

## Contact NSW Fair Trading

If you have problems with refunds, warranties, consumer guarantees, buying a car, renting, buying a house or scams visit our website at [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au) or call 13 32 20 or visit us in person at your nearest Fair Trading Centre. Fair Trading has translated information available in a range of languages.

If you need language assistance, contact the Translating and Interpreting Service (TIS) on 13 14 50 and ask for an interpreter in your language.

### NSW Fair Trading – What we do

- Shopping and consumer guarantees
- Business names and licences
- Renting, buying, selling a home
- Co-operatives and associations
- Home building and renovating
- Product safety
- Strata and community living
- Resolving disputes
- Retirement villages

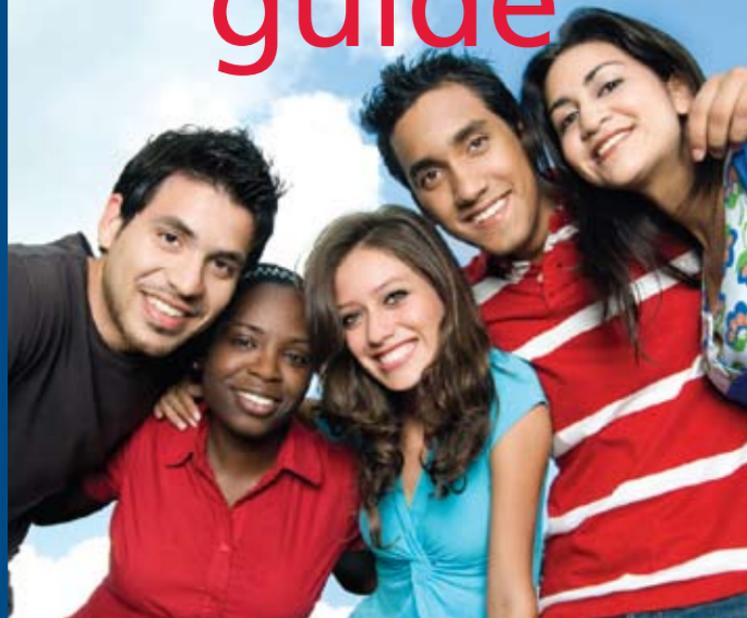
[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)      General enquiries 13 32 20  
Language assistance 13 14 50 (ask for an interpreter in your language)  
TTY 1300 723 404 for hearing impaired

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This publication must not be relied on as legal advice.  
For more information about this topic, refer to the appropriate legislation.

for international students

# Consumer guide



Fair  
Trading

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In Australia, every person has the right to be protected from unfair business practices. NSW Fair Trading is the state government agency that resolves disputes between consumers and businesses on issues such as shopping, refunds, renting, cars, buying and selling property, home building, product safety, scams and more. This booklet aims to help you understand your consumer rights and responsibilities in NSW.



As a shopper you have certain rights. The information you get about a product or service must be accurate and the product must be labelled correctly. You are entitled to a receipt upon request. The law gives you consumer guarantees in case things go wrong.

## When you CAN get a refund

The seller should provide a refund (money back), exchange or repair when the product:

- is unsafe or faulty
- doesn't do the job it's supposed to do
- is different to the sample or description you saw.

If the problem is serious, you can choose to return the product and get a refund. Generally, the seller will require a proof of purchase.

## When you CANNOT get a refund

The seller does not have to give you a refund if:

- you change your mind about a product, for example if you do not like the colour or it is not the right size (unless the shop has a generous returns policy)
- you damage the product by not following the instructions or using it incorrectly
- you were aware of a fault before you bought the product
- you do not have a receipt or proof of purchase.



## Internet shopping

When you buy products on the internet from an overseas seller, NSW laws only offer you limited protection. Here are some tips to protect yourself:

- Be careful of offers that sound too good to be true.
- If you are dealing with a seller for the first time, find out who they are by calling them and checking their business details or selling history.
- Compare prices, postage, refund, warranty and return policies.
- Check the exchange rate, sales tax and import duties.
- Never give your password or personal bank details.
- Check if the site is secure before paying. Look for a key or closed padlock icon at the bottom or on the top of the computer screen.
- Print out the payment or order confirmation and keep it in a safe place.
- Check the SCAMwatch website [www.scamwatch.gov.au](http://www.scamwatch.gov.au) and the National Fraud Information Centre (USA) website [www.fraud.org](http://www.fraud.org) for the latest scams to avoid.

