Department of Justice Office of Fair Trading

# Outcomes Report 2023–24

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#### **Acknowledgement of Country**

The Queensland Government respectfully acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional and Cultural Custodians of the lands on which we live and work to deliver fair trading services to all Queenslanders, and recognises the continuation of First Nations peoples cultures and connection to the lands, waters and communities across Queensland.

## About us

The Office of Fair Trading (OFT) is Queensland's marketplace regulator.

We administer various marketplace laws that set out the rights and responsibilities of consumers, businesses and certain licensed occupations.

The laws we administer are set out in Appendix 1, and include:

- the *Fair Trading Act 1989* and Australian Consumer Law (ACL), including product safety regulation
- specific legislation relating to a number of regulated industries including property agents, motor dealers, security providers, second-hand dealers and pawnbrokers and the tattoo industry
- not-for-profit legislation relating to incorporated associations and charities.

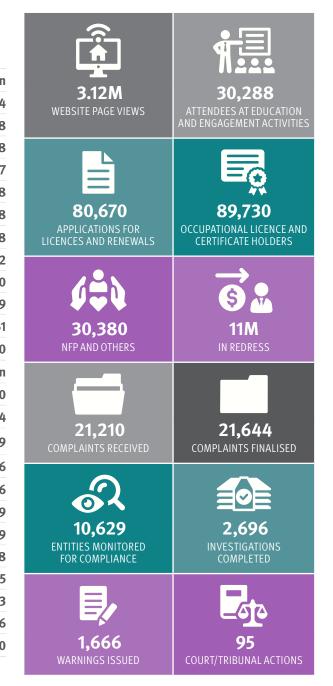
We work closely with fair trading regulators in other states and territories, as well as federal agencies including the Australian Competition and Consumer Commission (ACCC) and the Australian Securities and Investments Commission (ASIC). We also work directly with local law enforcement authorities and other Queensland Government regulators.

## About this report

This report provides an overview of the OFT's strategies, functions and activities for 2023–24. It highlights where we focused our resources, and the results we achieved.

## Summary of OFT Outcomes 2023–24

	Website page visits	3.12 million
	Call centre contacts	106,514
INFORMATION	Hours of phone contact	13,208
	Enquiries received	73,708
AND EDUCATION	Businesses engaged with on trader walks	1,797
	Education and engagement activities (eg seminars, presentations, stalls)	1,528
	Number of attendees at education and engagement activities	30,288
	Occupational licence and registration certificate—applications processed	26,138
	Occupational licence and registration certificate—applications for renewal processed	54,532
LICENSING AND	Number of occupational licence and certificate holders as at 30 June	89,730
REGISTRATIONS	Not-for-profit applications processed	2,579
	Not-for-profit annual returns processed	13,961
	Number of not-for-profits and other organisations registered as at 30 June	30,380
	Redress	\$11 million
COMPLAINTS AND REDRESS	Complaints received	21,210
	Complaints finalised	21,644
COMPLIANCE	Entities proactively monitored for compliance	10,629
COMPLIANCE	Investigations completed	2,696
	Warnings issued	1,666
	Infringements issued	329
ENFORCEMENT ACTIONS	Administrative disciplinary actions	959
	Civil penalty notice (CPN)	8
	Disciplinary proceedings, Queensland Civil and Administrative Tribunal (QCAT)	5
	Enforceable undertakings	13
	Public naming	6
	Court actions	90



## ASK US Office of Fair Trading

- Your consumer rights
- Our regulated industries
- Consumer product safety
- Scams

## Overview

## Our role

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The OFT's purpose is to improve safety and fairness for Queensland businesses and consumers.

Our work includes:

- providing information and advice to consumers, businesses, and not-for-profit organisations
- delivering consumer and business education, engagement, and awareness activities
- receiving and considering consumer complaints
- conciliating consumer matters, investigating fair trading issues, and taking enforcement action against businesses engaged in unfair or illegal marketplace behaviour
- undertaking a schedule of proactive compliance operations, targeting areas where consumers are most at risk
- ensuring consumer goods are safe
- licensing and monitoring the conduct of persons working in a number of occupations
- registering not-for-profit organisations and charities
- administering funeral benefit businesses and limited liability partnerships.

The OFT uses a proportionate, risk-based approach to compliance and enforcement which follows an escalation model. The **OFT's Compliance and Enforcement Policy (CEP)** provides a framework covering risk management, case assessment, investigation and enforcement.

## Our approach

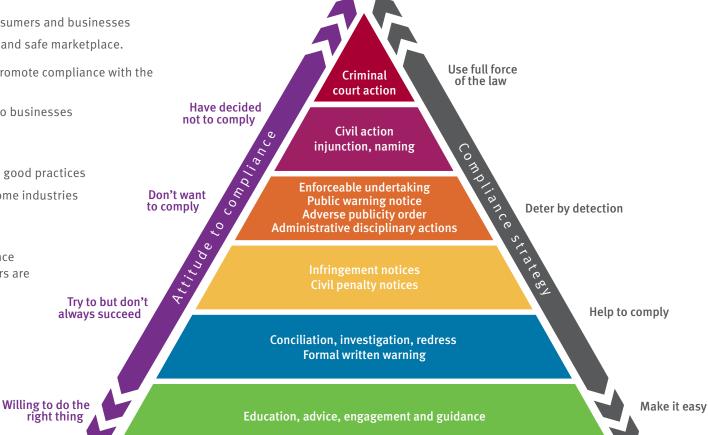
The OFT's goal is to achieve a fair and safe marketplace. We recognise that most businesses want to comply with the law and to facilitate this we follow an escalation model of education, compliance, and enforcement. As a trader's attitude to compliance deteriorates, our regulatory response escalates.

Our policies and procedures set out how we seek compliance with the law. They are designed to:

- encourage businesses to follow the law
- most effectively protect the rights of consumers and businesses
- maintain community confidence in a fair and safe marketplace.

We use a range of activities and powers to promote compliance with the law. These include:

- the provision of information and advice to businesses and consumers
- targeted education campaigns
- working with industry groups to promote good practices
- licensing or registering participants of some industries and the not-for-profit sector
- receiving and considering complaints
- a proactive, intelligence-driven compliance program targeting areas where consumers are most at risk
- taking appropriate enforcement action.



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## Redress

## In 2023–24, the OFT obtained approximately \$11M redress for consumers.

Redress is the compensation, restitution, or the in-kind value provided to a consumer, to reimburse them for faulty or unsupplied goods or services, or to remedy a breach.

