

Year in review

2024–25 Financial year





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Note from the Commissioner

Each year brings new challenges and opportunities and this one was no exception, but what stands out most is how much work we put into protecting everyday Western Australian consumers.

The state election meant we said goodbye to our outgoing Minister, Hon. Sue Ellery and welcomed Hon. Dr Tony Buti into the fold. Having worked with him in my past life in community legal, I know he will have consumer rights front of mind.

While last financial year was busy for us in Parliament, this year we've really seen the fruits of our labour

The next raft of changes to the *Residential Tenancies Act 1987* came into effect, meaning people can now rent while keeping pets and make minor changes to their rental home. Budgeting also became easier with rent increases only allowed once every 12 months.

I know that going to court can be overwhelming for people, so I am especially happy to see the Commissioner Determinations process in full swing. It's already saved more than 100 cases going to court for minor disputes between tenants and landlords.

I am looking forward to the final piece of phase one with a streamlined process for releasing bonds coming in the 2025–26 financial year.

The year wasn't completely free of long days in Parliament, with the retirement village reforms getting the green light. This means fairer laws and better protections at every stage of the retirement living experience come into effect on 1 December 2025.

The alarming scale of scams was laid bare in 2024, where one person lost more than \$10 million in an investment scam. A total of \$29.1 million was lost, a dramatic rise from the previous year. Buy/sell scams on online marketplaces claimed the most victims while employment scams on social media reared their ugly head as the new one to watch.

The start of the new year saw the introduction of a mandatory Short-Term Rental Accommodation (STRA) Register. For the first time ever, local governments know with confidence how many STRA properties are in their area and where they are located. We've also seen hundreds of these, and vacant properties returned to the long-term rental market, thanks to the extension of the very successful Vacant Property Rental Incentive Scheme (VPR Incentive Scheme) and Short-Term Rental Accommodation Incentive Scheme (STRA Incentive Scheme).

Taking action in court for breaches of the Australian Consumer Law (ACL) and other Statebased laws, such as the *Real Estate and Business Agents Act 1978* and *Motor Vehicle Dealers Act 1973*, is important work undertaken by our team.

One of the largest unlicensed vehicle dealing cases ever undertaken by Consumer Protection had its day in court. A repeat offender with an alarming criminal record and his accomplices were fined \$240,000 for an illicit scheme involving 178 unregistered, written-off vehicles.

Another highlight was seeing the *Ticket Scalping Act 2021* tested in court for the first time since it was introduced. The laws held up, which sends a clear message that taking advantage of consumers desperate to get event tickets won't be tolerated by us or the courts.

In other efforts to protect Western Australians, we issued public warnings about scams, ticket scalping and the unfortunate return of travelling conmen on the hunt for new victims.

Over 14,000 complaints were received, with the bulk of the cases resolved at conciliation, proving once again that we offer an invaluable service to consumers.

Our important work in product safety has continued and I was proud to see the team involved in a very successful media event for Halloween. A captivating show-and-tell of dodgy products purchased from overseas had camera operators shooting from all angles and we received national news coverage as a result.

The work we do with the media is just one way we reach consumers, but we also connect directly with the community through education presentations in multiple languages, events and expos. Our officers have attended over 100 of these events, which is a mammoth achievement and I'm excited to see this continue with even more regional visits on the cards.

Our website is a vital resource for West Aussies and what an exciting moment it was to see the new version launch last year with a focus on plain English to help our diverse range of consumers find the answers they need.

I am proud to lead a team of dedicated and passionate people who support consumers and traders. Together, we will continue our important work in reminding consumers about their rights under the ACI.

Trish Blake

Commissioner for Consumer Protection



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About us

Consumer Protection promotes fair trading and consumer protection in Western Australia (WA). A division of the new Department of Local Government, Industry Regulation and Safety (the department), Consumer Protection was previously part of the Department of Energy, Mines, Industry Regulation and Safety.

From the simple act of purchasing the weekly groceries at the supermarket to the complexities of signing a contract to buy a house, we are all consumers almost every day. Being a consumer can be a risky business. It's important that we get what we pay for, that whatever we purchase does what it is supposed to do and that if something goes wrong we know what remedy to seek.

All consumers and traders in Australia have rights and responsibilities under the ACL and need to consider these carefully when buying, selling or agreeing to contracts. These rights and responsibilities extend to after-sales services such as guarantees, quality issues, maintenance and repairs. Some matters may arise well after a contract has been signed or a purchase has been made, so knowing your rights is important. Some areas, like residential tenancy or buying real estate, have additional laws in place to further protect your interests.

Summary of activities

Some of the activities undertaken by Consumer Protection in the 2024-25 financial year.

48

Acts regulated

Bills through Parliament

Changes to legislation administered

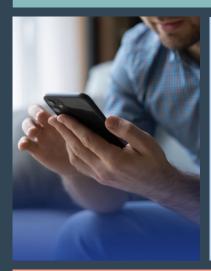
22



112,782

Information and education enquiries

Phone 108,304 Front counter 4,478



15.35 million

Community engagement and education website visits

Consumer Protection2.76 millionFuelWatch12.45 millionWA ScamNet137,834

66,778

Licensing and registrations

Licences current at 30 June 2025 46,866

Registered associations 19,912



1,201

Proactive compliance inspections completed

1,345

Compliance and investigation files finalised

Dispute resolution conciliation files finalised	10,211
Infringement notices issued	56
Traders/industries publicly named	
Disciplinary actions taken	5





Legislation and policy

Consumer Protection implements the State Government's consumer policy reform agenda which involves the review and development of both state and national legislation.

During the 2024–25 financial year, Consumer Protection was responsible for the administration of 48 Acts of Parliament, supported passage of the *Retirement Villages Amendment Act 2024* through Parliament and made 22 changes to subsidiary legislation (Appendix A).

Retirement village reforms pass Parliament

New laws aimed at making retirement village living fairer and easier for current and prospective residents, while supporting the sustainability of the sector, were passed by Parliament in November 2024.

The Retirement Villages Amendment Act 2024 (Amendment Act) covers each stage of the retirement living experience and provides benefits to residents while also promoting confidence in the sector to support future development.

