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By email to [australianconsumerlaw@treasury.gov.au](mailto:australianconsumerlaw@treasury.gov.au)

SCOCA Australian Consumer Law Consultation  
Competition and Consumer Policy Division  
Treasury  
Langton Crescent  
Parkes, ACT. 2600

Dear Sir/Madam,

Re: An Australian Consumer Law: Fair Markets – Confident Consumers

The Retail Traders' Association of Western Australia (RTAWA), which has been in existence for 86 years, is the oldest and the most representative Association of retailers in Western Australia.

The RTAWA appreciates the opportunity to comment on the above consultation paper.

In response to the above paper, the RTAWA would like to proffer the following comments and observations for consideration:

The RTAWA strongly supports uniformity of laws between States and Territories; it brings consistency, ease of conformity as well as cost efficiency to businesses who conduct business across state and territory borders. RTAWA therefore welcomes this proposal to create an Australian Consumer Law

However, a key concern of RTAWA is that consumers and businesses, including small businesses, are not burdened by unnecessary regulation or complexity. While recognising the potential benefits of streamlined consumer policy, it is a concern that 'best practice' does not represent the most onerous legislation of all the jurisdictions. Rather, best regulation is that which represents the best balance of the rights and obligations between consumers and product and service providers.

RTAWA has concerns in that in some areas the new proposed national consumer legislation will result in an 'overlying' effect, in that in some areas specific legislation already exists and the new proposed national consumer legislation will either add to the complexity of existing regulations for both businesses and consumers or further confuse the process at hand. Instances of this are specifically noted here with regards to current commercial and retail leasing legislation as well as current finance industry legislation; both may be further complicated by the proposed new national consumer legislation

Before making any further specific comments on the proposed new consumer legislation, RTAWA would appreciate having access to the regulatory impact statement (RIS) that should precede its introduction. While the national reform agenda highlighted the need to streamline consumer regulation, it also reinforced the need for legislation to be accompanied with thoroughly developed RIS.

RTAWA is also keen to receive information regarding how the proposed new consumer law will repeal the unnecessary industry-specific consumer regulation that exists in separate jurisdictions. It is a concern of RTAWA that, for consistency of treatment, enforcement responsibilities be handled by the Commonwealth Government.



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Finally, the Productivity Commission study that prompted the streamlining of consumer laws also suggested that certain regulatory requirements for consumer credit, utility services and home building should be modified. RTAWA is concerned as to whether these recommended changes are being pursued.

Could you please direct any queries or responses sort in this matter to myself on 9365 7606 or [wayne.spencer@cciwa.com](mailto:wayne.spencer@cciwa.com).

Yours faithfully

A handwritten signature in black ink, appearing to read 'Wayne Spencer', is written over a light grey rectangular background.

Wayne Spencer  
Executive Director