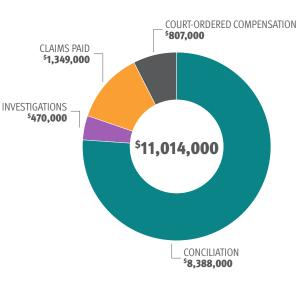
The OFT obtains redress for consumers by:

- conciliating complaints between consumers and traders
- paying claims from the claim fund to reimburse consumers who have suffered financial loss as a result of certain illegal actions by real estate agents, auctioneers, motor dealers and debt collectors
- negotiating refunds, or payments to community organisations where individual consumers cannot be identified, as part of enforceable undertakings
- securing court-ordered compensation as part of the prosecution of traders.

Redress is calculated as a dollar value, including the value of refunds, repairs, replacements, repeat services and in-kind compensation. During 2023–24, the top five issues complained about by consumers were:

- Personal and household goods and services (eg white goods, furniture, electronic equipment; and the services and repairs associated with them)
- Motor vehicle sales
- Travel and accommodation
- Motor vehicle repairs, servicing, and parts
- Real estate including letting agents.

## How redress was obtained in 2023-24





#### **CASE STUDY**

A consumer purchased four return airfares but was subsequently contacted via text and advised their flights had been cancelled. The trader offered either alternative flights or a refund to resolve the issue and the consumer chose a refund. The refund did not arrive and despite contacting the trader, including via their app, they received no response and they lodged a complaint with the OFT.

#### After the OFT's intervention, the trader provided a refund of \$1,583.

#### **CASE STUDY**

A First Nations consumer purchased an electric scooter for their 12 year old son. The scooter was only ridden around the home on a paved driveway and on designated bike paths. While the child was riding it at home the scooter snapped at a metal joint, breaking the scooter. The consumer returned the scooter to the trader and they agreed to send it to the manufacturer for assessment. The trader subsequently advised that the manufacturer would not honour the warranty as they believed the scooter had been mistreated and subject to off-road usage. The consumer maintained this was not the case and sought the assistance of the OFT.

After the OFT took up this matter the manufacturer refunded the consumer the purchase price of \$499.

#### **CASE STUDY**

A consumer purchased a complete outdoor furniture set but after six months, two of the chairs began to deteriorate. The trader agreed to replace the two chairs but as the set was no longer available this would result in two of the chairs not matching. The consumer declined the offer and sought a replacement set or full refund. When the trader did not agree the consumer sought the assistance of the OFT.

After the OFT's intervention, the trader supplied the consumer a store credit of the total purchase amount of \$3,880 to enable them to buy a new set.

#### **CASE STUDY**

Mezin Hadad and his company Best Buy Auto Group Pty Ltd were permanently banned from working in the motor industry and ordered to pay a total of more than \$127,000 in fines and compensation after the OFT took disciplinary action against them in the Queensland Civil and Administrative Tribunal (QCAT).

QCAT supported OFT's findings that Mr Hadad had committed a long list of offences ranging from providing false or misleading information to consumers, harassment and coercion, failing to repair consumers faulty second-hand vehicles under warranty, and failing to provide consumers important documents such as contracts, clear title documentation and statement of ownership.

Mezin Hadad was ordered to pay \$67,607.54 to affected consumers.

## Enquiries, information and advice

The key activity undertaken by the OFT to achieve a fair and safe marketplace is the provision of information and advice to consumers, not-for-profit organisations and traders about consumer protection and fair trading matters.

General information is primarily provided through content on the OFT's website and during calls to our call centre. Other channels include electronic newsletters, campaign emails and via our social media accounts. The OFT also issues media statements.

## The OFT provided information approximately 3.61 million times via these channels in 2023–24.

In 2023–24 there was a decrease in the proportion of calls seeking consumer advice and an increase in calls seeking information about licensing matters compared to the previous year. Calls about not-for-profit matters remained steady. Categorised, the calls received related to information and advice about:

- consumer rights—51% of calls
- licensing—38% of calls
- not-for-profit and registrations—11% of calls.

## There were 106,514 calls to the OFT answered in 2023-24<sup>1</sup>

1. A new call reporting system introduced in 2023–24 means call volumes cannot be directly compared with previous years.

Enquiries are recorded contacts with clients seeking more detailed, situation specific information. They generally result from calls escalated by the call centre about complex matters, from visits by clients to OFT counters, and enquiries by email and social media.

## In 2023–24 OFT recorded more than 73,708 enquiries.

Education and engagements are recorded contacts with clients to provide consumer law education and advice or industry specific information. Examples of activities include information sessions provided to community groups, school visits and presentations to classes, educational visits to traders, and our outreach program which takes fair trading information and advice to regional and remote locations of Queensland.

## The OFT engaged with 30,288 people through 1,528 activities in 2023–24.

For more details about OFT's information, education and engagement activities during 2023–24 see page 22.

# Provided information **3.61M times**



# Enquiries **73,708**

**Education and engagement** 

>30,288 people through 1,528 activities



## Consumer complaints and conciliation

The OFT receives and considers consumer complaints under the *Fair Trading Act 1989*. Where consumers are unable to resolve disputes with traders using the information and advice the OFT makes available, they are encouraged to lodge a formal complaint. Complaints can be lodged using an online form on our website, by email, by mail, or by completing a complaint form at one of our offices.

In2023–24 the OFT received 21,210 complaints. This was 6% more than the previous year.

All complaints are assessed. Those which indicate a breach of the legislation administered by the OFT for which enforcement action can be taken are categorised for investigation. Those that do not are allocated for conciliation.

Conciliation is an informal process undertaken to resolve disputes in which the OFT acts as an intermediary between the consumer and the trader. In 2023–24 the OFT finalised 20,598 conciliations.

The service delivery standards the OFT aims for are 80% of conciliated consumer complaints finalised with a satisfactory outcome, and 80% finalised within 30 days. In 2023–24 the OFT achieved both these targets, with 81% finalised in 30 days, and 81% satisfactorily finalised.

While the OFT uses its best endeavours to resolve marketplace disputes, it does not have the legislative power to direct a trader to provide redress. Accordingly, these results are a significant outcome for consumers. In 2023–24, the OFT:

- received 21,210 complaints
- finalised 21,644 complaints
- obtained \$8,388,000 in redress for consumers through conciliation.



In July 2023, a consumer arranged for the installation of a solar system for \$7,590. The trader asked the consumer to pay the full cost upfront; however, after negotiations the consumer paid a deposit of \$4,095. The trader did not show up to install the panels on the date arranged, nor did they attend on a further two dates which had been organised. The consumer, for whom English is not their first language, continued to ask the trader to install the panels but in October 2023, when the panels had still not been provided, he requested a refund. The trader agreed to provide the refund but it was not forthcoming and in February 2024 the consumer lodged a complaint with the OFT. After intervention by OFT the consumer's deposit was returned to them.



