



# CBOS

Consumer, Building &  
Occupational Services

*Promoting a fair marketplace*



# Engagement & Audit Program

2019/20

Consumer, Building and Occupational Services  
Department of Justice





## Consumer, Building and Occupational Services

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Published : May 2019

IMPORTANT NOTE: This information is for guidance only.

Consumer, Building & Occupational Services  
Engagement and Audit Program 2019/20



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## Our purpose

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Consumer, Building and Occupational Services (CBOS) has created this policy in line with the *CBOS Service Delivery Accountability and Commitment Policy*. This can be viewed online at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au).

Risk-Based Approach - CBOS use a risk-based approach to ensure resources are used where risk of harm or unsafe practices are greatest. We aim to take action where public safety is of most risk.

The *CBOS Engagement and Audit Program 2019/20* outlines the audit and compliance activities used by CBOS. These activities target areas of public concern. Audits have been created based on data received from consumers.

# Our objectives

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Our objectives are set out in our *CBOS Strategic Plan 2017-2022*.

Our activities over the next 5 years aim to:

- Improve trading practices and safeguard the community
- Increase the capacity of consumers and industries to understand and exercise their rights and obligations
- Develop and manage systems and processes that support the effective operation of our services
- Build the skills of our staff to maximise the effective operation of our services
- Strengthen our organisational culture to support a positive and productive workplace

# What we regulate

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View the Appendices for a full list of legislation administered by CBOS.

CBOS regulates the consumer, building and occupational licensing sectors under two main streams.

**Consumer Services** which involves:

- licensing
- corporate affairs
- rentals services
- marketplace standards and regulation
- Australian Consumer Law
- product safety

**Building Services** which involves:

- licensing
- registration to work with vulnerable people
- building standards and regulation
- plumbing, gas, and electrical safety and standards

# Our engagement program

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Our compliance activities take into account the level of risk of each case. This helps us to use our resources where they are needed most. CBOS has a proactive approach to engage with stakeholders and assist them to comply with the law. This includes a strong focus on education and a targeted audit program.

Education of industry and stakeholders is always our first step in compliance.

## Education

**Education is our priority.** Education is an important tool in helping to comply with the law. CBOS conducts education across a number of industries. Where possible, CBOS will use the media to educate the community. CBOS also publishes information to help the public understand the law.

## Enforcement

CBOS uses enforcement action to address conduct which poses a major risk. Each matter is considered on a case-by-case basis. CBOS address non-compliant behaviour in three ways:

- Voluntary Compliance
- Directed Compliance
- Compulsory Compliance

## Priorities

While all matters are considered, CBOS decide what action to take. There are some forms of conduct that are so harmful to the public that CBOS will always investigate them. For example, conduct that may cause major risks to public safety.

## Reactive activities

CBOS aims to resolve greater than 90% of all matters by education and guidance.

Targets for 2019/20:

- 50% of complaints resolved in less than 3 months
- 75% of complaints resolved in less than 6 months
- 100% of complaints resolved in less than 12 months

## Proactive activities

CBOS educates and trains industry and public of important issues.

In 2019/20 aim to:

- Represent CBOS on several intra-jurisdictional committees to remain up-to-date on key issues
- Ensure product safety for show bags at all major events
- Engage with the new sharing economy about the visitor accommodation industry
- Have a presence within industry through audit programs

# Projects for 2019/20

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## Motor Vehicle Trader Compliance Engagement Program

### Aim:

- Engage with all licensed Motor Vehicle Traders.
- Ensure all Motor Vehicle Traders are acting within the scope of their licence.
- Enhance CBOS as a regulator.

### Outcome:

- Build a working relationship with industry.
- Establish minimum compliance levels for Motor Vehicle Traders.
- Improve outcomes for consumers.

## Registration to Work with Vulnerable People Audit

### Aim:

- Confirm industry stakeholders and registration holders are aware of their obligations.
- Ensure public safety.

### Outcome:

- Establish and increase levels of compliance within industry.
- Identify where further education is required.
- Undertake compliance or enforcement action where required.



## Product Safety Awareness Initiatives – Cosmetics, Sunglasses and Toy Safety

### Aim:

- Engage with retailers about product safety.
- Ensure products being sold meet requirements by law.
- Remove dangerous and unsafe products from sale.

