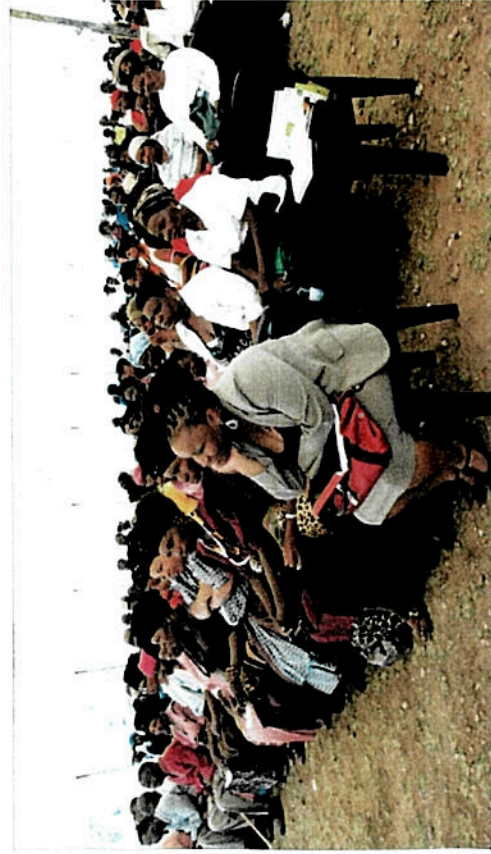


Rural Outreach



3 Izimbizo Ga-Mampuru- Limpopo; Qwaqwa-Free State;
Mafikeng-North West
Reach 2500

Presidential Visit: Ngobi village; Hamanskraal, June 2012
Exhibition: Rural Communities
Head count : +- 15 000

Workshops + Exhibitions



Nelson Mandela Day 2011; Sunnyside Primary School



Nelson Mandela Day 2012: South African National Council for the Blind

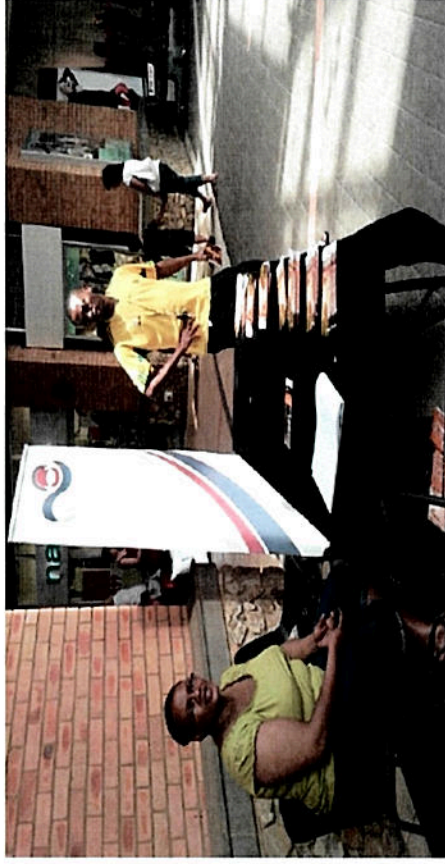


Uniting Reformed Presbyterian Church; Alexander



15 Consumer Workshops : Schools, Churches, Women (Stokvel), Community Members targeted at persons living with disabilities (DEAFSA, SANCB)
 Reach :2100

Business Workshops & Mall Exhibitions



Centurion Taxi Association



Other Workshops : Metro Rail Management and Staff, Pretoria Post offices Management ;Public Service Commission, Public Works, and numerous presentations to business associations .

Total Reach in person was 6708 (Business, general consumers and NGO representatives)

NATIONAL CONSUMER COMMISSION GUARANTEES STOKVEL'S PROTECTION

By Jackson Mubumba

It is a pleasure to see the official report of the National Consumer Commission (NCC) on the protection of the rights of consumers in the country. The report is a landmark in the history of consumer protection in Zimbabwe. It is a testament to the hard work and dedication of the NCC and its members. It is a testament to the commitment of the government to protect the rights of its citizens. It is a testament to the power of the law to protect the rights of the people.

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STOKVEL'S FUNDAMENTAL CONSUMER RIGHTS

As a consumer, you have the right to be informed, to choose, to be heard, to be safe, to be satisfied, to be compensated, to be protected, to be respected, to be treated fairly, to be heard, to be satisfied, to be compensated, to be protected, to be respected, to be treated fairly.

Consumer's right to safety

Consumers have the right to be safe and healthy. They have the right to be protected from products and services that are dangerous to their health and safety. They have the right to be protected from products and services that are likely to cause injury or death.

Consumer's right to be heard

Consumers have the right to be heard. They have the right to be listened to and their views to be taken into account. They have the right to be consulted and their views to be taken into account.

Consumer's right to be satisfied

Consumers have the right to be satisfied. They have the right to be satisfied with the quality of the products and services they purchase. They have the right to be satisfied with the way in which their complaints are handled.