# **81%** SATISFACTORILY FINALISED

₹ 8.4M REDRESS VIA CONCILIATION

## Investigation and enforcement

A key function of the OFT is to investigate possible breaches of consumer protection laws. Investigations may commence based on complaints from consumers or businesses, information from intelligence sources, issues identified during proactive compliance, or through public information such as media reports.

## In 2023–24, the OFT:

- commenced 2,670 investigations
- finalised 2,696 investigations
- secured \$470,246 in redress for consumers via investigations
- obtained \$807,257 for consumers through court-ordered compensation.

Where investigations substantiate a breach of legislation, the OFT has various enforcement options available. These vary according to the legislation under which the breach occurred.

Generally, the OFT takes escalating enforcement action depending on the seriousness of the breach, as shown in the enforcement pyramid detailed on page 5 of this report. Enforcement options include:

- warnings
- administrative actions
- civil penalty notices and infringement notices
- disciplinary proceedings
- enforceable undertakings
- pecuniary penalty applications
- prosecution
- injunction.



COMMENCED

**2,696** FINALISED



<sup>\$</sup>470,246

VIA INVESTIGATIONS



VIA COURT ORDERED COMPENSATION

## **Enforcement actions**

In 2023–24, the OFT initiated a total of 3,076 enforcement and disciplinary actions against traders and licensees. A breakdown by Act and action type is below.

Act	Warning	Infringement notice	Administrative disciplinary action	Civil Penalty Notices (CPN)	Public naming	Disciplinary proceeding (QCAT)	Enforceable undertaking	Court action
Agents Financial Administration Act 2014	1,070	187					2	4
Associations Incorporation Act 1981	1							
Collections Act 1966								
Debt Collectors (Field Agents and Collection Agents) Act 2014	3							
Fair Trading Act 1989 (incorporating the Australian Consumer Law)	157			8	6		6	65
Fair Trading Inspectors Act 2014	3	1						2
Introduction Agents Act 2001	1							
Motor Dealers and Chattel Auctioneers Act 2014	90	43				1	1	11
Property Occupations Act 2014	98	64				3	4	8
Second-hand Dealers and Pawnbrokers Act 2003	15	14						
Security Providers Act 1993	217	20	959			1		
Tattoo Industry Act 2013	11							
Total	1,666	329	959	8	6	5	13	90

Notes:

1. Administrative disciplinary actions include all actions taken in the course of refusing, suspending or cancelling a licence or registration and includes show cause notices regarding possible disciplinary action.

2. A trader may be subject to more than one type of enforcement or disciplinary action.

3. An action may involve one breach or several.

4. OFT's systems are designed to enable records to be updated as information becomes available. Information provided here is only a snapshot at a point in time, in this case, 30 June 2024, and cannot be relied upon as an official record.



In 2023–24, the OFT undertook 95 court/tribunal actions. These involved:





for wrongful conversion of monies received in trust



- for unlicensed activity (real estate, motor dealing, and security provider sectors)
- for making false or misleading representations under the ACL
- for breaches of motor dealer licensee requirements
- for false representations about mileage
- for breaches of trust account requirements
- for breaches of property licensee requirements
- entities appealed against a licensing decision (real estate and security providers)
- appealed against a court decision after being prosecuted.



#### **REAL ESTATE AGENT JAILED**

Peter Geoffrey Clifton Lakidis, a Brisbane real estate agent, was found guilty of misappropriating over \$1.4 million of from trust accounts. The OFT's investigation found Lakidis diverted these funds to fuel his gambling addiction.

The investigation uncovered that Mr Lakidis, while employed at two Brisbane rental agencies, forged signatures, created false entries in accounting software, and manipulated transactional data. At one agency in Bowen Hills, he drew 23 cheques, valued between \$200 and \$40,000, and deposited them into his personal accounts. At another agency in Brendale, he transferred over \$1.2 million from trust accounts into his gambling and personal accounts through 246 transactions.

Mr Lakidis pleaded guilty to two counts of fraud and was sentenced to concurrent prison sentences of 4.5 and 7.5 years, with a non-parole period of 15 months.

The OFT's work on this matter also resulted in the misappropriated funds being returned to the trust accounts of the two agencies.

## Infringement notices and civil penalty notices

In 2023–24, the OFT issued 329 infringement notices and 8 civil penalty notices.

## Public warnings and namings

Public warnings and namings are serious actions. Before we take either action, the OFT will have:

- clear, persuasive information that a business is engaging in deliberate and widespread misconduct
- a strong reason to warn the public about the business or their conduct
- a belief that it is in the public interest to warn consumers about the business.

Publicly named businesses are listed on the **OFT website**. In 2023–24, the OFT publicly named six traders.

## Court enforceable undertakings

In 2023–24, the OFT entered into 13 enforceable undertakings with traders.

An enforceable undertaking is a legally binding agreement that the OFT enters into with a business or individual.

Generally, undertakings include agreements from the traders to:

- accept responsibility for their actions
- remedy the mischief
- establish or review and improve their trade practices, compliance programs and culture
- provide redress to affected consumers.

If a trader fails to comply with any condition of an undertaking, or reoffends, the court can order them to change their activities and pay:

- compensation
- a fine
- a security bond.

Enforceable undertakings are listed on the OFT website.

#### **CHACE ROOFING SHEDS AND PATIOS PTY LTD**

On 18 January 2024 the OFT issued a warning to consumers to avoid dealing with this company and its director Christopher Terrance Edards. Consumers from Beenleigh to Mackay and as far west as Longreach complained to the OFT after they failed to receive portable buildings, including granny flats and sheds, from this organisation. Consumers were unable to contact the trader about their order or getting a refund. Despite OFT's engagement with Mr Edards as part of an ongoing investigation the organisation continued the same conduct.

To help prevent further consumer detriment, OFT issued a public warning, advising consumers to avoid dealing with this trader.

#### **CHILDRENS' TOYS RETAILER**

In 2023–2024 a trader selling children's toys was identified as failing to comply with the suite of button battery safety standards. The trader entered into an enforceable undertaking with the OFT under the Fair Trading Act and the Australian Consumer Law to rectify this issue. Under the undertaking the trader must have a compliance program in place to ensure the products sold meet the requirements and provide training to its staff about the national safety standards.

The trader also agreed to make a \$5,000 donation to the Queensland Children's Hospital Foundation.

#### **TRUST ACCOUNTS**

Certain licensees regulated by the OFT—real estate agents, auctioneers, motor dealers and debt collectors—must have a trust account if they receive money on behalf of others. They must also have the trust records audited regularly and the results must be reported to the OFT. These requirements help ensure money held in trust is safe and appropriately dealt with.

In 2023–24, 187 infringement notices were issued for the late lodgement of audit reports.

