those that are current. CAWA believes this decision making should not be vested in a Government Department, nor should it be on the say so of a Government Minister.

Question 20: Should property developers be made more accountable for the development of the land, by means of an appropriate amendment to the BR Act?

The intention for any speculative development is to make a profit for the minimum outlay of funds in the minimum amount of time. Many are sold from the plan, some during construction and some after construction. Currently, consumers do not have a direct contractual relationship with the builders re the building work so their only form of redress is through workmanship issues, with the builder. CAWA believes these consumers should continue to have rights for the redress of workmanship issues under the BR Act. Successive owners should all have the same protection from HII in this six year period.

However some buildings are so poorly designed that some aspects will continue to fail, after the six year warranty period, regardless of the builder's efforts to remedy the work. In these cases it can be property developers, architects or engineers who are at fault, but it is the consumer and builder who are left with the consequences of buildings that will continue to fail. Although CAWA sympathises with the builder's position in such cases, any change to the current situation may see consumers involved in lengthy BDT disputes against parties who are co-joined (as happens in the Queensland Tribunal), or even worse, they may be left without redress at all. CAWA believes the onus is on the builder to thoroughly scrutinize plans and specifications, structural work etc before entering into contracts with developers, engineers and architects, and to seek redress through other courts, if other parties do not fulfill their contractual obligations.

Question 41: Assuming that the existing system of no grading of builders is to continue,

Review of the Builders' Registration Act continued

should any aspects of the criteria for the registration of builders be reviewed? If so, what aspects?

A general comment re the new registration/licencing system

Comparing the current registration criteria, with that proposed under the Licensing Boards Bill, it appears that the new criteria is less stringent, than the old one. 'Financial' and 'relevant experience' seem to have disappeared, unless they are to become part of, 'prescribed requirements'.

Whilst the current registration process is costly re time, CAWA believes the process should continue to be stringent. It is opposed to any changes to the registration process that will lead to a checklist type registration undertaken by people without a technical background in building. The NSW system has been problematic, and should not be held as an example of best practice.

Building is the largest and most costly outlay consumers make. For this reason CAWA believes builder registration should be a rigorous process so that consumers can have confidence in the industry.

Question 46: Should all applicants for registration/licensing as a builder be required to subscribe to the BCA and to demonstrate a good working knowledge of the BCA's requirements?

CAWA believes it is important for all builders to have a good working knowledge of the BCA requirements. Applicants who come through the education pathway should have this knowledge thorough the Diploma of Builders' Registration. We presume that architects and engineers working in the building industry would already access this information as part of their work so CAWA assumes it would only be applicants with a trade background who might not have the working knowledge required. Would they be able to demonstrate their understandings of the BCA in the competency test they sit? And if not, should the competency test be modified to encompass this understanding?

CAWA also believes that the ongoing registration of builders should be tied to continuing education with an automatic review of licences every five years. Perhaps attendance at HIA and MBA information evenings could count towards ongoing registration.

Question 56: Should the whole concept of supervision and management of building work under the BR Act be reviewed? If so, in what way (apart from the detailed issues raised above)?

Question 57: Should the BR Act require that mandatory inspections be undertaken by a suitably qualified person (for example a suitably qualified building surveyor, architect or independent builder), at specified stages during the performance of building work? If so, should this be limited to residential building work?

Clear definitions of 'management' and 'supervision' may be required.

CAWA believes that this should not be addressed in the BR Act. It is aware that local government building inspections have fallen away and been inconsistent recently. It would like to see local government undertake mandatory inspections at appropriate stages and believes that this could
continued on next page

be addressed through the new Building Act.

Review of the Builders' Registration Act continued

CAWA is believes consumers and industry would both benefit if more emphasis was put on having:

- registered builders responsible for all direct supervisory work
- a program of continuing education

rather than imposing costly inspections on all consumers that may be conducted by individuals who may be quasi professionals. CAWA is aware that the disputes in WA is low relative to the amount of building work.

Question 58: Should mandatory pre-purchase inspections by a suitably qualified person be required for all residential property, including established homes?

This is the responsibility of consumers purchasing the properties. The BR Act only deals with new building work, so this issue should not be addressed in the Act.

Question 88: Assuming that only one level of individual builder registration was to remain, should the criteria be reviewed to bring it closer into line with other States?

To quote, from page 57 of the Issues Paper, 'the criteria for registration/licensing of a builder in Western Australian is often said to be the most stringent of all the States. That stringency is reflected in the generally high quality of construction that is achieved in this State.'

No, CAWA believes that the WA building industry is a model that should be adopted by other States, rather than WA lowering its criteria.

EnergySafety

EnergySafety, including the Licensing Office

and the Electrical Licensing Board

has moved and is now at:

303 Sevenoaks Street

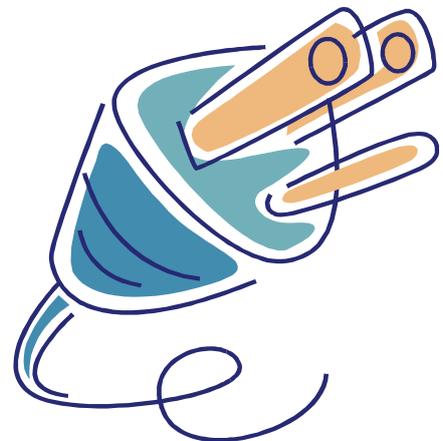
CANNINGTON WA 6107

Contact details (phone, fax, email etc) are unchanged.