Agents to be held responsible for their actions. The report is a landmark in the history of consumer protection in Zimbabwe. It is a testament to the hard work and dedication of the NCC and its members. It is a testament to the commitment of the government to protect the rights of its citizens. It is a testament to the power of the law to protect the rights of the people.

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Consumer Help Line: 0801 942 334, 010 261 1226 - 1500-1579, www.ncc.gov.zw, 010 261 1226 - 1500-1579



Working hard to ensure a fair deal for SA consumers

By Sibembo Mhizha

The National Consumer Commissioner has put more than 10 million back into the pockets of South African consumers. The commissioner has put more than 10 million back into the pockets of South African consumers. The commissioner has put more than 10 million back into the pockets of South African consumers.

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being in office. The commissioner started operating in March last year. The commissioner is faced with many challenges, under existing and financial constraints. She has to be supported by the Finance Ministry of country. She has to be supported by the Finance Ministry of country. She has to be supported by the Finance Ministry of country.

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Article: the Commuter SA Date: Vol 2, 2012 Readership: Commuters (Trains, Taxis)

Article: Stokvel Voice Date: Oct/Nov 2011 Readership: Women in Stokvel

NATURE OF COMPLAINTS RECEIVED BY THE COMMISSION

- **Motor vehicles:** this category has the highest number of complaints.
- **Common trends:** defective vehicles, misleading information and undisclosed information from dealers about the condition of the vehicles. Complaints from small and large dealerships included refusal to settle payment for repairs when still under warranty. e.g. **The Complainant purchased a brand new BMW X3 and discovered that the vehicle had defectives on it. After Commission intervention the complainant was refunded an amount of R662,059,48. The complainant was sold a second hand vehicle at a price of a brand new vehicle . After the Commission intervention the complainant was given a brand new car by the dealership at no cost.**
- **Retail category has the second highest complaints :** request for refunds, Exchanges and Returns, replacements for defective goods, unfair business practice and poor quality goods. Clothing outlets complaints about inferior quality goods and poor customer service. Furniture outlets complaints : defective goods and repossessed items due to inability to make payments. Improper shelf labelling. Manufacturers complaints: damaged goods. Franchise complaints. **Currently the Commission is investigating a complaint against Albany Bead the bread had animal fur and animal excrement on it.**
- **Government & Other Municipalities Government Departments & other Municipalities'** complaints include incorrect billing, cutting off electricity, specifically by the City of Johannesburg (COJ) and also poor or non-service delivery. Some complaints are lodged against government departments such as the Correctional services , Road Accident Fund etc . **With regards to the complaints against COJ the Commission under took a project in having all the COJ matters conciliated and the Commission has saved R6 404,799.29 for the consumers. With this project the Commission has seen the dedication of City of Johannesburg this is after the fact the Commission took COJ to the National Consumer Tribunal.**

- **Telecommunications(ICT)** matters include incorrect billing from Multichoice (DSTV) and SABC licensing , consumers having to pay for TV licenses without having TV units . Telkom has the most common complaints with regards to expired data bundles and slow Internet connection. The common trend in this category is unauthorized deductions, incorrect billing and poor service. included defective handsets, unauthorized deductions, incorrect billing and poor service delivery. MTN, Cell C,Vodacom, Nashua Mobile ,Virgin Mobile and Altech Auto Page. **The Complainant had defective handset and wanted to cancel the contract from Vodacom. After Commission intervention the complainant was replaced with a new handset and the contract was cancelled.**
- **Financial services category constitutes of banks.** Most of the complaints are lodged against Standard Bank, Nedbank, ABSA Bank,Capitec Bank and FNB. Most complaints are assets reposessions and unauthorized deductions. inflated interest rates, and other unfair business practices deductions. The most common trend in this category is repossession of cars and houses due to failure to pay back the bank. **The Commission has received numerous complaints where consumers are advised go under sequestration and would be able to buy back the property which is untrue the property end up going to auctions.**
- **Property** - majority of complains are against estate agents, body corporate and property agents. Common trends : misleading information, cancellation of contracts, cancellation of lease agreements, poor workmanship, poor service and refunds on deposits.

- **Medical Service** complaints comprise of inability to settle medical bills by medical aid schemes which leads to consumers being unfairly blacklisted. A lot of consumers complaints about the terms and conditions of their medical Aid. There is also a tendency for Medical Aid Schemes to overcharge consumers and most complaints are against Private Doctors, Private Hospitals and Medical Aid Schemes who do not disclose information.
- **Fitness Centre** - Common trends within this category are contracts cancellation, unauthorized debits over expired contracts and unfair business practice. There is a common trend that when consumers cancel their contracts they are being charged a higher penalty fee of 50% and this practice popular with Planet Fitness but other fitness centers charge a reasonable penalty fee.
- **Travel & Tourism** - The majority of complaints are about unfair business practice, refund for cancelled bookings and poor service. Complaints against Airline.
- **Timeshares** - Majority of complaints are about contract cancellation, misleading information and unfair terms and conditions. Most of the complainant cancel their contract due to the fact that they cannot afford the high installments and also because they have never used their points and most are pensioners. Complaints against Holiday Vacation Club, Fexi Club and Easy Holiday Club.