## Proactive compliance

The OFT plans its proactive compliance activities on an annual basis under the Proactive Regulation of Industry and Marketplace Entities program (PRIME).

The PRIME program assigns OFT resources to identified high-risk industries and areas where consumers are most likely to suffer detriment. Traders who have come to the attention of the OFT (via, for example, consumer complaints, media reports, intelligence sources, audit reports, or previous compliance activity) are often targeted for proactive compliance spot checks and compliance operations.

The PRIME program includes scheduled operations, non-scheduled spot checks, and product safety operations.



## **Operation outcomes**

During an operation, a predetermined number of spot checks are completed by fair trading officers across Queensland. When a spot check is completed, the outcome will be one of the following:

- no breaches detected
- breaches rectified immediately (product safety related issues)
- referred for further investigation.

An investigation can result in a number of outcomes. For PRIME reporting purposes these are classified into:

- no breach, meaning no evidence of breach or insufficient evidence of breach
- other, meaning a non-enforcement outcome. For example, a compliance advice letter or the investigation was referred to another government agency
- enforcement actions, which can include:
  - a formal warning
  - an infringement notice
  - a civil penalty notice
  - a public naming
  - an enforceable undertaking
  - court prosecution or tribunal action.

#### **CASE STUDY**

#### **Operation Backyarder**

During 2023–24 the OFT undertook Operation Backyarder, an intelligence driven operation targeting people suspected of operating as backyard motor dealers without a licence or who may be tampering with odometers.

The operation involved coordination and data sharing between the OFT and the Department of Transport and Main Roads.

Over 140 compliance checks were undertaken with 89 of these referred for investigation.

In 2023–24 the OFT issued 42 warnings and 7 infringement notices and has undertaken a successful court prosecution as a result of this operation, with some investigations still ongoing.

In addition to these operation activities, similar matters were investigated jointly by the OFT and the Queensland Police Service (QPS) which resulted in enforcement action by the QPS.

In one matter Samuel Tyler Montesalvo pleaded guilty in the Southport Magistrates Court to 10 police charges including for dishonestly gaining an increased vehicle sale price and for tampering with motor vehicles. In June 2024 he was sentenced to 2½ years imprisonment for the fraud charges and 12 months for the tampering charges, with all to be served concurrently and wholly suspended for four years.

Another QPS matter remains before the court.

	Spot c	Investigation outcom			outcome	iomes <sup>1</sup>				
	Spor ci					En	forcemen	t actions <sup>2</sup>		
QUEENSLAND OPERATIONS	No breach detected	Sent for investigation	No breach <sup>3</sup>	Other	Warning issued	Infringement issued	CPN issued	Public naming	Enforceable undertaking	Court prosecution
BACKYARDER-Identifying unlicensed motor dealers and odometer tampering	45	95	11	1	42	7				1
CHATTEL—Conducting checks on chattel auctioneers to ensure compliance	3	2	1		1					
EVENTS—Security Providers Act, Property Occupations Act, and ACL checks across targeted regional events	3									
<b>RETAIL</b> —Conducting compliance inspections on retailers improving industry compliance with the ACL	19	2		2						
AUDITORS—Checks of auditors to ensure compliance with Agents Financial Administration Act	15	2		2						
RLA—Improving and enforcing compliance of resident letting agents with the Property Occupations Act and ACL	70	6	1	3	1					
MOTOR-Improving and enforcing industry compliance with the Motor Dealers and Chattel Auctioneers Act and ACL	55	27	1	3	15	4	1			
CHARITY—Ensuring compliance with the Collections Act 1966	2	1		1						
REA—Improving and enforcing real estate industry compliance with the Property Occupations Act and ACL	149	26	2	1	20	3				
BOND—Focusing on bond cleaners' websites to identify possible ACL misrepresentation issues		4	1							
SECURITY—Improving and enforcing industry compliance with the Security Providers Act	41	6			6					
SHD—Improving and enforcing industry compliance with the Second-hand Dealers and Pawnbrokers Act and ACL	49	8		2	8					
TATTOO—Improving and enforcing industry compliance with the Tattoo Industry Act	17	16		5	11					
SCHOOLIES—Checking compliance with Security Providers Act, Property Occupations Act, and ACL	32	2	1		1					
METALTHEFT—Compliance checks to detect unlicensed second-hand scrap metal and car wrecking dealers	4	15		1	3	16				
ENFORCER—Focusing on traders previously issued an Enforceable Undertaking to ensure compliance	2									
SIDERO—Joint operation with Dept of Environment and Science and QPS targeting unlicensed scrap metal operators	26	10	1		7	2				
CARAVAN—Joint operation with Transport and Main Roads focusing on TARE weights of caravans	1	1		1						
OTHER—Non-scheduled compliance activities not part of the PRIME calendar	15	4			5	2				
Total operations (18)	548	227	19	22	120	34	1	0	0	1

1.

'No breach' includes investigations outcomes where there was insufficient evidence of a breach. Multiple enforcement actions can be taken against one entity and an investigation can involve multiple entities 2.

Not all matters referred for investigation during a financial year may have been finalised in that financial year. 3.

## Claims

Established under the *Agents Financial Administration Act 2014* (AFAA) the claim fund is used to reimburse consumers who suffer financial loss as a result of certain breaches of industry laws by property agents, motor dealers, auctioneers and debt collectors.

Under AFAA real estate agents, motor dealers, auctioneers and debt collectors must put certain monies received for transactions into a trust account. Depending on the industry, this may include deposits, rent payments and purchase money. Approximately 8,300 trust accounts are held across 13 financial institutions in Queensland.

Major breaches which lead to claims include:

- misappropriating trust monies
- false and misleading representations about real estate and motor vehicles
- failure to guarantee clear title of motor vehicles
- real estate agents obtaining a beneficial interest in real property
- motor dealers improperly dealing with deposits during a cooling off period.

In 2023–24, the OFT received 153 claims from consumers and paid \$1,349,393 in compensation to 52 consumers. A further \$54,219 was used to fund receiverships over agents' trust accounts.

Amounts paid from the claim fund may be recovered from liable traders, and failure to repay the debt can affect a trader's ongoing suitability to remain licensed. In 2023–24 \$57,187 was recovered.

≈8,300 trust accounts across financial institutions



## CLAIMS

Four consumers purchased used motor vehicles from a licensed motor dealer. The OFT received information that the motor dealer had sold the vehicles with altered odometers and advised the consumers. Each of the four consumers lodged a claim against the claim fund seeking compensation because their vehicles were worth significantly less than their purchase price.

After investigation, the OFT was satisfied that, on the balance of probabilities, the motor dealer had falsely represented how far each of the vehicles had travelled.

