

# PULLING THE PIN ON



**By Carla Tooley, Communications Coordinator, FPA Australia**

*John was manning the reception desk one morning when a uniformed serviceman entered the building. The serviceman informed John he was there to test the extinguishers and ensure they complied with the law. John was surprised, he was not expecting anyone and was unsure who had requested the service – wouldn't someone have told him? When John began querying the serviceman, he became aggressive, saying that he was obliged to have extinguishers tested by law, and that if he didn't comply he would receive a large fine from the government. Not wanting to get the business into any trouble, John allowed the service technician in.*

*John didn't think about the incident again until a few months later, when the contracted extinguisher company arrived for their six monthly service. He tried to turn them away, explaining that the existing extinguishers had already been tested. The contractor was confused, John's company hadn't been due for a service at that point in time. Eventually John realised he had been scammed – he had paid for a service he didn't require.*

**T**he scam that John fell victim to is not unique to fire protection, with similar cons operating in relation to office equipment and supplies. While this is the practice of criminals rather than a reflection of the industry, there are concerns that the activities of a few rogue operators could have detrimental consequences. This includes damage to the credibility of the majority of respectable operators in the fire protection industry.

What is also concerning to the fire protection industry is that these scams can lull victims into a false sense of security, with outcomes more dire than financial loss. There have been instances where scammers have told clients they have tested equipment, only for the consumer to find out later that this was not the case. In some cases the consumer has been fortunate the problem was discovered before it was too late. Others may not be so lucky.

One industry member has first-hand experience of some deceptive practices that occur. "The work of these sham servicemen is often substandard, with fire extinguishers not correctly installed or serviced. It is obvious that these people have little knowledge of industry regulations, which puts the victim at further risk.

"Even during my time in the fire brigade, people would actually show up at premises dressed as though they were firemen. My concern is that the community

will become wary of members of the fire protection industry who are offering genuine recommendations. This is unfortunate as the majority of companies are doing the right thing."

## **What about licensing and accreditation?**

To demonstrate an individual's competency to conduct work on fire protection systems, FPA Australia provides nationally recognised qualifications (Certificate II in Asset maintenance – Fire Protection Equipment). While this is a good indication of an operator's ability to carry out work correctly, certification is only enforceable for contractors in Queensland and does not extend to their employees, who are able to carry out work unlicensed.

During May 2008, the Queensland Building Services Authority (QBSA) released a regulatory impact statement, outlining a proposal to introduce occupational licensing for fire protection workers. The effect of the amendments will be that any employee who performs fire protection work will be required to hold an appropriate licence.

In Tasmania only individuals holding a permit issued in accordance with the *General Fire Regulations 2000* are able to service portable fire protection equipment. A permit is issued to applicants who demonstrate they are competent in elements of asset maintenance (portable fire protection equipment).

Consumers in all states have the option of choosing contractors who are compliant with FPA Australia's Code of Practice. The Code of Practice prescribes the principles, standards of behaviour and service delivery requirements for all corporate members of the Association. Companies that are corporate members of FPA Australia and who have signed the declaration are bound by the provisions of the code.

While licensing is not a requirement of operation, the majority of fire extinguisher service companies are appropriately qualified and undertake ethical business practices. Even if licensing and accreditation were to be enforced throughout Australia, this would do little to dissuade scammers who are already showing disregard for the law. Unless the consumer actively seeks information about the services they are purchasing, they are leaving themselves open to potential scams.

In any circumstance, consumers should make sure they check the identification of anyone approaching them offering fire extinguishing services. Extinguisher servicing companies and their

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technicians have no authority to enforce legislation and make threats of fines or prosecution. FPA Australia strongly recommends any person making such claims and/or engaging in intimidating tactics be ordered to leave the premises immediately.

## What action can be taken?

Action can and has been taken against unethical operators. During 2004 a Fair Trading investigation found one company had engaged in unfair business practices. In this instance, the operators told staff they had come to inspect the fire extinguisher, conducted a brief examination and then left a bill for up to \$80. They compelled staff to believe they were bound by a contract or law to accept their company's services, when this was not the case. Following the investigation, FPA Australia suspended their membership due to non-compliance with the Association's Code of Practice.