**TIP:** Do not use public computers for internet shopping or banking as they may not be secure.



## Deposits

Before placing a deposit on a product, make sure you are definitely going to buy it as you may lose all or part of your deposit if you change your mind.

**TIP:** Always keep all receipts and invoices as you may need them if you want to return, repair or exchange the products.



## NEED HELP?

### NSW Fair Trading

Have a problem with something you have bought?

- First try to sort it out with the seller.
- Keep the receipt and any other documents that relate to the sale (such as the warranty or quote).
- Write down the names of the people you speak to and what was said.
- If you can't come to an agreement with the seller contact Fair Trading on 13 32 20 or visit the website at [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au) for information and advice.



### Ben's faulty laptop

Ben bought a laptop from a discount shop. It worked for a day and broke down so the store sent it to a repairer. The laptop worked for 2 more weeks and broke down again. Ben called Fair Trading who explained the consumer guarantees law. If a product has a serious fault Ben can reject it and get a refund or a replacement. Ben returned to the shop and told the owner the repair did not solve the problem and he wanted a new laptop. When the shop owner refused, Ben explained about consumer guarantees and got a new laptop.



# Mobile phones



If you are planning to buy a mobile phone follow these tips:

- **Shop around** – look at different types of plans, compare prices and services offered by different network providers. Consider using pre-paid mobile phones.
- **Read the contract** – if you decide to get on a plan (pay monthly), make sure you fully read and understand the terms and conditions of the mobile phone contract, including the small print, before you sign it.
- **Check the payments** – before you sign a mobile phone contract find out what your monthly payments will be. Be careful with plans as you may be charged a higher rate if you go over the plan.
- **Check phone coverage** – look at the coverage maps on the provider's website and contact the phone provider to find out the quality of reception in the areas you will use the phone.
- **Beware of free ringtone offers** – before you download a ringtone check the seller's terms and conditions to ensure that you are not agreeing to further unwanted ringtones, which will cost you money. For more information visit [www.19sms.com.au](http://www.19sms.com.au)

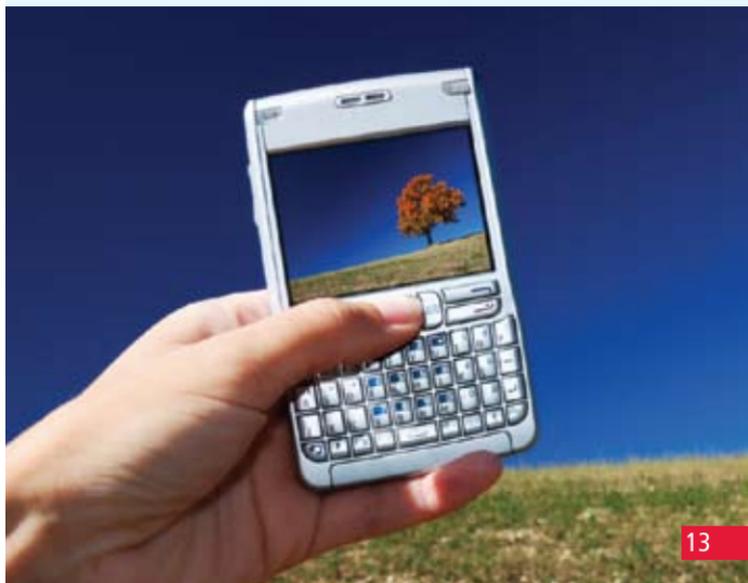


- **Beware of scams** – if you receive an sms or a text message from an unknown number, asking you to enter a competition or to answer a quiz to win a prize, do not respond! By responding you may sign up to an expensive service you do not want.
- **Report a lost or stolen phone** – contact your mobile phone company immediately to stop the service. If you are on a plan you may still need to pay the monthly contract fee.
- **Keep your warranty** – make sure you keep all your receipts, mobile phone contract and other paperwork as proof of purchase. You may need them to get your money back or exchange your phone if it is faulty or breaks down soon after you buy it.
- **Check your downloads** – if you use internet or email from your phone, check your data download limit to avoid expensive bills. You can check your account by calling or sending an sms or a text message to your service provider or checking it online.