The OFT allowed the four claims, resulting in the consumers receiving compensation totalling \$33,590.65.

Enforcement action was initiated by the OFT against the motor dealer in the Southport Magistrates Court where he was fined \$25,000 for tampering with odometers and making false representations about mileage.

## Product safety

Each year in Queensland around 158,600 hospital admissions and 202,800 emergency department presentations relate to injury, and many involve everyday consumer products.

The ACL includes national consumer product safety laws, which are administered jointly by the ACCC and state and territory fair trading agencies. These laws cover consumer goods—things intended for personal, domestic or household use, or which are likely to be applied to personal, domestic or household uses.

The goal of Queensland's product safety program is to minimise the risk of product related injury to consumers. To contribute to this goal, the OFT:

- promotes safety in the supply and use of consumer products
- ensures certain goods supplied in Queensland meet prescribed standards
- educates consumers and traders
- identifies emerging issues
- prevents banned goods from being sold, and
- undertakes a proactive compliance program.



In 2023–24, OFT continued to prioritise high risk consumer product safety areas, particularly button batteries and toy safety, across all sales channels including in-store, online retailers, market retailers, and importers.

Under the ACL, all stages of the supply chain are legally responsible for product safety, ensuring the supply of safe goods to consumers and that products comply with mandatory standards.

Consumer goods that do not comply with mandatory standards or permanent bans can pose a serious threat to the health and safety of consumers, especially vulnerable consumers including young children.

In 2023–24, the OFT conducted 1,127 product safety spot checks, inspecting 24,287 product lines during the state-wide consumer product safety program, across 616 traders.

As a result of 165 product safety investigations finalised in 2023–24:

- 4 court enforceable undertakings were entered into, for the supply of products that did not comply with mandatory standards for button batteries and products containing button batteries. As a result, a total of \$5,000 in donations were made to a Queensland based charity, community service was undertaken at an approved charity, approved Consumer Product Safety Compliance Programs were implemented and a total of \$2,673 in testing costs were recovered.
- 3 debt recovery orders worth a total of \$3,119.60 were issued, to recoup testing costs
- 119 warnings were issued for breaches of mandatory standards and permanent bans.



#### **OPERATION SAFE CHRISTMAS**

During August to November 2023, OFT completed Operation Safe Christmas for the 15th year running to remove unsafe toys from sale in the lead up to Christmas and help keep Queensland children safe.

This operation is a state-wide surveillance campaign. The OFT conducted 522 compliance checks inspecting 12,771 product lines at 231 retailers across Queensland.

Officers identified 23 non-compliant products during the surveillance operation. As a result:

- 23 product lines found to be non-compliant were either permanently removed from supply by the traders or made compliant.
- 13 warnings were issued to 10 traders for offering to supply non-compliant products.
- 2 matters remain under investigation.

## Occupational licensing

The OFT protects the community and promotes marketplace integrity by making sure only suitable persons are licensed to work in certain occupations.

In 2023–24, the OFT processed 26,138 applications for new licences and certificates, and 54,532 applications for renewals<sup>1</sup>

	New licences and certificates issued²	Licences and certificates renewed <sup>3</sup>
Property Occupations Act 2014	7,591	19,743
Motor Dealers and Chattel Auctioneers Act 2014	1,423	3,944
Debt Collectors (Field Agents and Collection Agents) Act 2014	64	173
Security Providers Act 1993	6,218	10,767
Second-hand Dealers and Pawnbrokers Act 2003	181	510
Tattoo Industry Act 2013	530	891
Introduction Agents Act 2001	7	2
Tourism Services Act 2003	23	12
Total	16,037	36,042

#### Notes:

1.2.3. Caution should be applied when considering these figures as applications and licences are not the same. The structures and requirements for each Act are different and OFT issues licences in accordance with those requirements. For example

- a person's application to hold a security provider licence with the classes of crowd controller and body guard, is processed as two separate applications. It results in one licence being issued.
- a person's application to hold a security provider licence with the class of private investigator and application to be licensed as a debt collector are processed as two separate applications and result in two licences.
- Real estate, property auctioneer, resident letting and chattel auctioneer licence types involve four individual applications but result in one licence number being issued. To identify the number licensed for these activities each class is counted separately.

As at 30 June 2024, the following number of licences were held for the following OFT-licensed occupations.

Occupational function <sup>1</sup>			Number licensed or registered
		Security provider—Class 1 (unrestricted)	19,122
Security industry	26,124	Security provider—Class 1 (restricted)	23
Security industry	20,124	Security provider—Class 2	5,444
		Security firm	1,535
		Real estate agent (Corporation)	8,460
		Real estate agent (Individual)	17,663
Real estate industry	48,203	Real estate salesperson	20,031
		Resident letting agent (Corporation)	912
		Resident letting agent (Individual)	1,137
		Motor dealer (Corporation)	1,538
Motor industry	8,373	Motor dealer (Individual)	3,662
		Motor salesperson	3,173
		Auctioneer (Corporation)	594
Auctioneering	3,249	Auctioneer (Individual)	1,392
-	-,	Chattel auctioneer (Corporation)	363
		Chattel auctioneer (Individual)	900
		Field agent (Corporation)	81
Debt collection	364	Field agent (Individual)	182
		Field sub-agent	101
		Tattooist	1,719
Tattoo industry	2,246	Tattoo parlour operator	515
		Tattoo operator (Mobile)	12
Second-hand dealing		Pawnbroker	9
and pawnbroking	1,107	Second-hand dealer	942
		Second-hand dealer and pawnbroker	156
Introduction agent	15		
Inbound tour operator	49		
Total	89,730		

## Administrative and disciplinary action against occupational licensees-suspensions and cancellations

Property Occupations Act 2014 licences suspended

	Number
Failure to supply audit report	4
Total	4

#### Security Providers Act 1993 licences suspended

	Number
Assault	11
Breaches of the peace	13
Drugs related offences	7
Endangering life or health	3
Morality/sexual offences	11
Offences against liberty	5
Public interest	2
Personation	1
Triennial Training	6
Stealing and like offences	3
Weapons offences	11
Total	73

#### Property Occupations Act 2014 licences cancelled

	Number
Bankruptcy	3
Corporation deregistered	5
Assault	2
Liberty	1
Suitability	2
Stealing and like offences	5
Total	18

Motor Dealers and Chattel Auctioneers Act 2014 licences cancelled

	Number
Insolvency	2
Assault	2
Misconduct in relation to public offence	1
Endangering life or health	1
Stealing and like offences	1
Drugs related offence	1
Total	8

#### Security Providers Act 1993 licences cancelled

	Number
Assault	10
Drugs related offences	9
Administration of justice/public authority	1
Endangering life or health	5
Mandatory association membership	50
Morality/sexual offences	2
Public interest	13
Stealing and like offences	3
Triennial training	11
Weapons offence	2
Total	106



## LICENSING

- Continuing professional development (CPD) for property agents aims to enhance public trust in the industry and protect consumers by upskilling property agents and enabling them to conduct business to the standards expected by clients.
- CPD for property agents became law in June 2024 following extensive consultation with stakeholders and the requirements are scheduled to commence in June 2025—giving the real estate industry and training organisations time to adjust to the new obligations.
- Under the new initiative the OFT is chairing an Advisory Panel to identify and approve CPD training sessions and in 2023–24 commenced work on these arrangements.

