

# media statement



14 April 2011

## Door-to-door tree-lopper ordered to pay \$19 800 in fine and compensation

A door-to-door trader offering a tree-logging service was convicted and fined \$2 000 in the Sandgate Magistrates Court on 14 April and ordered to pay \$17 802 in compensation to three consumers.

Elevisi Moli, 43, of Kingston in Brisbane, pleaded guilty to 12 charges of failing to comply with the door-to-door provisions of the *Fair Trading Act 1989*.

Office of Fair Trading Executive Director Brian Bauer said Mr Moli was the proprietor of All Qld Tree Services, which had operated in the Wide Bay and Brisbane areas.

He said Mr Moli and a team of workers door-knocked the elderly in April, May and September 2010, offering tree-logging services and immediately asking for either cash or cheques made out to cash.

“The Office of Fair Trading started an investigation in June 2010 after receiving complaints from family members on behalf of three of the elderly persons alleging Mr Moli had charged thousands of dollars for trimming tree branches and was taking advantage of vulnerable, trusting people,” he said.

“In one instance, an 87-year-old woman was charged \$10 500 for work that was valued by qualified arborists at about \$900. In another instance, an 83-year-old man was charged \$8 600 for work that should have cost about \$1 200.

“The investigation found Mr Moli had breached the door-to-door trading provisions of the Fair Trading Act in that he had failed to present an identity card, failed to provide a written contract including all of the information required under the Act, provided services within the 10-day mandatory cooling off period; and accepted payment within the 10-day cooling off period.”

Mr Moli and his business were named by the Office of Fair Trading in June 2010 and again in March this year to warn people against having dealings with him or his business.

Mr Bauer said door-to-door traders had specific requirements they must abide by when going door-to-door unsolicited.

“Selling products and services door-to-door is a legitimate way of doing business – as long as the salesperson follows the law which is in place to protect residents,” he said.

Mr Bauer reminded consumers and traders of their rights and obligations when it came to door-to-door sales.

- When calling on customers, the trader must, as soon as practicable, explain their purpose and produce an identity card bearing their name, address and organisation they represent.
- If a customer decides to buy goods or services worth more than \$100, the trader must provide a written contract setting out the total price and other prescribed terms.

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- The trader must also provide a notice explaining the consumers' right to a mandatory 10 business day cooling-off period and their right to change their minds and cancel the contract without penalty during that period.
- The trader must also provide a form consumers can use to cancel the contract within the cooling-off period.
- The trader is prohibited from supplying services or accepting payment within the 10 business day cooling-off period.

"These provisions are in place to protect consumers in recognition that door-to-door selling can often be accompanied by high pressure sales tactics," Mr Bauer said.

"Mr Moli's fine and order for compensation sends a warning to other door-to-door traders that they need to ensure they operate within the law and abide by all the trading requirements in place for their business."

Mr Bauer said all businesses should familiarise themselves with the new national consumer protection and fair trading law, the *Australian Consumer Law (ACL)*, that came into effect on 1 January, 2011.

"The new law applies to all sectors of the economy and to all Australian consumers and businesses and provides for harsher penalties," he said.

"Breaches of the new ACL can result in fines of up to \$220 000 for an individual and \$1.1 million for a corporation.

"The Office of Fair Trading has produced a 'NO door-to-door traders' sticker which can be affixed to your letterbox or door if you do not want to be harassed at home by door to door sales people."

Members of the public can obtain a sticker or report suspicious activity of a trader to the Office of Fair Trading by visiting [www.fairtrading.qld.gov.au](http://www.fairtrading.qld.gov.au) or calling 13 QGOV (13 74 68).

**ENDS**

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