The changes include a new time limit for exit payments to be made to residents, meaning those leaving a village will have more certainty over their finances. Exit entitlements are to be paid to holders of a lease-for-life and compulsory buybacks of strata titled properties to be completed within 12 months of departure. Operators will have 12 months from the date of Assent to prepare for the new time limit on exit entitlements and for new disclosure and contract requirements, with the new requirements expected to commence at the end of 2025.

Additionally, former residents will be able to request financial assistance from village operators to cover aged care costs while awaiting the payment of their exit entitlements.

Prospective residents will find it easier to compare villages and make more informed decisions with a new requirement for operators to provide earlier and clearer information about their villages and a new register that will provide public access to information and advice.

Consumer Protection is currently preparing supporting regulations and guidance materials in preparation for commencement of most of the operative provisions of the Amendment Act in late 2025.

Implementation of tenancy reforms makes dispute resolution easier for tenants and landlords

Consumer Protection is continuing with important work that will support Western Australians who rent their homes while striking a good balance with protecting the rights of landlords. The first stage of amendments to the *Residential Tenancies Act 1987* (RTA) have been progressively implemented from 2023–24 into 2024–25, with changes to streamline the bond release process likely to commence in the 2025–26 financial year.

A new dispute resolution process known as 'Commissioner Determinations' commenced in July 2024.

Tenants can now keep a pet and make minor modifications to their rental homes with the landlord only allowed to refuse permission in limited circumstances which are set out in the legislation.

Some reasons for refusal require the landlord to apply to the Commissioner for Consumer Protection (Commissioner) to make a ruling. The tenant and landlord can easily make their case online and are invited to provide evidence to support their views. All parties involved receive detailed written reasons for the Commissioner's decision and the Commissioner publishes de-identified reasons online to provide clarity to others using the Commissioner Determinations process.

The Commissioner Determinations process will be expanded to cover bond release applications in the 2025–26 financial year.

Work is underway to develop recommendations for a second phase of reforms to the RTA.

Primary Acts Consumer Protection administers:

- Associations Incorporation Act 2015
- Auction Sales Act 1973
- · Charitable Collections Act 1946
- Debt Collectors Licensing Act 1964
- Employment Agents Act 1976
- Fair Trading Act 2010
- Land Valuers Licensing Act 1978
- Limited Partnerships Act 2016
- Motor Vehicle Dealers Act 1973
- Motor Vehicle Repairers Act 2003

- Petroleum Products Pricing Act 1983
- Real Estate and Business Agents Act 1978
- Residential Parks (Long-stay Tenants) Act 2006
- Residential Tenancies Act 1987
- Retail Trading Hours Act 1987
- Retirement Villages Act 1992
- Settlement Agents Act 1981
- Short-Term Rental Accommodation Act 2024
- Street Collections (Regulation) Act 1940
- Ticket Scalping Act 2021



A document with a list of Acts by administering portfolios can be downloaded from the <u>Department of Justice</u>.



Tackling housing challenges

As of 1 January 2025, providers of both hosted and un-hosted STRA have been required to register their premises with the <u>Consumer</u>

<u>Protection operated STRA Register</u>. The register will help provide the WA Government with up-to-date data on the STRA sector in WA, including how many there are, where they are located and how they are used. Access to this data will help to inform future policy development in the STRA sector.

Local governments are also informed of all STRA registrations within their jurisdictions, allowing for them to monitor whether registered premises are complying with local requirements. Where appropriate, a local government can refer matters to the Commissioner to consider suspending or cancelling a registration in various circumstances where a STRA is operating unlawfully.

The <u>STRA Register</u> is supported by a search function which allows the public to check property addresses to see whether they are registered as STRA and guests can verify that registration numbers are valid. A publicly available <u>interactive</u> <u>heat map</u> has also been introduced that provides insight into STRA by location. The heat map provides the general locality of registered STRA premises, detailing the density and concentration of registered STRA across the state.

As part of the STRA reform, the STRA Incentive Scheme was introduced on 9 November 2023 for a six-month pilot period. The STRA Incentive Scheme offered a \$10,000 financial incentive to existing owners of un-hosted short-term rental accommodation properties in WA to transfer their property to the long-term rental market for at least 12 months to support people seeking a rental home. Rent must have been offered at or below the maximum rent chargeable for the property's location under the scheme.

Payments are made in two instalments; the first on approval of the application of \$4,000 and the remaining \$6,000 after the rental agreement reaches 12 months and the continuing eligibility for the STRA Incentive Scheme during that period has been established.

The STRA Incentive Scheme has been extended for applications until 31 December 2025.

In addition to the STRA Incentive Scheme, the WA Government also introduced the The <u>Vacant Property Rental Incentive Scheme</u> (the VPR Incentive Scheme) on 7 May 2024.

The VPR Incentive Scheme offered a \$5,000 grant to owners of vacant residential properties in WA to transfer their property to the long-term rental market for at least 12 months to support people seeking a rental home.

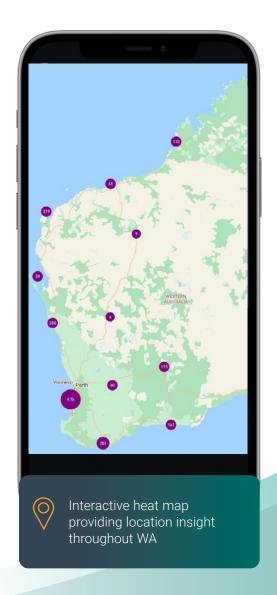
To qualify for the VPR Incentive Scheme, the property must have been vacant for the entire vacancy period. If the property was used as a holiday home during this period, it may have been considered vacant for the purpose of the VPR Incentive Scheme.

The VPR Incentive Scheme has also been extended for applications until 31 December 2025.

The VPR Incentive Scheme, alongside the STRA Incentive Scheme, reflects the WA Government's proactive approach to tackling housing challenges with effective and innovative solutions.

Other reforms

At the time of publication Consumer Protection has two Bills to make improvements to laws affecting charitable collections, associations and cooperatives that are expected to be passed in the 2025–26 financial year.









Information and education

Information services

Consumer protection laws in WA give certain legal powers to the Commissioner and the authority to conciliate disputes made to the department. Consumer Protection can receive and investigate complaints and act as appropriate.

Prior to formal complaints being lodged, the Consumer Protection laws in WA give certain legal powers to the Commissioner and the authority to conciliate disputes made to the department. Consumer Protection can receive and investigate complaints and act as appropriate.