- 1. An individual or company may have their licence suspended or cancelled for more than one activity.
- 2. An individual or company licence may remain suspended across reporting periods. For example, until a matter is determined by a court.
- 3. Under some circumstances an individual or company licence may be cancelled without having been suspended. For example, due to an automatic disqualifying offence.

In 2023–24, a total of 956 administrative disciplinary actions were taken by the OFT's Industry Licensing Unit against licensees, with 4 of these licensees seeking a review in QCAT, and 1 in the Supreme Court, of the OFT's decision. In 2023–24, out of the 5 reviews, QCAT dismissed 2 applications and 1 application was withdrawn by the Applicant. At the time of writing this report, the remaining 2 reviews were still pending. In addition 10 matters being reviewed were carried over from previous years which were finalised in 23–24:- 3 were dismissed by QCAT upholding the OFTs decision, 4 were withdrawn, and 3 were successful.



## Not-for-profit and other registrations

The OFT helps support the Queensland community through a framework that provides simple and inexpensive mechanisms for the registration of certain not-for-profit groups, such as incorporated associations and charities as well as other trading arrangements including co-operatives and limited liability partnerships.

In 2023–24, more than 2,579 new organisations were registered and more than 13,961 organisations had their registrations renewed.

As at 30 June 2024, the following number of organisations were registered.

	Number registered
Incorporated associations	24,399
Charities and community purpose	5,469
Cooperatives	141
Limited liability partnerships	371
Total	30,380





#### **CASE STUDY**

- Incorporated associations represent and support many vital aspects of Queensland communities, such as sporting clubs and social groups, as well as a range of charitable and community causes—they are the lifeblood of our communities.
- Changes to improve transparency and accountability in incorporated associations and make dispute resolution simpler commenced on 1 July 2024.
- In 2023–24 the OFT undertook an extensive education campaign to let incorporated associations know about the changes and explain what they should do to be ready. This included:
  - a 'Getting ready for the July 2024 changes' web page
  - sending flyers with associations' annual returns providing a QR code to the web page
  - emails to incorporated associations
  - social media, including a short video, letting associations know that changes were coming and directing them to the web page
  - information in the Incorporated Associations guide produced by OFT—published online, and sent in hard-copy to new incorporated associations
  - presentations to association peak bodies
  - engagement with other government agencies and community stakeholders, including the development of a stakeholder kit for them to share with their clients and members.

## Door-to-door collections and street appeals

The OFT plays an important role in regulating charitable fundraising in Queensland. This includes the approval of agreements between charities and commercial organisations who undertake fundraising on their behalf and the issuing of assignments to fundraisers who undertake collections on Queensland streets and by going door to door.

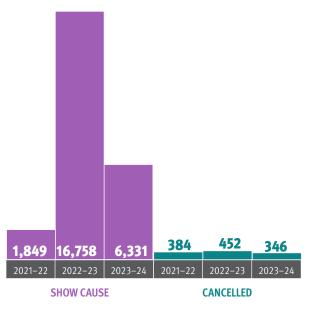
#### Three-year comparison —fundraising agreements, street and door assignments

When the OFT receives adverse information on any of its existing registered or approved organisations which may make the organisation or its office bearers ineligible to retain registration or approval, the OFT may investigate the matter. Information can be received from a variety of sources, including financial reports, other regulatory agencies, from consumer complaints, and from public information and media reports.

Investigations may include the issuing of show cause notices. Where there is sufficient evidence and it is in the public interest to do so, we will commence action to cancel the registration or approval.

#### Three-year comparison —show cause notices, cancellations





Note: The increase in the number of show cause notices issued in 2022–23 and 2023–24 stemmed from a process improvement change which resulted in the issuing of notices to organisations which had previously been on hold.

## Communication, education and engagement

A key part of the OFT's role is to inform and educate consumers, businesses and licensees about their rights and responsibilities under fair trading laws. A well-informed marketplace contributes to fair competition, and better outcomes for both consumers and traders.

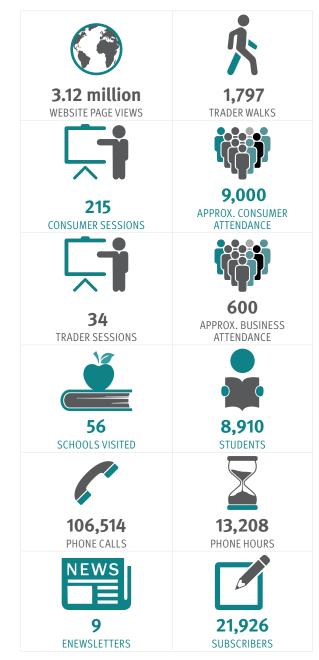
The OFT uses a wide variety of channels and mechanisms to inform the marketplace. These include our:

- website at www.qld.gov.au/fairtrading
- call centre on 13 QGOV (13 74 68)
- visits to traders at their premises to provide general information
- social media channels including Facebook and YouTube
- statements to the media and industry organisations
- electronic newsletters
- community information and advice sessions and school visits
- educational visits by our inspectors, as part of our PRIME program
- outreach program, taking fair trading information and advice to regional and remote Queensland.



As part of its 2023–24 Outreach Program the OFT visited:

- Woorabinda—July 2023 and June 2024
- Cherbourg—July 2023, March and June 2024
- Hamilton Island—July 2023
- Boonah-July 2023
- Yarrabah-August 2023 and June 2024
- Mount Isa, Julia Creek, Cloncurry, Richmond and Hughenden— August 2023
- Mount Morgan—August 2023
- Mornington Island and Doomadgee-September 2023
- Beaudesert—October 2023
- Barcaldine, Longreach, Winton, Blackall—November 2023
- Murgon—February 2024
- Cunnamulla, Charleville, Mitchell and St George—March 2024.
- Collinsville, Bowen and Glenden-May 2024
- Agnes Water, Miriam Vale, Bororen and Bouldercombe—May 2024





#### **AT RISK CONSUMERS**

The 2023 ACL survey identified groups of people and businesses who are more at risk than others to consumer issues. These groups were found to be less aware, have lower levels of knowledge and are more likely to have experienced problems, suggesting they are more susceptible to consumer detriment.