Phone: 61 8 9422 5200

Facsimile: 61 8 9422 5244

E-mail: energysafety@docep.wa.gov.au



Electrical Licensing Board

The planned workshop, scheduled for October 10th has been deferred due to the heavy work commitments of some Board members. It will be held early in 2007 once the new Board is convened and will discuss the Board's ongoing roles in regulation and disciplinary matters.

Since the inception of SAT there has been a lack of clarity regarding the Board's role in disciplinary matters. The Board has the delegated powers to hear summary discipline issues, but in practice has not done so. This issue has concerned many Board members.

Important electrical safety information

Kevin Rosher, the previous Principal Engineer Electricity Utilisation, has asked, on behalf of Albert Koenig, Director of Energy Safety, that CAWA publicise the following information in Newsletters in the coming months. Energy Safety is concerned about potential safety risks of wiring installed in housing in the 1970's and early 80's. Consumers are urged to remedy

Background information

Energy Safety has recently introduced a policy for Electrical Contractors dealing with unenclosed electrical cable joints in ceiling spaces, these are typically found in dwellings constructed during the 1970's and early 80's. As part of the new policy Energy Safety has also produced a uniquely numbered client leaflet that is intended to provide the necessary background and supporting information for clients of electrical contractors. The purpose for producing uniquely numbered pamphlets is to reinforce the importance of the leaflet notice to owners/occupiers.

Important Notice to Owners of Dwellings and Buildings Constructed During the 1970's and Early 80's

Unenclosed Electrical Cable Joints in Ceiling Spaces – Rectification Requirements

The Problem

During the 1970's and early 80's unenclosed electrical cable joints wrapped only with insulating tape were often installed in the ceiling space of dwellings and buildings. It has been noted that the insulating tape may come off over time, and this can result in the risk of serious electric shock to persons who enter the ceiling space.

continued next page

EnergySafety continued

Rectification Requirements

As a consequence of this risk Energy Safety, Western Australia's electrical industry safety regulator, has introduced a policy for dealing with this risk, allowing ample time for affected owners to take remedial action. The policy states that where a dwelling/building is identified as containing accessible unenclosed joints, the onus is on the owner to have the remedial work carried out, using a licensed electrical contractor. The remedial actions can be either:

- a) Fitting appropriate joint enclosures, where joints are exposed (ie. liable to be disturbed); or
- b) Installing total RCD (safety switch) protection – covering both power and lighting circuits (preferably through 2 RCD's).

Until 31 December 2007, an owner of the property who has been advised of the need to perform remedial work is required to arrange for the work to be performed by an electrical contractor within 3 years. Installations identified from 1 January 2008 containing unenclosed joints will be required to have the necessary work carried out within 12 months, and those identified from 1 January 2010 will be required to have the necessary work performed within 28 days.

If you are an owner/occupier it is likely that whilst an electrical contractor is carrying out some work at your premises he/she may notice this type of problem. Please note that Energy Safety has requested the contractor, in the interest of public safety, to point out where unenclosed joints (ie. the safety problem) exist and to hand a uniquely numbered explanatory leaflet to the owner/occupier and then advise the electricity supplier of having done this.

A copy of this leaflet, the advice to the electrical industry and other safety information is available on the Energy Safety website at: www.energysafety.wa.gov.au

Albert Koenig

DIRECTOR OF ENERGY SAFETY

2 June 2005

*2006-7 Christmas/New Year
Retail Trading Hours*

The Minister for Consumer Protection has advised that the following extended trading hours will apply for the Christmas - New Year period 2006-7.

2006/2007 CHRISTMAS/NEW YEAR RETAIL TRADING HOURS

Sunday 10 December 10.00am to 5.00pm

Sunday 17 December 10.00am to 5.00pm

Wednesday 20 December 8.00am to 9.00pm

Thursday 21 December 8.00am to 9.00pm

Friday 22 December 8.00am to 9.00pm

Sunday 24 December 10.00am to 5.00pm

Wednesday 27 December 8.00am to 9.00pm

Normal trading hours will be in place over the New Year.

Verity Cripps

National Council of Women Seminar in Esperance

November 16th, 2006

“You Are What You Eat” - a critical look at the availability of fresh food, food labelling, food additives,

food served in school canteens.

Date: Thursday 16 November

Venue: Esperance Yacht Club

Time: 9.30-3.30 Registration 9am

Cost: \$30 including morning tea and lunch

Further information and booking: ncwwa@bigpond.com or

mail to PO Box 6224 East Perth WA 6892

Consumer Notes

*Consumers' Association of WA
Locked Bag 14
Cloisters Square WA 6850*

Consumers' Association of Western Australia

Membership and Fee Payment Form

CAWA was established in 1974 to provide consumer representation to business and government.

Our main objectives are to:

- represent the views of consumers in Western Australia
- investigate and act on issues of concern to consumers
- provide a forum for the discussion of matters of common interest to consumers
- encourage consumer education.

New Membership

Name _____

Address _____

Ph _____

Fax _____

E-mail _____

Areas of interest _____

Ordinary membership \$15

Concessional membership \$10

payable to:

The Secretary

Locked Bag 14,

Cloisters Square WA 6850

Membership is tax deductible,

A reminder that annual subscriptions were due in October 2006, and should be forwarded to the Treasurer.

Contributions to Consumer Notes

I am delighted with the contributions made by CAWA members to the third *Consumer Notes* newsletter for 2006.

There are several ways in which you can make a contribution. You can bring a short keyed or hand written report to meetings, or mail your contribution to my home address. However, to save typing time I would prefer to receive an emailed, electronic copy or be given the information on floppy disk. The material should be formatted as a word document.

Please keep up the contributions in the next three months for inclusion in the first 2007 - January/February issue of *Consumer Notes*.

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