Prior to formal complaints being lodged, the department's Contact Centre allows consumers, tenants and traders to seek free information about their rights and responsibilities. This free service is also provided by Consumer Protection's regional offices. Our Associations and Bonds officers also manage dedicated phone lines.

Year in numbers

112,616

Perth metropolitan enquiries

Front counter enquiries	4,388
Phone enquiries	67,566
Associations phone enquiries	6,123
Bonds phone enquiries	34,539

166

WA regional enquiries

Front counter enquiries	
Phone enquiries	76

Community engagement and education

Media engagement

Consumer Protection continued its strong relationship with the WA media through a responsive and proactive approach. The Commissioner and many other staff were guests on multiple radio and television programs in Perth and across the regions, including Aboriginal media organisations.

Year in numbers

154

Media statements and blogs issued

294

Responses to media enquiries

2,985

Media items generated

879,155

People reached via social media

Year in numbers

108

Events and presentations attended by 8,091 participants

77

Electronic Direct Mail outs sent to 1.27 million recipients

15.35 million

Website page visits

Consumer Protection	2.76 million
FuelWatch	12.45 million
WA ScamNet	137,834

Community engagement

Consumer Protection has achieved a record-breaking year of community engagement.

Attending or presenting at 108 events – averaging at over two events per week, with a major focus on multicultural, culturally and linguistically diverse (CaLD), and regional audiences.

A major focus has been the expansion of our regional community education initiatives. Our staff have organised, hosted and attended 22 regional and remote events across WA. A highlight of this work was the launch of the Community Connect event series – a collaborative initiative bringing together nine public-facing government agencies and community service providers to deliver coordinated education and awareness sessions in all WA regions.

Consumer Protection has also significantly engaged CaLD and multicultural communities, forming new partnerships with community organisations and industry bodies as part of a grassroots drive to engage with consumers on their terms. In a first for the division, Consumer Protection has delivered presentations in languages other than English, translated key scams awareness videos into other languages and produced a full suite of easy read and plain English materials to increase accessibility for all consumers.

Grassroots engagement continues to be a key driver in outreach and education. We have

expanded our presence in early intervention and prevention spaces, delivering resources and education and upskilling partner agencies, community organisations, and local government to better reach vulnerable consumers and equip them with the tools they need to make informed decisions.

Locally and nationally we have continued our presence in key forums and working groups, taking a leadership role in several campaigns coordinated through the Consumer Education Network and the National Indigenous Consumer Strategy, including the striking national 'Scare Aware' Halloween campaign. Participation has also been expanded with various metropolitan multicultural networks, joint agency groups and Aboriginal networks.

Our community education efforts also included participation in large WA events such as the Perth 4WD and Adventure Show, Have-A-Go Day, Wagin Woolorama, Financial Counsellor Conferences and university orientation weeks, where we focused on product safety, tenancy rights, scam prevention and the ACL.







Australian Consumer Law Training Project

The original Australian Consumer Law (ACL) Training Project (the Project) e-learning modules, called MyACL, continue to provide on-demand, easily digestible and accurate training on the ACL for Consumer Protection staff, other regulators, community legal centres and financial counsellors across Australia.

This year the Project turned to MyACL education for consumers and businesses. Many consumers intuitively feel they may have rights when something goes wrong, but not everyone knows what those rights are. Similarly, many small business operators seek clarity on their rights as consumers and obligations as traders under the ACL.

The first in a broad range of videos was launched to explain these sometimes-complex topics in a fun and engaging way:

- What is the ACL for consumers
 A general overview of key aspects of the ACL with a focus on consumer guarantees.
- What is the ACL for small businesses
 A general overview of key aspects of the ACL for small businesses, including their responsibilities as traders and their rights as consumers.

- What is a change of mind?
 - An example-rich video for consumers to explain what change-of-mind returns are and how they differ from returns covered by the ACL.
- Going to the Magistrates Court in Western Australia

When consumers and traders can't reach mutual agreement about a complaint, the next step is going to court. This five-video series explains what going to court can be like as a consumer or renter in WA.

We are well on our way to speaking a common language about consumer law and having a coordinated approach to ACL education for consumers, traders, government and non-government organisations at both local and national levels.

Licensing and registrations

Licensing

In WA, Consumer Protection administers the licensing and registration system for charities, debt collectors, employment agents and the property¹ and motor vehicle² industries.

The licensing system ensures only suitably qualified people are allowed to operate in these industries. As part of the licensing system, people are required to have certain qualifications and experience and be a fit and proper person of good character and repute.

Year in numbers

46,866

Consumer Protection licences current at 30 June 2025

Charities	2,635
Debt collectors	55
Employment agents	641
Land valuers	880
Motor vehicle dealers	1,482
Motor vehicle repairers	20,609
Motor vehicle salespersons	1,661
Motor vehicle repair businesses	4,908
Motor vehicle yard managers	1,416
Real estate and business agents	4,643
Real estate and business sales	
representatives	7,277
Settlement agents	659

Associations

In WA there are over 17,000 not-forprofit groups registered as incorporated associations. An incorporated association or club can pursue its objects and purposes by applying for grants, opening bank accounts and holding property in its own name, while limiting the exposure of its members to personal legal liability. Consumer Protection is responsible for the regulation of associations in WA.

Consumer Protection continued its regulatory and compliance activities in 2024–25 to support good governance and accountability across incorporated associations, cooperatives and charitable licence holders in WA.

During 2024–25, Consumer Protection completed investigations involving 55 incorporated associations following the receipt of formal complaints.

Consumer Protection's Associations Newsletter was sent to 22,923 members from incorporations, associations and other stakeholders. More than 51 per cent of recipients opened the newsletter.

Incorporated associations are required to submit an Annual Information Statement (AIS) to Consumer Protection unless they are registered with, and report to, the Australian Charities and Not-for-profits Commission (ACNC). This year, 13,924 AISs were lodged directly with Consumer Protection and a further 1,778 were reported to the ACNC. As part of its ongoing compliance program, Consumer Protection issued nearly 2,290 cancellation notices to incorporated associations that failed to meet their reporting obligations for two or more consecutive years and appeared to be inactive. Since the program commenced in 2023, more than 4,500 associations have had their incorporation cancelled.

- 1 Real estate agents, sales representatives, settlement agents and land valuers.
- 2 Motor vehicle dealers, yard managers, salespersons, car market operators and repairers.