OFT's education and engagement work includes a particular focus on these identified at risk demographics—First Nations people, people with disability, people from culturally and linguistically diverse backgrounds, young people and seniors. This work included face to face advice and assistance at information stands, participating in events and forums, attending and sharing information at interagency network meetings, and delivering presentations on OFT's role and services including consumer rights, making consumer complaints, safer online shopping, and scam awareness.

#### **FIRST NATIONS**

In 2023–24, the OFT engaged with approximately 2,000 First Nations people and community workers in Indigenous communities. Activities were conducted across the state in locations including Mornington Island, Doomadgee, Mareeba, Yarrabah, Cairns, Townsville, Woorabinda, Cherbourg, Toowoomba, Brisbane, Ipswich, Logan, Sunshine Coast and Gold Coast. The OFT engages with local organisations to ensure culturally and community appropriate information and assistance is provided.

The OFT also continued to visit and engage with discrete communities as part of the Do-not-knock informed (DNKi) communities program. A joint initiative of the OFT, the ACCC, local Aboriginal Shire Councils, and not-for-profit community groups, DNKi is designed to deter unscrupulous door-to-door traders from targeting Indigenous communities and to empower residents to use their consumer rights. The program operates in Wujal Wujal, Yarrabah, Hope Vale, Palm Island, Woorabinda and Cherbourg.

#### DISABILITY

In 2023–24 the OFT continued to engage with people with disability, their families and supporters, reaching over 900 people. This work included:

- Carers Qld's Be Your Own Boss program in Logan and Gold Coast, talking to participants about their rights and responsibilities under the Australian Consumer Law
- Presentations at Queenslanders with Disability Network peer support groups online and in person in Cairns, Mareeba, Townsville, Gold Coast, Ipswich and Brisbane
- Presentations to support groups for people with hearing or vision impairment.











#### CULTURALLY AND LINGUISTICALLY DIVERSE CONSUMERS

In 2023–24 the OFT engaged with over 850 people from CALD backgrounds. This included guest speaking roles at:

- Adults in Migrant English Programs at TAFE and other education providers
- Not-for-profit migrant and settlement service organisations.

#### **BUY SMART**

While young people are active in the marketplace, the 2023 ACL survey found they are significantly less likely than the broader community to seek information or advice, putting them at risk if they do not know they have consumer rights.

The OFT delivers the Buy Smart Program, a hands-on learning activity designed to help Queensland students in Years 4 to 12 develop life-long skills and become more informed consumers. In 2023, over 8,600 students participated in the program.

In early 2024 the OFT commenced an expansion of the program to reach more vulnerable young people, particularly outside mainstream schooling. This has included the introduction of *Buying your first car* workshops in programs such as *PCYC's Braking the Cycle* and *Get set for work* programs.



#### SENIORS

To help protect this vulnerable group, during 2023–24 OFT spoke to more than 8,500 seniors at events such as presentations and forums, providing consumer information and advice around topics such as avoiding scams, cost of living tips, consumer refund rights and avoiding dark patterns.

To help spread consumer messages, the OFT worked with other agencies, leveraging their contacts and audiences by giving presentations at their events including:

- Seniors' Expos hosted by the Department of Child Safety, Seniors and Disability Services at Caboolture, Surfers Paradise, Townsville, Mansfield, Caloundra, Redlands, Ipswich, Toowoomba
- QPS organised senior events at Bribie Island, Indooroopilly, Morten Bay, Deception Bay, Hervey Bay
- as a guest speaker at community groups involving seniors such as Probus, Rotary, QCWA, 60's and Better, Neighbourhood Centres, Men's Sheds, U3A, Lions Clubs, War Widows Qld.

# Communication campaigns

During 2023–24 the OFT rolled out a number of communication campaigns to help raise both consumers' and traders' awareness of their rights and responsibilities under consumer protection laws and to share important product safety messages.



Cost of living



**Dark patterns** 



Sales and online shopping



**Summer safety** 



**Mother's Day** 



Winter safety



Halloween



**Romance scams** 



## Fair Trading Policy achievements

Regulatory Policy, within the Justice Policy and Reform Division, supports the Attorney-General by developing and maintaining consumer protection policy and regulatory frameworks. During 2023–24, Regulatory Policy completed policy and legislative work resulting in:

- amendments to the *Security Providers Act 1993* to support the Government's domestic and family violence reforms by making offences involving coercive control and aiding domestic violence respondents disqualifying offences for security licensing purposes. These amendments commence on 26 May 2025.
- amendments to the *Property Occupations Act 2014* to introduce mandatory continuing professional development (CPD) for property agents (real estate agents, real estate salespersons, resident letting agents, and real property auctioneers). These amendments commence on 6 June 2025.
- amendments to the *Land Sales Act 1984* to strengthen consumer (buyer) protections by limiting when sellers can use sunset clauses to terminate 'off the plan' contracts for the sale of land. These new protections commenced on 22 November 2023.
- clarification of legislation preventing the early release of deposits paid by buyers under 'off the plan' contracts for the sale of land or lots in community titles-style developments. These amendments commenced on 22 November 2023.

During 2023–24, Regulatory Policy also:

- supported the parliamentary inquiry into scrap metal theft undertaken by the former Transport and Resources Committee.
- supported the Attorney-General's representation of Queensland as a member of the Consumer Ministers Network, which oversees the administration of the Australian Consumer Law.
- worked collaboratively with Commonwealth, state, and territory consumer protection agencies to progress potential reforms to address unfair trading practices, consumer guarantees, and supplier indemnification.
- worked with other jurisdictions to facilitate new policy initiatives agreed to under the Australian Consumer Law, including consolidation of tobacco regulatory instruments, country of origin labelling for seafood in hospitality settings, and new mandatory information standards for toppling furniture, infant sleep products and inclined non-sleep products.

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## Appendix 1—List of OFT legislation

The OFT administers more than 60 Acts. Primary among these are the:

- Agents Financial Administration Act 2014
- Associations Incorporation Act 1981
- Collections Act 1966 and Charitable Funds Act 1958
- Co-operatives National Law Act 2020
- Debt Collectors (Field Agents and Collection Agents) Act 2014
- Disposal of Uncollected Goods Act 1967
- *Fair Trading Act* 1989 incorporating the Australian Consumer Law Qld
- Fair Trading (Code of Practice—Fitness Industry) Regulation 2003
- Fair Trading (Fuel Price Board) Regulation 2017
- Fair Trading (Funeral Pricing) Regulation 2022
- Fair Trading Inspectors Act 2014
- Funeral Benefit Business Act 1982
- Introduction Agents Act 2001
- Land Sales Act 1984
- Motor Dealers and Chattel Auctioneers Act 2014
- Partnership Act 1891
- Property Occupations Act 2014
- Sale of Goods Act 1896
- Second-hand Dealers and Pawnbrokers Act 2003
- Security Providers Act 1993
- Tattoo Industry Act 2013
- Tourism Services Act 2003

A full list of Acts and Regulations administered by the OFT can be found on the OFT website.