**IMPORTANT:** If you sign any paperwork, it is probably a contract, which is a legal document. Take the time to carefully read all documents and do not sign anything you are not sure of or do not understand. Do not be afraid to ask questions.

## Danica's ringtone disaster

Danica recently updated her phone to the latest model and wanted to add a unique ringtone to it. She found the ringtone she wanted on the internet and downloaded it but did not read the conditions in the small print. Soon after Danica started receiving text messages and discovered she was being charged for a service she did not want. She called the phone company to disconnect from the service but was unsuccessful and still continued to receive messages and was charged for them. Danica then called the Telecommunications Industry Ombudsman who helped her to resolve the issue.





## Pre-paid phone cards

There are many different phone calling cards that you can use to make local or international calls. If the card has a local customer service number you should call it if you have problems and to find out the following:

- What are the current call charges?
- Does the phone card have an expiry date?
- What is the value of the card? Some cards may not have the full value of the amount you paid.
- Is there a connection fee in addition to the per-minute charges?

## NEED HELP?

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

If you have a problem with a phone card or mobile phone service, try to sort it out with the seller or your network provider. If you cannot come to an agreement, contact the TIO on 1800 062 058 or visit [www.tio.com.au](http://www.tio.com.au)





Before buying a car privately you should know the following:

- Shop around and check the prices on the internet or newspapers.
- Inspect the car very well and ask the seller to go for a short drive to test the car. You can find a car buyers inspection checklist at [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au) in the motor vehicles section.
- Pay a mechanic to do a car inspection for you. It may be worth paying for an inspection because when you buy a car privately there is usually no warranty.
- Do a REVS check to find out if the car has money owing (debt), has been reported as stolen or written off by an insurer. You will need the car's number plate, VIN (Vehicle Identification Number) or chassis number and engine number. Make sure you get these details from the car itself and write them down correctly. Check that they match the details on the car's registration papers. You can do a REVS check online 24 hours a day, 7 days a week at [www.revs.nsw.gov.au](http://www.revs.nsw.gov.au) or call 13 32 20 (Monday to Saturday).



- If REVS tells you there is no money owing on the car, you should buy a REVS search certificate (for a small fee). This will protect you against the car being repossessed (taken away) from you for money owing on the car. After you have bought a certificate, you must complete your purchase of the car by the end of the next day, or you will need to do another REVS check.
- If REVS tells you that there is money owing on the car, do not proceed with buying it until a clear REVS certificate is issued. REVS will tell you what to do.
- Once you have bought the car, you need to register it in your name at the Roads and Traffic Authority (RTA) within 14 days of buying it. You will need to bring the following with you to your local RTA office:
  - the current certificate of registration
  - your proof of purchase (such as a receipt)
  - your proof of identity (passport and driver's licence)
  - money to pay for the stamp duty and transfer fee.
- If the car is not registered you cannot drive it. Call the RTA on 13 22 13 to get an Unregistered Vehicle Permit (UVP) which is valid for 28 days and get advice on how to get your car registered.

## NEED HELP?

### **NSW Fair Trading**

For information on buying a car view or download a copy of the *Car buyers handbook* at [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

### **Roads and Traffic Authority (RTA)**

For information on buying a new or used car, to register the car or transfer the car registration visit [www.rta.nsw.gov.au](http://www.rta.nsw.gov.au) or call 13 22 13.

### **Register of Encumbered Vehicles (REVS)**

To find out if a used car has been reported stolen to Police, has any debt or has been reported to the RTA as a write-off visit [www.revs.nsw.gov.au](http://www.revs.nsw.gov.au) or call 13 32 20.

Always do a REVS check before you buy a car privately.

### **REVS moves to Personal Property Securities Register (PPSR) in 2011**

For more information visit [www.ppsr.gov.au](http://www.ppsr.gov.au)



In Australia most people either rent or buy their own unit or house. To rent a home you have to sign a contract (lease) called a *Residential Tenancy Agreement* with a landlord. The landlord can use a real estate agent to manage the property for them.

