



Stingers



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You remember Stingers! It was a 1990's cop series that starred such Australian icons as Peter Phelps and others. I am not here to talk about that show, but its re-enactments through the Office of Fair Trading.

Fair Trading are introducing their own form of stingers. The Minister of Fair Trading and his department have entered into a cartel with television stations to undertake a new form of police work, which includes trial by media.

We recently had a client who was approached by a consumer. Some way throughout his dealings, a television van emerged with a big boom mike to record whatever was said. The consumer was none other than a public affairs television interviewer.

10 minutes later, who should arrive, but the investigators from Fair Trading. Whilst being unbalanced from this harassment from the media, the Office of Fair Trading determined to take a formal record of interview from our client. He was cautioned and then interviewed. The caution occurred in front of the television cameras. Investigators indicated that they could not stop them from being present.

The following day the investigators returned. Guess what? Guess who was across the road with television cameras blazing? Yes, the same public affairs television station.

This led to me discussing the matter with Fair Trading. They advised us that the Government had determined to work in tandem with television stations and for television stations to be there when stings occur. I was told it was their form of 'Border Control' and 'RBT'.

It isn't! The issues on 'Border Control' and 'RBT' have some protection for the innocent. Some faces are blacked out and these people's identities are not completely revealed. Moreover, before

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the issue goes to air, the persons involved are usually convicted of an offence.

What we are having here with Fair Trading is trial by media. The media can collect evidence and can portray it to the public however they wish. Whether it is true or it isn't, is not the issue. It is whether it is good television and portrays the State Government as taking action. Taking 'action' should be prosecuting those who are wrong, not trialling them by media.

The concept of being innocent until proven guilty has now gone when it comes to Fair Trading. If they believe they have sufficient evidence to undertake an investigation, Channel 7, Channel 9 or Channel 10 cameras may be rolling before you even have a chance to defend yourself. Even though your legal rights of defence are available, your business is all part of "shot duck". It is also important to note that, because Fair Trading has linked arms with the television cameras, the Office of Fair Trading must prosecute successfully.

Prosecute successfully? Easy! In relation to Fair Trading powers, most of their licensing legislation permits the Commissioner or his delegate to cancel or suspend a licence. You're issued with a 'show cause notice' and you are given 14 days to respond. The response is heard by the Commissioner's delegate and s/he makes the decision to take action against you. Your only recourse is to appeal.

Due to Fair Trading joining arms with the television stations, they have no choice but to convict. The presumption of innocence is gone. Moreover, a person's business is destroyed.

Minister, we want you to catch the people in our industries who commit an offence. We want you to show it on television when they are convicted. We plead with you to allow the presumption of innocence to prevail for people in this State and to give people an opportunity to defend their innocence. Consumers don't always tell the truth nor do traders. That is why we have a justice system.

***Cheers,  
Bailey Compton  
and The team at ACP/Leverage!***



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