

Changes to consumer protection laws

On 1 January 2011, the Australian Government reformed the Commonwealth and State consumer protection and anti-competitive laws by introducing Australian Consumer Law ("ACL"). The ACL replaces different national, state and territory laws that set out consumer rights and business obligations when selling goods and services with a single, national set of rules.

The ACL includes:

- a new national unfair contract terms law covering standard form contracts;
- a new, national law guaranteeing consumer rights when buying goods and services, which replaces existing laws on conditions and warranties;
- a new, national product safety law and enforcement system;
- a new, national law for unsolicited consumer agreements, which replaces existing State and Territory laws on door-to-door sales and other direct marketing;
- simple national rules for lay-by agreements; and
- new penalties, enforcement powers and consumer redress options, which currently apply nationally.

The ACL will be enforced by the ACCC (Commonwealth) and the State and Territory consumer protection agencies (ie. NSW Dept of Fair Trading).

Handy information booklets to help businesses understand the key elements of the new legislation are available for download:

http://www.consumerlaw.gov.au/content/Content.aspx?doc=the_acl/guidance.htm

Other handy links:

<http://www.consumerlaw.gov.au>

<http://www.accc.gov.au>

<http://www.fairtrading.nsw.gov.au>

Melissa Lammers

Solicitor

BCom LLB(Hons)

January 2011

For more information, please contact Melissa Lammers, Solicitor.