Following a cancellation order, Consumer Protection, on behalf of the state, is responsible for distributing any surplus property held in the name of the cancelled association. In 2024–25, Consumer Protection distributed a total of \$600,221.25 in surplus funds from cancelled associations.

During the reporting period, Consumer Protection completed a key digital transformation initiative by enabling its cooperatives, limited partnership, charitable collections licences and street appeal applications to be lodged and paid for online. This enhancement improves accessibility, security and convenience for applicants.

Consumer Protection administers the licensing and permit system for charitable collections and public street appeals, ensuring that fundraising activities are conducted ethically and in accordance with legislative requirements.

As at 30 June 2025, the following were recorded:

- Charitable collection licences issued: 2,635.
- · Street collection permits issued: 32.

Year in numbers

19,912

Applications finalised

New incorporation	541
Altering the rules	975
Winding up	201
Committee members	0
AGMs	33
Transfer to another law	13
Other	18,149

Dispute resolution

Conciliation

Consumer Protection offers a free, voluntary conciliation service by bringing consumers and traders together to reach a compromise to avoid taking a case to court. Even if a dispute is resolved between the consumer and trader, we may still take compliance and enforcement action for any non-compliance identified. In 2024–25, Consumer Protection commenced 12,035 and finalised 10,211 conciliation complaints with 66 of these being actioned by our regional branches. Redress¹ totalling \$7 million for 2,933 consumers was obtained through our conciliation service.

Consumer Protection assesses complaints and takes further action if:

- a court or tribunal has not already determined the matter and there is no case pending;
- the issue in dispute is covered by consumer protection laws;
- the trader's conduct seems to breach those laws or the consumer's contractual rights; or
- the dispute does not centre on a matter of personal opinion, for example, as with some quality issues.

If more appropriate, Consumer Protection may refer complaints to another agency.

We also recognise our responsibility to spend taxpayers' money wisely. Therefore, Consumer Protection may decline to attempt conciliation if the matter in dispute is minor and involves only a small amount of financial loss by the consumer. On occasion, even if individual amounts are relatively small, Consumer Protection may get involved if large numbers of consumers are affected, for example, by a scam.

Consumer Protection will not attempt further conciliation if, in its view, a trader has made a reasonable offer of redress that has been rejected by the consumer.

Year in numbers

10,211

Conciliation files finalised

Debt collector complaints	1
Marine complaints	14
Motor vehicle complaints	2,467
Real estate complaints	36
Residential parks complaints	45
Retail, building, and services	5,646
Retirement villages complaints	34
Settlement agent complaints	3
Tenancy complaints	1,965

2,221

Files assessed and no further action taken

Education, advice or information given	
Complaint referred to another body	
No offence detected	222
Policy reason	215
Complaint lapsed or withdrawn	107
Other	100
Agreement reached to settle	11
No Consumer Protection jurisdiction	8
Administrative warning accepted	

1 Redress refers to the compensation or the in-kind value to address issues a consumer has complained about.



Proactive compliance

The proactive compliance inspection program undertaken by Consumer Protection is designed to assist individuals and organisations in complying with their responsibilities and legislative requirements by providing relevant advice and education. The program can also bring about an enforcement response through the identification of current and emerging issues of non-compliance and their associated risks.

During 2024–25, Consumer Protection conducted 1,201 proactive compliance inspections across the motor vehicle and retail industries.

As part of the proactive compliance program, automotive inspectors conduct examinations of second-hand vehicles at motor vehicle dealers to identify unroadworthy and unsafe vehicles. Inspectors also examine the prescribed sales documentation used by dealers at inspection.

Changes to the prescribed forms required to be displayed on second-hand vehicles came into effect in June 2024. These changes required dealers to declare whether vehicles were covered by a statutory warranty and whether the vehicle was ever recorded on the Written-Off Vehicle Register (WOVR). Inspectors initially took an educative approach in the first half of 2024-25 to guide dealers in the transition to the updated forms. An industry bulletin was published in February 2025, and inspectors commenced issuing infringement notices in the second half of the year for non-compliance with the new requirements. Inspectors also commenced spot checks of the Personal Property Securities Register (PPSR) against declarations made on the new forms to verify claims relating to vehicles being registered on the WOVR.

During the 2024–25 financial year, 4,854 secondhand vehicles were inspected with 41 defect orders made for unroadworthy vehicles and 27 infringement notices issued for failing to display the prescribed forms or the prescribed forms not containing the prescribed information. In addition, 48 PPSR checks were undertaken with no false representations identified.

Year in numbers

346

Motor vehicle dealer and repairer premises inspected

855

Retail proactive inspections

Country of origin labelling	10
Fuel retailer	660
Price scanning	100
Refund policy	85

Product safety

Our Product Safety team provides advice and information to businesses and consumers on product safety. It monitors the market and investigates unsafe products and, where necessary, removes them from the marketplace. Various other government agencies also have a role in regulating certain products or industries.

Year in numbers

470

Inspections

3,267

Products inspected

88%

Compliance rate

Investigations of potentially dangerous products generally involve research and consultation with a variety of stakeholders. Investigations include gathering information about the product and any existing regulations, testing products, liaising with retailers, distributors and manufacturers and discussing matters with advisory bodies. Investigations may result in prosecutions or infringement notices being issued if traders are found to have acted in breach of product safety laws.

The Consumer Product Advocacy Network (CPAN) is a group of organisations with an interest in the promotion and advocacy of product safety in WA. In 2024–25 Consumer Protection continued to work closely with CPAN and its members, including Kidsafe WA and the Department of Health, to monitor and address potential product safety hazards with a particular focus on product safety for young children.

Lithium-ion battery fires continued to rise in 2024–25, with a fire being caused by one of these batteries almost every second day in WA. Throughout 2024–25, Consumer Protection continued to promote the safe use of products containing these types of batteries in a series of articles and social media posts advising caution and safety tips to reduce the associated risks.

Consumer Protection also continued to engage with the Australian Competition and Consumer Commission and members of the WA Lithium-Ion Batteries Working Group, such as the Department of Fire and Emergency Services, to share information and monitor incidents and injuries associated with lithium-ion batteries on a regular basis.

Consumer Protection observed an increase in the purchasing of products from online discount platforms, with cost-of-living pressures a contributing factor. Throughout 2024–25, Consumer Protection prioritised education to consumers on the risks of buying potentially low-quality and non-compliant items online. This was also driven by Consumer Protection's national Halloween campaign where multiple items were purchased by the department as examples of unsafe and non-compliant products online.