A lease is usually for either 6 or 12 months. Before you sign the lease make sure you understand what you are signing. You can ask the real estate agent or landlord to explain the terms and conditions of your lease before you sign it. Make sure you know exactly how much rent you will need to pay and how you will pay it, for example, every fortnight, by direct debit from your bank account. Keep all your rent receipts or bank statements if you pay on the internet. The landlord or agent cannot ask you to pay the rent more than 2 weeks in advance.

At the start of every tenancy the landlord or agent is required to give you the Fair Trading fact sheet called *New tenant checklist*. Make sure you can answer **Yes** to every statement in the checklist, before you sign the *Tenancy Agreement*.



## Condition report

You must be given a *Condition Report* when you sign the *Tenancy Agreement*. This is a checklist of the condition of each room in the property. You should get two copies, already filled in by the landlord/real estate agent. You need to inspect every room carefully and check whether you agree with what they said and write down if there is anything you do not agree with. Complete the *Condition Report* and return one copy to the landlord or agent within 7 days and keep one copy for your records in a safe place. You will need it again when you move out.

## Bond money

Before you move in you will need to pay a **bond**. This bond money is a form of security for the landlord in case you do not follow the lease agreement. The maximum bond you can be asked to pay is 4 weeks rent.

Your landlord or agent must send the bond money to Fair Trading. You should get a letter from Fair Trading during the first 2 months saying that your bond has been received and advising you of your Rental Bond Number. If you don't receive the letter, call Fair Trading on 13 32 20 to check the bond has been lodged.





## Repairs

Once you are renting, if something needs to be fixed (for example, a leaking tap) and it's not your fault, the landlord will need to get it repaired in a reasonable time. Some repairs are urgent (such as a gas leak, blocked toilet or electrical fault) and the landlord has to fix them very quickly. You should let your landlord or agent know what needs to be fixed as soon as possible by calling them or sending them an email or a letter. Keep a copy of any emails or letters in case there are problems. You have to continue paying rent while the repairs are being organised.

## Moving out

If you are planning to move out you have to inform your landlord or real estate agent in advance, in writing. Check your *Residential Tenancy Agreement* for details on how much notice you need to give. You should clean the property and make sure there is no damage or rent owing. Return the keys promptly and arrange to do a final inspection with the agent or landlord. Both you and your landlord should complete and sign a *Claim for Refund of Bond Money* form to get your bond money back. If you have not caused any damage or owe any money you should get your bond back.



### Fatima's bond money

Fatima had been renting a unit for a few years and when she moved out the real estate agent inspected the unit without asking her to be there. When she asked about getting the bond money back, the agent told her that she would not be getting her bond back because she damaged the kitchen counter top and they would have to use the bond money to buy a new one. Fatima did not agree with it as there were just a few scratches on the counter, nothing big. Fatima called Fair Trading for help. Fair Trading helped negotiate with the agent to get Fatima's money back as the scratches were from normal wear and tear.



## Sharing a house or unit

You may be a boarder or lodger if you are not listed on the lease with the landlord or a written sub-lease with the head tenant. Boarders or lodgers do not have the same rights as tenants. Being a boarder or lodger means you:

- can be evicted without notice
- may have to accept restrictive house rules
- may have limited privacy as anyone can enter your room and you are sharing the rest of the property with others
- cannot take disputes to the Consumer, Trader and Tenancy Tribunal.

**TIP:** Beware of fake rental advertisements. Always check rental ads are real by visiting the property yourself and checking the company or person's details online or from another independent source. Never pay any money before you go to sign the lease and get the keys.

## NEED HELP?

### **NSW Fair Trading**

More information about renting is available in a range of languages from the Fair Trading website at [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

If you have a problem with your landlord call Fair Trading on 13 32 20 or 13 14 50 for language assistance.

### **Tenants' Union**

Provides free assistance and advice to tenants.

Tel: 1800 251 101

Website: [www.tenants.org.au](http://www.tenants.org.au)

### **Consumer, Trader & Tenancy Tribunal (CTTT)**

Provides a quick and low cost dispute resolution service for tenants, landlords, traders and consumers.