Unlike consumer protection regulators in some jurisdictions, we don't have responsibility for:

- residential tenancy
- caravan and residential parks
- building and construction
- body corporate management (except for policy related matters)
- motor vehicle repairer licensing
- electrical safety
- tradesperson occupational licensing
- liquor industry regulation
- prostitution licensing
- competition law
- price surveillance
- boarding houses (since May 2012)
- retirement villages (since May 2012).

## Appendix 2—List of impacts

The OFT is a state government agency which operates within the legislation, policies and procedures of the Queensland Government. Occasionally, this may impact on the OFT's responsibilities and functions, reporting and budget allocations. Other impacts within the community can also influence the agency.

Significant impacts in 2023–24 included:

- We continued a program of work replacing our legacy licensing and compliance systems with a new modern solution to deliver enhanced client services, reduced processing time, and greater in-field capability for staff. In August 2023 OFT commenced using the new complaint management module of this system. It has provided streamlined business processes, making it faster to log and allocate consumer complaint cases and providing standardisation to support best practice. It has also introduced paperless workflows and improved visibility of information about complaint cases in one central system. New complaint coding introduced with this module impacted our ability to run and report data in the same manner as previously.
- In August 2023 a parliamentary inquiry into scrap metal theft was established. OFT provided information to the Committee to assist with its deliberations. The Committee's report was tabled in November 2023 and the Government's interim response was lodged in February 2024.
- We developed a pathway for remote First Nations community residents to seek an exemption from the requirement to hold a security licence for a variety of security-related roles to enable them to serve their local community and gain meaningful employment. This initiative will assist First Nations people to contribute to the overall improvement in service provision in First Nations communities in remote areas without compromising public safety.
- A fire in the OFT's Sunshine Coast office building complex in February 2024 resulted in severe smoke damage. Staff worked from home, and at the local distributed work centre, until temporary office accommodation was sourced. Rectification works took nine months to complete and while there were some disruptions, OFT was able to continue to provide services to the community.

- In June 2024 continuing professional development (CPD) for property agents was legislated and OFT stood up an advisory panel to identify and approve training sessions in preparation for the commencement of CPD from July 2025.
- We undertook a project to update, and increase, our Buy Smart Program teacher resources to align with the new Australian Curriculum, Version 9.0. We also worked to expand the program to deliver consumer and financial literacy information through additional channels to reach more vulnerable young people, including those who have disconnected from formal education pathways and those not living at home.

## **Appendix 3**—Five-year summary

This data is provided for information purposes only. OFT's systems are case management systems and are designed to enable records to be updated as information becomes available. As a result, the information provided here is only a snapshot of data at a point in time and it cannot be relied upon as an official record. For details of OFT's reported data see information provided in Departmental Annual Reports.

Service	2019–20	2020–21	2021–22	2022–23	2023–24
Information and education					
Website page views	3.3M	3.5M	3.67M	3.34M	3.12M
Call centre contacts	162,084	153,158	142,231	143,654	106 <b>,</b> 514 <sup>4</sup>
Hours of phone contact	12,293	12,447	12,766	12,068	13,208
Enquiries received	83,963 <sup>2</sup>	81,483 <sup>3</sup>	82,290	80,637	73,708
Businesses engaged with on trader walks	915²	1 <b>,374</b> ³	1,285	1,953	1,797
Education, engagement activities (eg seminars, presentations, stalls)	1,040 <sup>2</sup>	1,523³	1,282	1,504	1,528
Number of attendees at education and engagement activities	23,560²	18,065³	20,653	25,015	30,288
Licensing and registration					
Occupational licence and registration certificate—applications processed <sup>1</sup>	21,606	18,755	20,864	19,327	26,138
Occupational licence and registration certificate—applications for renewal processed <sup>1</sup>	62,115	60,302	52,828	56,193	54,532
Number of occupational licence and certificate holders as at 30 June	84,264	83,879	86,677	87,077	89,730
Not-for-profit applications processed	929	977	1,002	2,819	2,579
Not-for-profit annual returns processed	20,391	19,932	18,686	19,722	13,961
Number of not-for-profits and other organisations registered as at 30 June	28,195	28,633	29,293	29,797	30,380

Service	2019–20	2020–21	2021–22	2022–23	2023–24
Complaints and redress					
Redress	\$9.4M <sup>2</sup>	\$13.93M³	\$9.67M	\$12.3M	\$11M
Complaints received	17,482²	18,642³	18,959	20,056	21,210
Complaints finalised	17,321²	18,794 <sup>3</sup>	18,809	19,254	21,644
Compliance					
Entities monitored for compliance	9,137	9,545	10,322	11,097	10,629
Investigations completed	2,344	2,157	2,566	2,471	2,696
Enforcement actions					
Warnings issued	1,396	1,301	1,546	1,482	1,666
Infringements issued	274	371	351	386	329
Administrative disciplinary actions	831 <sup>2</sup>	755 <sup>3</sup>	1,282	1,264	959
Civil penalty notices	3	11	12	7	8
Disciplinary proceedings (QCAT)	20	2	7	10	5
Enforceable undertakings	5	40	14	6	13
Public naming	4	2	2	1	6
Court actions	50	61	59	93	90

Notes:

1. Caution should be applied when considering these figures as applications and licences are not the same. The structures and requirements for each Act are different and OFT issues licences in accordance with those requirements. For more information see page 18.

2. OFT continued to operate during COVID-19. Proactive activities (education, spot checks) in particular were reduced due to the restrictions imposed by the Chief Health Officer (CHO) to reduce the spread of the virus. However, impacts on the marketplace, such as the cancelation of travel and events, and restrictions placed on industries regulated by the OFT, the number of enquiries and consumer complaints received increased.

3. In 2020–21 COVID-19 continued to impact OFT. The OFT continued to operate but proactive activities in particular remained impacted due to the restrictions imposed by the CHO to reduce the spread of the virus. Impacts on the marketplace, such as the cancelation of travel and events, and restrictions placed on industries regulated by the OFT, saw continued increase in the number of consumer complaints received. While there was a decline in licence applications in 2020 as a result of COVID-19, from March 2021 significant growth in the housing market saw a marked increase in applications for licensing in the real estate sector.

4. In 2023–24 a new call centre reporting system was introduced to provide better services to clients. This means call volumes cannot be directly compared with previous years.



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