As part of its educative role, Consumer Protection prepared for the commencement of the new Consumer Goods (Toppling Furniture) Information Standard by liaising with industry to educate suppliers on the minimum requirements and how to comply. Consumer Protection continued to educate both consumers and suppliers on high-risk products such as button batteries and infant sleep products and also worked with other government agencies to increase the reach of product safety messaging. This included regular distribution of safety information relating to young children to childcare centres across WA via the Department of Communities' newsletters.



Enforcement

Consumer Protection obtains information that may trigger a compliance activity response from a wide range of sources including consumer complaints, external agencies, proactive compliance activity, contact centre enquiries, marketplace surveillance and intelligence gathering and analysis.

When complaints are received by Consumer Protection, they are assessed to identify complaints suitable for a conciliated outcome and those that may indicate non-compliance with the law. Some complaints may have both elements.

Consumer Protection has a range of escalating actions available that can be used to encourage, assist, and enforce compliance with the legislation administered. The specific actions Consumer Protection takes are initially determined by an assessment of the issues triggering the compliance response which are in direct proportion to the seriousness of the breach or issue. A breakdown of enforcement and disciplinary actions taken, by Act, is available at Appendix B.

Prosecution is one of the enforcement methods Consumer Protection may use when there are reasonable grounds for suspecting an offence has been committed against legislation administered by Consumer Protection.

Generally, decisions to prosecute are made in cases where the misconduct giving rise to the offence is serious (or has serious consequences) and/or in cases where Consumer Protection wishes to target an undesirable practice in a particular trade or occupation. More details about prosecution actions taken this year are available at Appendix C.

Year in numbers

2,061

Compliance and investigation files commenced

1,345

Compliance and investigation files finalised

Outcome category

Education, advice or information given	529
No offence detected	299
Administrative warning accepted	70
Corrective advice accepted	39
Fine/penalty/infringement ¹	35
Complaint lapsed or withdrawn	10
Agreement reached to settle	9
Referral to appropriate body	9
Other	345

A breakdown of compliance and investigation files by industry is available at <u>Appendix D</u>.

1 This outcome does not reflect the number of infringement notices issued. A file may include multiple breaches, notices may be issued in different financial years to the closure of the file or outcomes may be recorded that do not reflect the notice.

Infringement notices

Consumer Protection has the legislative ability to issue infringement notices if the alleged offence is a 'one-off' occurrence, relatively minor or trivial, resulted from an inadvertent oversight or if likely to deter the recipient from engaging in similar misconduct again.

Payment of a fine is not regarded as an admission of liability for the purpose of any civil claim, action or proceeding arising out of the same occurrence. However, if the alleged offender elects to have the matter heard in court or fails to pay the fine (and the infringement notice is not withdrawn by Consumer Protection) the matter may be prosecuted and heard in the Magistrates Court.

An infringement may be withdrawn by the department if, for example, more information comes to light supporting the alleged offender's defence or if Consumer Protection commences prosecution.

This year Consumer Protection issued 56 infringement notices totalling \$61,240 under six Acts. Two infringements were withdrawn totalling \$4,000 (Appendix E).

Public namings

The Commissioner has the power under the *Fair Trading Act 2010* and the ACL to publicly identify a trader reasonably suspected of contravening Consumer Protection legislation for the purpose of informing the public immediately in order to protect them from personal or financial harm.

The <u>Consumer Protection Public Naming of</u>
<u>Traders Policy</u> promotes a consistent approach to the public naming of traders. It ensures naming occurs only when the truth of allegations is reasonably established, and it is in the public interest to issue a warning.

This policy balances the risk of issuing a warning against the need to safeguard reputations and ensures that naming is done in accordance with correct legal processes and requirements. While the policy refers to the naming of 'traders', consumer warning may relate to specific products, services or business practices. (Appendix F).

Enforceable undertakings

An enforceable undertaking is a legally binding agreement where the trader or business agrees to action items to comply with the law.

Enforceable undertakings are an option for significant matters where there are reasonable grounds for believing the trader is willing to cooperate and rectify the situation without the need for litigation.

Enforceable undertakings can be a beneficial option, as consumers receive redress quickly and Consumer Protection and the trader cooperate to reach a reasonable solution and prevent future non-compliance. No enforceable undertakings were entered into this financial year. Previous enforceable undertakings can be viewed on the Consumer Protection website.

Disciplinary actions

Disciplinary action is taken in response to misconduct or breach of professional standards under which a particular vocation operates. It is one of the enforcement methods that may be used when there are reasonable grounds for suspecting an individual or company who holds a relevant vocational licence, certificate or registration has engaged in conduct which offends either the legislation under which the licence is held or any other relevant legislation. This could be under Consumer Protection legislation or other relevant criminal legislation.

Disciplinary proceedings under Consumer Protection legislation are commenced in the State Administrative Tribunal.

This year Consumer Protection took disciplinary actions against four entities in the real estate industry and one motor vehicle dealer.

- 1. A real estate agency and its director were fined over failing to lodge tenancy bonds within the required timeframe.
- 2. A former sales representative was fined for illegally using a tenant's funds to pay the rent and bond on their own rental home before forging a receipt to cover their actions.
- 3. A real estate agent was granted a supervision order as there were reasonable grounds for believing the agent was incapable of properly conducting business or is not conducting business in accordance with the *Real Estate* and *Business Agents Act 1978*.
- 4. A real estate agency and its director were reprimanded and disqualified for two years for failing to lodge tenancy bonds within the required timeframe and failing to follow the property owner's instructions concerning the use of bonds. The director was also fined for transferring tenancy bonds from the business trust account into their personal bank account at the end of the tenancy.
- **5.** A motor vehicle dealer was reprimanded and disqualified for making a false or misleading representation that a vehicle had a particular history.

More details of these five cases are available in the State Administrative Tribunal outcomes section of Appendix C.



Social media post on disciplinary action taken against real estate agent

Appendices

Appendix A: Changes to Consumer Protection legislation

There were 22 changes to legislation administered by Consumer Protection in the 2024–25 financial year.

