



CBOS

Consumer, Building &
Occupational Services

Promoting a fair marketplace



Engagement & Audit Program

2018/19

Consumer, Building and Occupational Services
Department of Justice





Consumer, Building and Occupational Services

P: 1 300 654 499

E: cbos.info@justice.tas.gov.au

W: www.cbos.tas.gov.au

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IMPORTANT NOTE: This information is for guidance only.



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Our purpose

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.

Risk-Based Approach - CBOS uses 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 2018/19* 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

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

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

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 addresses non-compliant behaviour in three ways:

- Voluntary Compliance
- Directed Compliance
- Compulsory Compliance

Priorities

While all matters are considered, CBOS decides 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 2018-19:

- 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 the public on important issues. In 2018-19 we 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 2018/19

Permit Authority Compliance Engagement Program

Aim:

- Engage with all councils and their Permit Authorities.
- Make it simpler and easier for those who build or renovate.
- Enhance CBOS as a regulator.

Outcome:

- Build a working relationship with council and their Permit Authorities.
- Make the building and renovating processes easier for consumers.
- Improve outcomes for consumers.

Short and Medium Term Visitor Accommodation Audit

Aim:

- Confirm building owners of short and medium term visitor accommodation are aware of their obligations.
- Ensure the safety of visitors using short to medium term visitor accommodation.

Outcome:

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

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.

Product Safety Awareness Initiatives

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.

On-site Occupational Licensing Audits

Aim:

- Provide an increased level of consumer protection.
- Enhance the profile of CBOS as the regulator.
- Identify areas that require further investigation.

Outcome:

- Build a working relationship with industry and stakeholders.
- Provide education to licence holders and stakeholders.
- Ensure correct practices within industry.

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 consumers.
- Build relationships with industry and stakeholders.
- 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.

Industry Development – Continuing Professional Development

Aim:

- Engage with licence holders to help them understand their CPD requirements
- Develop and provide training and learning opportunities for all licence holders
- Engage with external training providers to provide effective learning

Outcome:

- Recognise where further education and industry training is needed
- Develop training opportunities for regional areas



How we decide what action to take

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
- 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.

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

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

Appendix I: relevant legislation

Building and Occupational Licensing Services administers the following legislation:

- *Architects Act 1929*
- *Building Act 2016*
- *Building and Construction Industry Security of Payments Act 2009*
- *Building and Construction Industry Training Fund Act 1990*
- *Electricity Industry Safety and Administration (Consequential and Transitional Provisions) Act 1997*
- *Electricity Industry Safety and Administration Act 1997*
- *Gas Act 2000*
- *Gas Pipelines Act 2000*
- *Local Government (Building and Miscellaneous Provisions) Act 1993*
- *Occupational Licensing Act 2005*
- *Residential Building Work Contracts and Dispute Resolution Act 2016*
- *Building Regulations 2016*
- *Occupational Licensing (Building Services Work) Regulations 2016*
- *Occupational Licensing (Electrical Work) Regulations 2008*
- *Occupational Licensing (Gas-fitting Work) Regulations 2010*
- *Occupational Licensing (Plumbing Work) Regulations 2010*
- *Residential Building Work Contracts and Dispute Resolution Regulations 2016*

Consumer Services administers the following legislation under the Administrative Arrangements Order 2014 (S.R. 2014, No. 1):

- *Associations Incorporation Act 1964*
- *Australian Consumer Law (Tasmania) Act 2010*
- *Boy Scouts Association Act 1954*
- *Collections for Charities Act 2001*
- *Commissioner for Corporate Affairs Act 1980*
- *Consumer Affairs Act 1988*
- *Conveyancing Act 2004*
- *Cooperatives Act 1999*

- *Disposal of Uncollected Goods Act 1968*
- *Flammable Clothing Act 1973*
- *Landlord and Tenant Act 1935*
- *Limited Partnerships Act 1908*
- *Motor Vehicle Traders Act 2011*
- *Prepaid Funerals Act 2004*
- *Professional Standards Act 2005*
- *Property Agents and Land Transactions Act 2005*
- *Registration to Work With Vulnerable People Act 2013*
- *Residential Tenancy Act 1997*
- *Retirement Villages Act 2004*
- *Royal Society Act 1911*
- *Sale of Goods (Vienna Convention) Act 1987*
- *Sale of Goods Act 1896*
- *Salvation Army (Tasmania) Property Trust Act 1930*
- *Second-hand Dealers and Pawnbrokers Act 1994*
- *Security and Investigations Agents Act 2002*
- *Settled Land Acts 1884 and 1911*
- *Trades Unions Act 1889*
- *Unauthorized Documents Act 1986*

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.

Department of Justice - Consumer, Building and Occupational Services

HELPLINE: 1300 654 499

Email: cbos.info@justice.tas.gov.au

Website: www.cbos.tas.gov.au

Address: PO Box 56, Rosny Park, TAS, 7018

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Tasmanian
Government