Tel: 1300 135 399

Website: [www.cttt.nsw.gov.au](http://www.cttt.nsw.gov.au)

# Education and training



When selecting education and training courses check if the institution you wish to study with is registered to deliver training to overseas students and is listed on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) at [www.cricos.deewr.gov.au](http://www.cricos.deewr.gov.au)

By law, a training provider must not accept course money from an international student until the student has signed a written agreement with them. Make sure you fully read and understand the agreement and its terms and conditions before you sign it.

Be aware that if you decide to leave your current education provider, you may not be entitled to a refund of the course money you have paid. You should check the terms and conditions of the written agreement that you signed when you first enrolled for details.

If you want to transfer from one training provider to another and you have not yet completed 6 months of your principal course then you must request permission to do so from your current provider. If you have signed up to a package of courses, the principal course is the one at the highest qualification level. You do not need to pay any money to the new provider or their agent until you have received your letter of release from your current provider.

If you are released, only then you can complete your enrolment and sign a written agreement with the new provider.

If you have any questions or problems with your study, safety, accommodation or work, you should contact the International Students Office of your institution or call the International Student hotline on 1300 363 079 for assistance.

#### **Frequently asked questions and information**

[www.aei.gov.au/AEI/ESOS/FAQs/default.htm](http://www.aei.gov.au/AEI/ESOS/FAQs/default.htm)

#### **Information on student rights and obligations**

[www.aei.gov.au/AEI/ESOS/QuickInfo/default.htm](http://www.aei.gov.au/AEI/ESOS/QuickInfo/default.htm)

#### **Transferring to an education or training provider**

[www.aei.gov.au/AEI/ESOS/QuickInfo/Std7\\_FactSheet\\_pdf.pdf](http://www.aei.gov.au/AEI/ESOS/QuickInfo/Std7_FactSheet_pdf.pdf)

## **NEED HELP?**

### **Education Services for Overseas Students (ESOS)**

If your education and training institution has not delivered the training or course you are enrolled in or the training provider has closed, call the International Student hotline on 1300 363 079 or make an enquiry through the Online Enquiry Form at [www.aei.gov.au/aei/esos/EnquiryForm.aspx](http://www.aei.gov.au/aei/esos/EnquiryForm.aspx)

### **Overseas Students Ombudsman for students with private providers**

If you have a problem with your non-government (private) education provider, and you have told them about it but the problem is still not fixed, visit [www.oso.gov.au](http://www.oso.gov.au) for more information or to lodge a complaint, or call the Overseas Students Ombudsman on 1300 362 072.

### **Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)**

Check the institution you wish to study with is registered to deliver the training at [www.cricos.deewr.gov.au](http://www.cricos.deewr.gov.au)

### **Study in Australia**

For information on studying and living in Australia visit [www.studyinaustralia.gov.au](http://www.studyinaustralia.gov.au)

### **Department of Immigration and Citizenship (DIAC)**

For any questions or information about your visa call 13 18 81 or visit [www.immi.gov.au](http://www.immi.gov.au)



# Gym memberships



Before you sign up to a gym membership you should be aware of the following:

- Do not be pressured into signing a gym membership on the spot. Shop around and try a casual membership for a month or a few visits to see if the gym is right for you.
- Read the gym contract in full, check the fees and cancellation charges and make sure you understand the terms and conditions before you sign the contract. Some membership contracts may have a cooling-off period (a limited period of time when you can cancel the contract in writing without paying the cancellation fee, if you change your mind).
- If you need to cancel the gym membership, check your contract to see what you need to do. You may need to pay a cancellation fee.
- Consider 3 or 6-month membership – they are often no more expensive than a 12-month membership.
- Gyms are not allowed to ask you to pay for a membership of more than 12 months at a time.
- Check if the gym is a member of Fitness Australia at [www.fitness.org.au](http://www.fitness.org.au) or call 1300 211 311.

## NEED HELP?

If you have a problem with a gym, check if it is a member of Fitness Australia at [www.fitness.org.au](http://www.fitness.org.au) or call 1300 211 311. If the gym is a member, Fitness Australia will help negotiate your dispute if you send it to them in writing.

If the gym is not a member of Fitness Australia or you cannot resolve the problem, call Fair Trading on 13 32 20 or visit [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au) for help and advice.