Achievements

- The effect of the compliance notices issued against the City of Johannesburg has been a sharp increase in the attendance of the City of Johannesburg to conciliations where matters are resolved between consumers and the City Council and for the benefit of the Consumers.
- We issued compliance notices to all Cell phone companies and all such matters ended at the NCT. Although we still believe that such companies are in violation of the Act, many of these compliance notices were set aside on the basis of technicalities and not issues of substance. The achievement in that regards however, has been that all Cell phone companies have amended to a great extent their contracts and from as many as ten to fifteen none compliant clauses of subscriber agreements, and in almost all cases the issues have been reduced to only one or two none compliant clauses which are the ones that might end up back in the Tribunal again. Consumers have seen value in these amended clauses.
- We have issued a process against medical aid schemes for violation of women's constitutional rights and that matter is still at exchange of papers phase.
- We had also issued compliance notices in the Broadcasting sector and have also continued to engage the said companies. We have managed to narrow down the issues substantially and agreed on the one or two outstanding issues.
- We also concluded the terms and conditions of SANRAL. Although we are aware as a party to the current proceedings at the Con-court launched by Treasury, but through our intervention, the issue of terms and conditions was resolved with SANRAL and it is not one of the issues before the court.
- We also received one complaint by one Ms Wendy Appelbaum who bought a wine estate in an auction conducted by Auction Alliance. An the investigation of such complaint led to many other complaints against such company being lodged which are currently under investigation. This also led to the Commission receiving and investigating a number of Insolvency practitioners in the industry from Liquidators, auctioneers, Attorneys and banks.

CHALLENGES

- We have recently identified a serious challenge to our work from a judgment of the National Consumer Tribunal that the NCT is of the view that the NCC is not empowered to issue compliance notice and further that the NCC is not competent to classify a conduct as prohibited. One of the possible problem might be historical, where CAFCOM would actually request the Minister to declare a particular act or conduct prohibited. Our view is that the coming into effect of the CPA changed the status quo in that you do not have to go anywhere to have a conduct declared prohibited before issuing a Compliance Notice because the Act has now codified prohibited conducts.
- This is a serious interpretative problem which cannot be left unresolved but at the same time cannot be resolved through negotiations because of the implications. This is a matter that can only be dealt with by a court of law through a declaratory application. The sooner this rather far reaching implication is dealt with the better for CPA enforcement and the better for consumers.
- We also have a serious interpretative and practical application and consequently enforcement problem with a ruling by the National Consumer Tribunal that the National Consumer Commission does not have the locus standi to apply for an interim relief on behalf of Consumers where the Commission has already issued a compliance notice. This obviously create a problem because it either means that we have to reject a complaint where there is a possibility of an application for interim relief, or tell a Consumer to lodge a complaint with the Tribunal and for the Tribunal to issue a interim relief application which is obviously a problem because it is not anticipated in the Act.
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- We have also identified a serious flaw in the amended regulations of the National Consumer Tribunal Regulations in that they do not provide for a specific application for a default judgment to the NCT in the event a party is served with a compliance notice by the NCC and he ignores such process. This is serious because it allows anyone to ignore the Notice because there are no consequences for such conduct. We originally wrote a letter asking the NCT what form we are suppose to use and we were told that it is form 25. We applied to the NCT using the same form for 28 default judgments and we were told that we cannot apply for default judgment as the Rules do not provide for it.
- Recently the National Consumer Commission has had to apply to the High Court to have the decision of the National Consumer Tribunal on the Auction Alliance matter reviewed on the basis that the decision of the Tribunal was issued before the matter was heard. The Application was launched on an urgent basis but was dismissed on the basis that it did not comply with the provisions of section 6 and 8 of PAJA. The NCC intends to appeal the decision on the basis that the application could not have been brought in terms of sections 6 and 8 of PAJA because the decisions of the Tribunal are not administrative decisions but quasi judicial decisions. If left unchallenged it will create a serious legal problem with regards to the application of PAJA to decisions of Tribunals.
- The National Consumer Commission was also forced to defend its decision to compel Rael Levitt to appear before the Commission for an investigation into the conduct of Auction Alliance after it had issued a compliance notice. The court agreed with a contention that the Commission cannot issue a compliance notice and refer the matter to the NPA at the same time and this is because the section concerned uses the disjuncture “or” instead of “and” and according to the court this means that only one power can be exercised and not both at the same time.
- This is actually one of statutory amendment that we would be recommending in our duties and this is over and above the amendment of section 69 that we have already recommended.