Effective date of change	Act/Regulation	Outcome
1 July 2024	Limited Partnerships Act 2016 (WA) – Limited Partnerships Amendment Regulations 2024.	Amended the Limited Partnerships Regulations 2017 (WA) regulation 4, which prescribes the circumstances when the Commissioner may withhold personal information from the register of limited partnerships under s78(6) of the <i>Limited Partnerships Act 2016</i> (WA).
1 July 2024	Short-Term Rental Accommodation Act 2024 – Commencement Proclamation 2024.	A proclamation giving effect to several provisions of the Short-Term Rental Accommodation Act 2024.
1 July 2024	Short-Term Rental Accommodation Act 2024 – Short-Term Rental Accommodation Regulations 2024.	Regulations to support the introduction of the Short-Term Rental Accommodation Act 2024.
6 July 2024	Retail Trading Hours Act 1987 – Retail Trading Hours (Shire of Wagin) Variation Order 2024.	An order made by the Minister under section 12E of the Act varying the trading hours of retail shops.
29 July 2024	Residential Tenancies Amendment Act 2024 (WA) – Commencement Proclamation (No. 2) 2024.	A proclamation giving effect to several provisions amending the Residential Tenancies Act 1987 (WA).
29 July 2024	Residential Tenancies Amendment Act 2024 (WA) – Residential Tenancies Amendment Regulations (No.2) 2024.	Amended the Residential Tenancies Regulations 1989 to include new provisions relating to pets and minor modifications, address the transition from prescribed forms to approved forms and allow for infringement notices to be issued in relation to rent bidding offences.
13 August 2024	Fair Trading Act 2010 (WA) – Consumer Goods (Infant Products) Information Standard 2024.	A new information standard was made to supplement a mandatory safety standard for infant sleep products by requiring these products to be provided with appropriate warnings and instructions for their safe use.
13 August 2024	Fair Trading Act 2010 (WA) – Consumer Goods (Infant Sleep Products) Safety Standard 2024.	A safety standard prescribing requirements for infant sleep products.

Appendix A: Changes to Consumer Protection legislation (continued)

Effective date of change	Act/Regulation	Outcome
31 August 2024	Retail Trading Hours Act 1987 – Retail Trading Hours (City of Albany) Christmas Variation Order 2024.	An order made by the Minister under section 12E of the Act varying the trading hours of retail shops.
2 September 2024	Real Estate and Business Agents Act 1978 (WA) – Real Estate and Business Agents (General) Amendment Regulations 2024.	Amended the Real Estate and Business Agents (General) Regulations 1979 (WA) (Regulations) to make it clear that in addition to completing CPP51122 for the grant of a licence, additional examinations under regulation 6(2) of the Regulations will also have to be completed from 2 September 2024.
11 September 2024	Retail Trading Hours Act 1987 – Retail Trading Hours (City of Perth) Variation Order 2024.	An order made by the Minister under section 12E of the Act varying the trading hours of retail shops.
19 September 2024	Short-Term Rental Accommodation Act 2024 (WA) – Short-Term Rental Accommodation Amendment Regulations 2024.	Amended the Short-Term Rental Accommodation Regulations 2024 (WA), to clarify definitions and extend the fee waiver period.
5 October 2024	Retail Trading Hours Act 1987 – Retail Trading Hours (Metropolitan Area) Christmas and Public Holiday Variation Order 2024.	An order made by the Minister under section 12E of the Act varying the trading hours of retail shops.
17 October 2024	Short-Term Rental Accommodation Act 2024 (WA) – Short-Term Rental Accommodation Amendment Regulations (No.2) 2024.	Amended the Short-Term Rental Accommodation Regulations 2024 (WA), sub regulation 7(2), in accordance with provisions of the Health Regulations Repeal Regulations (No. 4) 2024, made under the Health (Miscellaneous Provisions) Act 1911 (WA).
30 October 2024	Retail Trading Hours Act 1987 – Retail Trading Hours (Regional Christmas and Public Holiday) Variation Order 2024.	An order made by the Minister under section 12E of the Act varying the trading hours of retail shops.
13 November 2024	Retirement Villages Act 1992 (WA) – Retirement Villages Amendment Act 2024.	Will amend the <i>Retirement Villages Act 1992</i> (WA) to implement the recommendations of a review of the Act. Most amendments to commence on proclamation.
27 November 2024	Retail Trading Hours Act 1987 – Retail Trading Hours (Shire of Esperance) Variation Order 2024.	An order made by the Minister under section 12E of the Act varying the trading hours of retail shops.
22 January 2025	Petroleum Products Pricing Act 1983 – Petroleum Products Pricing Amendment Regulations 2025.	Amended the Petroleum Products Pricing Regulations to bring petrol outlets in Bodallin townsite into the fuel watch scheme.

Appendix A: Changes to Consumer Protection legislation (continued)

Effective date of change	Act/Regulation	Outcome
23 January 2025	Fair Trading Act 2010 (WA) – Fair Trading (Retirement Villages Code) Amendment Regulations 2025.	Amended the Fair Trading (Retirement Villages Code) Regulations 2022 (WA) (RV Code) to remove the 31 March 2025 expiry date from the RV Code.
1 February 2025	Retail Trading Hours Act 1987 – Retail Trading Hours (City of Albany) Variation Order 2024.	An order made by the Minister under section 12E of the Act varying the trading hours of retail shops.
25 March 2025	Fair Trading Act 2010 – Consumer Goods (Infant Sleep Products) Amendment Safety Standard 2025.	Amended a mandatory safety standard to clarify requirements.
17 April 2025	Short-Term Rental Accommodation Act 2024 (WA) – Short-Term Rental Accommodation Amendment Regulations 2025.	Amended the Short-Term Rental Accommodation Regulations 2024 (WA), to update the list of offences that may be dealt with by way of infringement notices.