### Outcome:

- Ensure safety of products sold to the public in Tasmania.
- Provide information and education about the importance of product safety.

## Product Safety Awareness Initiatives – Button Batteries and Toppling Furniture

### Aim:

- Advise Consumers of the risks posed by button batteries and toppling furniture.
- Encourage suppliers to adopt principles outlined in the 'Industry Code of Consumer Goods Containing Button Batteries.'
- Remove dangerous and unsafe products from sale.

### Outcome:

- Provide information and education of the dangers surrounding button batteries and toppling furniture.
- Ensure compliance with all legislative and AS/NZ Standards.
- Reduce risks of serious injury/death presented by button batteries and toppling furniture.

## Building Surveyor Technical Audits

### Aim:

- Ensure Building Surveyors are acting within the scope of their licence.
- Increase compliance with the law.

### Outcome:

- Establish minimum compliance levels for Building Surveyors.
- Identify areas where education and guidance may be required.
- Increase public safety.

## Roof Plumbing Audit - Building Services Providers performing roof plumbing work

### Aim:

- Measure the level of compliance of builders undertaking roof plumbing work.
- Ensure roof plumbing is performed in accordance with the law.

### Outcome:

- Build a working relationship with industry.
- Provide an increased level of consumer protection through the auditing of licence holders.
- Identify areas that may need further investigation.

## Security Licensing – Audit of Crowd Control Sector within the Hospitality Industry

### Aim:

- Provide an increased level of safety to consumer.
- Build relationships with industry and stakeholders.
- To identify areas that may need further investigation.

### Outcome:

- Ensure security personnel are correctly licensed.
- Ensure safety of the public.
- Provide information and education to industry.
- Undertake compliance or enforcement action where required.

# How we decide what action to take

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Once we find someone has broken the law, the next step is to decide what action to take. Enforcement action is likely to be taken when:

- There is significant risk to the public,
- an unlicensed person undertakes work that requires a licence;
- work occurs without required approval;
- there is a failure to comply with the law, or
- there is conduct that is not acceptable.

Enforcement options are outlined in the CBOS Service Delivery Accountability and Commitment Policy. This policy is available at [www.cbos.tas.gov.au](http://www.cbos.tas.gov.au).

## Powers held by our Officers

CBOS Officers have different powers under each Act for which they are authorised. In general, CBOS Officers who undertake compliance have powers to audit and investigate. This may include entering premises, inspecting work, and collecting documents and materials.

## Complaints about our decisions

A person can appeal a decision made by CBOS. They must refer to the information provided with the decision. If this information was not provided contact CBOS.

If you are unhappy with the response to your appeal, contact the Tasmanian Ombudsman:

Phone 1800 001 170

Email: [ombudsman@ombudsman.tas.gov.au](mailto:ombudsman@ombudsman.tas.gov.au)

By post: Ombudsman Tasmania, GPO Box 960, HOBART TAS 7001



# Appendix I: relevant legislation

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CBOS Engagement and Audit Program will conduct actions relating to the following legislation:

- *Australian Consumer Law (Tasmania) Act 2010*
- *Building Act 2016*
- *Building and Construction Industry Security of Payments Act 2009*
- *Consumer Affairs Act 1988*
- *Conveyancing Act 2004*
- *Motor Vehicle Traders Act 2011*
- *Occupational Licensing Act 2005*
- *Prepaid Funerals Act 2004*
- *Residential Building Work Contracts and Dispute Resolution Act 2016*
- *Security and Investigations Agents Act 2002*

CBOS compliance and investigation measures are also supported by a number of Commonwealth agencies and legislation. These include the Australian Competition and Consumer Commission (ACCC), Australian Securities and Investments Commission (ASIC), and the National Construction Code (NCC) which encompasses the Building Code of Australia (BCA) and the Plumbing Code of Australia (PCA).

Investigation standards are also overseen by Commonwealth standards and legislation including the *Legal Services Directions 2005*, the Prosecution Policy encompassing the *Guidelines on Brief Preparation* by the Commonwealth Director of Public Prosecutions, the *Commonwealth Fraud Control Guidelines*, and the *Protective Security Policy Framework*.



## Further Information

You may also contact the Tasmanian State Government Helpline or email CBOS directly.

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Department of Justice - Consumer, Building and Occupational Services

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HELPLINE: 1300 654 499

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