### Pradeep's gym sessions

Pradeep heard about an offer for a 2-week 'obligation free' trial for a gym and decided to try it out. To get the free trial the gym staff asked him to fill out a form with his credit card details. Pradeep was assured that he would not be charged if he decided not to join the gym after the 2-week trial ended. Two weeks later Pradeep decided not to join the gym. Later he noticed on his credit card statement that the gym still charged him a \$60 monthly membership fee. He spoke to the gym manager asking for his money back but the manager refused, saying the form he signed was a membership contract and could not be cancelled. Pradeep called Fair Trading, who explained his rights and helped him to get the gym to refund his money.



When planning your holiday or just buying a plane ticket, follow these tips:

- Shop around for the best price and only use a travel agent who is licensed.
- Before paying a deposit, check if it is refundable (can get your money back) and what the cancellation charges are if your plans change. Once you pay a deposit it does not mean that the price of your trip is fixed. If prices increase, you may need to pay the increase.
- Find out if there are additional costs such as courier or visa fees.
- Confirm the details of your trip such as accommodation, location, departure/arrival times, tours, meals, transfers, passport or visa requirements, any vaccination requirements or special conditions of the trip.
- It is wise to buy travel insurance, which can cover you for the loss of a deposit or for cancellation fees, medical expenses, loss or theft of baggage and travel documents. Shop around as not all insurers offer the same coverage.
- If you have a problem with your trip or travel agent, keep all the receipts and travel details and contact Fair Trading or the Travel Compensation Fund (TCF) for help and advice.

## NEED HELP?

### **NSW Fair Trading**

To check if a travel agent is licensed call 9619 8700.

For information and advice about your rights and resolving travel problems visit [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au) or call 13 32 20.

### **Travel Compensation Fund (TCF)**

To find your nearest licensed travel agent visit the TCF website at [www.tcf.org.au](http://www.tcf.org.au)

If you did not receive the services for which you paid the travel agent for such as accommodation or transport, call 1300 658 165 or visit [www.tcf.org.au](http://www.tcf.org.au) for advice on what to do.

### **Financial Ombudsman Service (FOS)**

If you have a problem with your travel insurance claim visit [www.fos.org.au](http://www.fos.org.au) or call 1300 780 808.





A scam is a trick or a fraud when you pay money but get nothing back for it or you get something that is worth much less than the money you paid. Scams can be anywhere – in the mail, email, internet, in person or over the phone. There are many types of scams, here are some examples:

- **Work offers** – can be found on power poles, newspapers, notice boards, emails. The scammer may ask you to pay an up-front fee into a bank account or send money to a post office box before you can start work. Once you have paid your money, the person offering the work may get you to run similar advertisements to get other unsuspecting victims into the scam.
- **Money transfer** – scammers may trick you into buying or selling something from their fake websites or ask you to donate money to a fake charity that does not exist or promise huge rewards for a small fee. Be very cautious about sending money to someone you do not know.
- **Mobile phone scams** – can be difficult to recognise. Be wary of a stranger who talks as if they know you. Do not redial a missed call from an unknown number, there may be hidden charges.



- **Rental scams** – be aware of fake rental advertisements on the internet, newspapers or power poles which may appear to be real by showing photos and details of a property that is not for rent. Always inspect the property and check the details are correct. Never pay money in advance without inspecting the property, especially if you are overseas.
- **Online auction scams** – be careful using sellers with poor online ratings or who offer to sell to you cheaper in a direct deal. Use only well known and reputable sites and sellers.

**IMPORTANT:** Never send money or personal details to a person or business you do not know.

### Protect yourself from scams:

- If an offer sounds too good to be true then it probably is.
- Never send money or give personal details to a person or business you do not know.
- Never use public computers to do shopping or banking online.
- Do not open unknown emails or click on the links provided in them.
- Do not be pressured to make a decision on the spot. Take time to do your own research and ask lots of questions.
- Check SCAMwatch at [www.scamwatch.gov.au](http://www.scamwatch.gov.au) for the latest scams to avoid.

## NEED HELP?

### SCAMwatch

Have you been scammed? Or know about a scam? Report it to SCAMwatch by calling 1300 795 995 or check the latest scams at [www.scamwatch.gov.au](http://www.scamwatch.gov.au)