Appendix B: Enforcement and disciplinary actions against traders and licensees

Act	Administrative warning	Infringement notice	Public naming	Enforceable undertaking	Disciplinary proceeding	Magistrates Court action	Supreme Court action
Associations Incorporation Act 2015			1				
Australian Consumer Law (WA)	33	5	9		1	2	1
Fair Trading (Fitness Industry Code of Practice) Regulations 2020 (WA)			1				
Fair Trading Act 2010		1					
Motor Vehicle Dealers Act 1973	38	36	2		1	4	
Motor Vehicle Repairers Act 2003	1						
Petroleum Products Pricing Act 1983	2						
Real Estate and Business Agents Act 1978	24	2	1		4	2	
Real Estate and Business Agents and Sales Representatives Code of Conduct 2016					3		
Residential Parks (Long-stay Tenants) Act 2006	1						
Residential Tenancies Act 1987	5	2			2	1	
Retail Trading Hours Act 1987	1						
Settlement Agents Act 1981	1						
Retirement Villages Act 1992							1
Ticket Scalping Act 2021	16	10	3			1	
Grand total	122	56	17		11	10	2

Notes

- 1. A trader may be subject to more than one type of enforcement or disciplinary action.
- 2. An action may involve multiple breaches of legislation.
- 3. This information is accurate as at 30 June 2025, however more information may be added to the records as they become available.

Appendix C: Court outcomes

The table below presents details of published Consumer Protection-related court outcomes during 2024–25. Not all court or legal outcomes were made publicly available. The monetary amount only refers to the fines issued and does not provide costs or compensation amounts. This information can be found in the linked media releases where available.

Magistrates Court outcomes

Date	Detail	Act	Outcome
19 July 2024	Jacob Hamilton	Motor Vehicle Dealers Act 1973 • Unlicensed dealing and odometer tampering	Fined \$33,000
24 September 2024	Zoran Zozoli Nikola Jarkovacki	Motor Vehicle Dealers Act 1973 Odometer tampering	Fined \$51,000 combined
8 November 2024	Gina Michelle Church	Real Estate and Business Agents Act 1978 • Unlawful withdrawals from trust account	Fined \$5,000
22 November 2024	Name withheld	Ticket Scalping Act 2021 • Selling ticket which exceeds original price by 10 per cent	Fined \$2,000
9 December 2024	Kyle John Graham Feisst	Australian Consumer Law • Wrongly accepting payment	Fined \$30,000
20 December 2024	Jayde Mia Stuart	Real Estate and Business Agents Act 1978 • Operating without a licence	Fined \$10,500
10 February 2025	Siuosavaii Sam Maiava	Australian Consumer Law • Wrongly accepting payment	Fined \$16,000
21 March 2025	<u>Van Vihn Tran</u>	Motor Vehicle Dealers Act 1973 • Unlicensed dealing	Fined \$87,000
2 May 2025	Faiez Al-Defeari Danielle Norman Ali Alkhnaizi	Motor Vehicle Dealers Act 1973 • Unlicensed dealing • Odometer tampering	Fined \$240,000 combined
16 May 2025	Name withheld	 Residential Tenancies Act 1987 Failing to lodge bonds within the required timeframe Seeking more than two weeks' rent in advance Failing to provide property condition reports within the required timeframe 	Fined \$8,000

Appendix C: Court outcomes (continued)

State Administrative Tribunal outcomes

Date	Detail	Act	Outcome
18 July 2024	Simon Backhouse Domain Elysium Pty Ltd	Real Estate and Business Agents Act 1978 and Real Estate and Business Agents and Sales Representatives Code of Conduct 2016 and Residential Tenancies Act 1987 • Failing to lodge bonds within the required timeframe	Reprimanded and fined \$10,000 combined
5 December 2024	Wesam Hamed Mohammed	Motor Vehicle Dealers Act 1973 and Australian Consumer Law Odometer tampering False or misleading representation	Disqualified for two years
18 March 2025	Jim's Realty Pty Ltd trading as Agape Property Group	Real Estate and Business Agents Act 1978Not conducting business in accordance with the Act	Supervision order granted
9 April 2025	Dianne Sandra Huggins	Real Estate and Business Agents Act 1978 and Real Estate and Business Agents and Sales Representatives Code of Conduct 2016 • Unlawful withdrawals from trust account	Fined \$4,500
19 May 2025	Sanz Property Solutions Pty Ltd (Respondent 1) Phillip Andrew Shanks (Respondent 2)	Real Estate and Business Agents Act 1978, Real Estate and Business Agents and Sales Representatives Code of Conduct 2016 and Residential Tenancies Act 1987 • Unlawful withdrawals from trust account • Failing to follow property owner's instructions concerning the use of bonds • Failing to lodge bonds within the required timeframe	Both respondents reprimanded and disqualified for two years Second Respondent fined \$4,000

Supreme Court outcomes

Date	Detail	Act	Outcome
11 September 2024	Starland Management Pty Ltd Rolf Gerard Voulon	Australian Consumer Law • Unfair contract terms	Consent orders
26 September 2024	HN Asset Pty Ltd Retirement Care Australia (Hollywood) Pty Ltd	Retirement Villages Act 1992 • Termination of retirement village scheme	Application to terminate granted

Appendix D: Breakdown of enforcement outcomes by industry

The complaint outcome for compliance and investigation files completed this year are below. These have been split by the business type recorded on the file. These categories are industry-related and may not be representative of the number of actions taken under the relevant industry Act.

Associations and charities

	Associations complaints	Charities licensing and complaints
No offence detected	25	1
Education, advice or information given	22	
Other	3	
Complaint lapsed or withdrawn	1	
Corrective advice accepted	1	
Grand total	52	1

Automotive marine and trading hours

	Motor vehicle complaints	Retail trading hours complaints
Education, advice or information given	90	
Other	71	
Corrective advice accepted	31	
Administrative warning accepted	21	1
No offence detected	19	
Fine/penalty/infringement	15	
Prosecution action approved	3	
Referral to appropriate body	1	
Enforceable undertaking	1	
Grand total	252	1

Appendix D: Breakdown of enforcement outcomes by industry (continued)

Property industries

	Land valuer complaints	Property – other complaints	Real estate complaints	Residential parks complaints	Retirement villages complaints	Settlement agent complaints	Tenancy complaints
Education, advice or information given		2	202	1	3	30	45
No offence detected	1	13	114	1	3	48	25
Other		1	74	2	3	9	35
Administrative warning accepted			15	1		1	6
Referral to appropriate body		2	5				1
Brief completed – SAT proceedings			5			1	
Complaint lapsed or withdrawn			4				2
Prosecution action approved							3
Policy reason			3				
Corrective advice accepted			1				1
Fine/penalty/infringement			2				1
No Consumer Protection jurisdiction			2		1	1	
Agreement reached to settle			1				1
Grand total	1	18	428	5	10	90	120

Appendix D: Breakdown of enforcement outcomes by industry (continued)

Retail, building and services

	Employment agent complaints	Product safety complaints and inspections	Retail, building and services complaints	Debt collector complaints	STRA complaints
Education, advice or information given	5	53	76		
Other	3	39	77		1
No offence detected	2	9	37	1	
Administrative warning accepted		13	12		
Fine/penalty/infringement		5	12		
Prosecution action approved			8		
Agreement reached to settle			7		
Corrective advice accepted		3	1		
Complaint lapsed or withdrawn			3		
Grand total	10	122	233	1	1

Appendix E: Infringement notices issued

Consumer Protection has the legislative ability to issue infringement notices if the alleged offence is a 'one-off' occurrence, relatively minor or trivial, resulted from an inadvertent oversight or if likely to deter the recipient from engaging in similar misconduct again.

