



Australian Government

The Treasury



The Australian Consumer Law

A single, national
consumer law for
all Australians

Stronger, more
effective enforcement

A new law against
unfair contract terms

A national product
safety system

A national law to
guarantee consumer
rights for goods and
services

Commencement on
1 January 2011



Message from the Minister

The Australian Consumer Law represents a generational opportunity to reform, rationalise and enhance Australia's consumer laws.

It will replace a complex network of 13 national, state and territory consumer laws along with other provisions scattered throughout many

other laws. While these laws may work well for many purposes, they could be much better.

Australian consumers deserve laws which make clear their rights and enable them to participate in markets with confidence. Equally, Australian businesses deserve simple, national consumer laws, which are easily understood and complied with.

On 4 December 2009, the Ministerial Council on Consumer Affairs agreed to the final elements of the Australian Consumer Law. We will now work together to make it law.

I encourage all of those who are interested in and affected by these laws to continue your engagement in their development and to provide us with the benefit of your views.

The Hon Dr Craig Emerson MP

Minister for Competition Policy and Consumer Affairs
Minister for Small Business, Independent Contractors and the
Service Economy
Minister Assisting the Minister for Finance on Deregulation

The Australian Consumer Law

- A single, national consumer law for Australia based on the consumer provisions of the *Trade Practices Act 1974*.
- A new unfair contract terms law covering standard form contracts.
- A new national product safety law and enforcement system.
- A new national law guaranteeing consumer rights when buying goods and services, which replaces existing laws on conditions and warranties.
- Reforms to enhance the effectiveness of the Australian Consumer Law, drawing on best practice in state and territory consumer laws.
- New common enforcement powers for Australia's consumer agencies, including substantiation notices, infringement notices and public warning notices.
- New civil penalties for breaches of the Australian Consumer Law, including civil pecuniary penalties and disqualification orders.
- New powers for courts to order redress for consumers affected by breaches of the law.

Red tape reduction

- The Australian Consumer Law will replace the consumer protection and fair trading provisions of the *Trade Practices Act 1974*, the *Australian Securities and Investments Act 2001* and eleven fair trading acts of the States and Territories. It will also replace existing provisions in eight state and territory acts about the sale of goods, and various other provisions in other legislation on specific issues.
- The Australian Consumer Law will be enforced by Australia's consumer agencies, working together, and they will issue national guidance on the Law and the way in which it will be enforced.

Moving quickly to make it law

- The Australian Consumer Law will commence on 1 January 2011 and will apply nationally and in each State and Territory.
- The Australian Government is implementing the Australian Consumer Law in close cooperation with the States and Territories.
- In June 2009 the Australian Government introduced the Trade Practices Amendment (Australian Consumer Law) Bill 2009 into the Australian Parliament. This Bill will implement key elements of the Australian Consumer Law, including the unfair contract terms provisions.
- The Australian Government will introduce a second Bill in early 2010 to implement the rest of the Australian Consumer Law.
- The States and Territories are to implement the Australian Consumer Law by the end of 2010.

Continuing consultation

- There will be ongoing consultation on the Australian Consumer Law as it develops.
- For more information see: www.treasury.gov.au/consumerlaw