Fortunately the perpetrators of fire extinguisher scams are generally not members of FPA Australia. However, this means that the Association has no power to take action against deceptive operators.

If you do wish to make a complaint, you can contact the Australian Competition and Consumer Commission (ACCC) Infocentre on 1300 302 502 or visit [www.accc.gov.au](http://www.accc.gov.au). The ACCC administers the Trade Practices Act 1974 including Part V, which includes misleading and deceptive conduct and false representations.

The ACCC is happy to take complaints from anyone, whether you are an affected consumer, a

lawful service provider or a concerned member of the public.

While the ACCC is the only national agency that deals with consumer protection matters, the consumer protection provisions administered by the ACCC can also be found in state and territory fair trading acts. Your local Office of Fair Trading or Consumer Affairs agency is best placed to investigate scams that appear to come from within your own state and territory.

## MORE INFORMATION

A factsheet for consumers is available from the FPA Australia website at [www.fpa.com.au](http://www.fpa.com.au). FPA Australia encourages all fire extinguisher servicing companies to pass this information on to their customers, to inform them of their rights and responsibilities when it comes to fire extinguisher servicing.

| State    | Agency   | Phone         | Web  |
|----------|--|---------------|--|
| NSW      | Office of Fair Trading                           | 13 32 20      | <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> |
| QLD      | Office of Fair Trading                           | 13 13 04      | <a href="http://www.fairtrading.qld.gov.au">www.fairtrading.qld.gov.au</a> |
| VIC      | Consumer Affairs Victoria                        | 1300 558 181  | <a href="http://www.consumer.vic.gov.au">www.consumer.vic.gov.au</a>       |
| TAS      | Consumer Affairs and Fair Trading                | 1300 654 499  | <a href="http://www.consumer.tas.gov.au">www.consumer.tas.gov.au</a>       |
| SA       | Office of Consumer and Business Affairs          | 08 8204 9777  | <a href="http://www.ocba.sa.gov.au">www.ocba.sa.gov.au</a>                 |
| WA       | Department of Consumer and Employment Protection | 1300 30 40 54 | <a href="http://www.docep.wa.gov.au">www.docep.wa.gov.au</a>               |
| NT       | Consumer and Business Affairs                    | 08 8999 1999  | <a href="http://www.caba.nt.gov.au">www.caba.nt.gov.au</a>                 |
| ACT      | Office of Fair Trading                           | 02 6207 0400  | <a href="http://www.fairtrading.act.gov.au">www.fairtrading.act.gov.au</a> |
| National | ACCC   | 1300 302 502  | <a href="http://www.accc.gov.au">www.accc.gov.au</a>                       |

## Common fire extinguisher scams

### Compliance scams

A fire extinguisher service technician will invent or exaggerate regulatory requirements for extinguishers to be tested, upgraded or replaced. They trick the consumer into believing they are compelled by a contract or law to accept their company's services and can explicitly or implicitly (through dress) claim they are affiliated with the council, fire brigade or government. It is also common for them to suggest the consumer would be voiding their insurance if they do not comply.

### Servicing scams

A serviceman will turn up and state they have come to inspect their fire extinguishers – often acting as though they are the consumer's regular service provider. The consumer will unwittingly allow them to come in and undertake servicing. If the consumer does query the service technician's authority, they badger them into believing there will be repercussions if they refuse to accept their services.

The service technician will lead the consumer to believe they have serviced the extinguishers, when often they have not done so.

### Telephone scams

Residents receive a telephone call claiming that fire extinguishers are compulsory in homes. The caller may claim affiliation with the council or other relevant government department. In one scam, which targeted the elderly, recipients of phone calls were offered an extinguisher over the phone at an unreasonable price. One victim, despite not agreeing to purchase one, received an extinguisher in the mail the following week along with a bill.