An infringement may be withdrawn by the department if, for example, more information comes to light supporting the alleged offender's defence or if the department commences prosecution.

Act	lssued value	Issued number	Withdrawn value	Withdrawn number
Australian Consumer Law (WA)	\$22,440	5		
Fair Trading Act 2010	\$1,000	1		
Motor Vehicle Dealers Act 1973	\$9,800	36		
Real Estate and Business Agents Act 1978	\$4,000	2		
Residential Tenancies Act 1987	\$4,000	2		
Ticket Scalping Act 2021	\$20,000	10	\$4,000	2
Grand total	\$61,240	56	\$4,000	2

Appendix F: Consumer warnings

The following traders, products, services or business practices were named this year.

Date	Trader/Issue	Detail
1 July 2024	Commissioner's Blog: From glam to grim – When beauty becomes pain	Consumer Protection urged consumers who experienced injuries from beauty and cosmetic treatments to report to Consumer Protection, or specific regulators of that procedure, so that the circumstances could be investigated, and appropriate action taken.
5 July 2024	UFC ticket resellers on notice as Coldplay scalpers face the music	Consumer Protection issued a warning about taking a zero- approach towards ticket scalpers ahead of the Ultimate Fighting Championship 305 event, as 16 individuals were fined \$2,000 each for re-selling tickets to Coldplay concerts in November 2023 at illegal mark-ups.
13 August 2024	Risks for UFC fans buying last-minute tickets	Consumer Protection advised fans looking to buy last-minute tickets for the Ultimate Fighting Championship 305 event against purchasing from unauthorised resellers, as this could lead to overpayment. Additionally, resellers were warned not to list tickets with a price of '\$1,234' online, as this could indicate a willingness to negotiate or swap, and buyers might use it to show tickets were wanted.
3 September 2024	Fitness industry warned Consumer Protection 'will prosecute'	Consumer Protection urged Western Australians to exercise caution before signing up for fitness programs or challenges over concerns of misleading and deceptive conduct.
18 September 2024	Commissioner's Blog: Unknown subscriptions costing you? Check the fine print!	Consumer Protection urged consumers to read and understand the terms and conditions before signing up a subscription to see whether any ongoing fees were involved.
22 October 2024	Crash victims targeted by insurance imposters	Consumer Protection warned motorists involved in traffic accidents to watch out for rogue operators posing as their insurance companies who may misrepresent the need for towing services and then hold their vehicles hostage until substantial fees are paid.
24 October 2024	Commissioner's Blog: Paying rent using a third party platform? That could be risky business	Consumer Protection warned tenants and landlords about the risks of using third-party payment platforms, which may not offer the same legal protections under WA law. These platforms can involve separate entities and overseas banks, meaning rent may not go into a protected trust account.
25 October 2024	Warning for refurbished phone buyers over 3G switch off	Consumer Protection urged consumers to verify their current phones and be cautious about purchasing incompatible mobile phones that would soon be unable to make calls, send texts, or access emergency services like Triple 0, with the nationwide shutdown of Australia's 3G network just days away.

Appendix F: Consumer warnings (continued)

Date	Trader/Issue	Detail
10 December 2024	Travelling conmen back hunting new WA victims	Consumer Protection issued an alert to homeowners to watch out for a new band of fake tradies travelling around WA, as five households since the start of 2024 reported paying \$49,300 for shoddy roof and driveway restorations, and spray-painting work.
4 February 2025	Caution urged on rent-to- own car finance	Consumer Protection issued a warning that rent-to-own agreements for used cars often result in paying far more than the vehicle's actual worth, as a recent case highlighted a consumer who ended up paying for a vehicle significantly above the typical price.
12 February 2025	Car dealers on notice over written-off vehicles	Consumer Protection sounded a warning for motor vehicle dealers to ensure they are complying with tighter regulations on the sale of repairable write-offs or face penalties, after inspections to date revealed mixed levels of compliance.
13 February 2025	Commissioner's Blog: Beware of this sneaky tactic when booking your next holiday	Consumer Protection issued an alert that websites and apps for booking holiday trips often use drip pricing to manipulate people into spending more, gradually adding extra fees and charges throughout the purchase process.
27 February 2025	Commissioner's Blog: Dodgy deals done dirt cheap – the dark side of bargain car sales	Consumer Protection urged Western Australians to be wary of dodgy unlicensed car dealers who often put consumers and road users at risk by selling cars riddled with problems.
26 March 2025	Mass deregistration threatens associations	Consumer Protection issued a warning for clubs and groups to check if they risk being cancelled, with almost 2,000 associations facing deregistration due to apparent inactivity. Associations were urged to submit their Annual Information Statements to stay incorporated.
6 May 2025	Scalping alert for Metallica fans still seeking tickets	Consumer Protection urged Metallica fans to be alert to the risks of buying resale tickets online, after recent compliance seeps of some online resale platforms uncovered tickets to the Metallica M72 concert being advertised above the legal price limit and missing required ticketing information.
18 June 2025	Solar traders on notice over battery rebates	Consumer Protection notified around 1,300 solar retailers, promoters, and installers about their obligations under the ACL, particularly concerning the correct promotion of the WA Residential Battery Scheme, and related agreements, to be consistent with official government information so as not to mislead consumers.
25 June 2025	Roof repair conmen back targeting WA homes	Consumer Protection issued a fresh warning for WA households to be on high alert for travelling conmen following recent reports including an elderly Hillman couple who paid more than \$18,000 for unfinished minor roof restoration work.

Government of Western Australia

Department of Local Government, **Industry Regulation and Safety**

(Previously part of Department of Energy, Mines, Industry Regulation and Safety)

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