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# The Australian Consumer Law

## AN INTRODUCTION

One of the most significant amendments to Australia's competition and consumer law landscape occurred on 1 January 2011 with the introduction of the *Australian Consumer Law* (the ACL). The *Trade Practices Amendment (Australian Consumer Law) Act* (No. 2) 2010 (the ACL Act) completed a process of reform that had been gaining momentum since the early 2000s, culminating in the creation of a nationwide consumer protection and product liability regime.

From A Bruce, *Consumer Protection Law in Australia* 2011, LexisNexis Butterworths, Sydney. See article by A Bruce, 'Times Up: Limitation of Actions Provisions' in this issue of *Precedent*, pp36 – 41.

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In the process, the Australian Consumer Law replaced 17 generic consumer protection laws that existed across states and territories with a single national consumer law found in Schedule 2 to a re-named *Competition and Consumer Act* 2010 (Cth) (the CCA). National coverage of the ACL is achieved through implementation of the ACL as a law of the Commonwealth in Part XI of the CCA and as an applied law of the states and territories in Part XI A of CCA. It is the largest reform of Australian consumer protection laws ever undertaken.

In its essential form, the Australian Consumer Law as it appears in Schedule 2 to the CCA and then applied as a law of the Commonwealth by Part XI or applied as a law of the states or territories by Part XI A of the CCA is composed of five chapters that are further divided into parts, divisions and sub-divisions.

Chapter 1 is an introductory chapter providing for

definitions and interpretative provisions to be applied in interpreting the Australian Consumer Law.

Chapter 2 contains general protections for consumers, including prohibitions on misleading or deceptive conduct and unconscionable conduct as well as the unfair contracts terms regime.

Chapter 3 contains specific protections for consumers by prohibiting specific forms of conduct, such as unsafe goods or services and specific forms of unfair practices, such as pyramid selling, bait advertising and harassment and coercion. Chapter 3 also contains the consumer guarantee regime, product safety and product liability regimes.

Chapter 4 creates a criminal consumer protection regime in respect of some of the prohibitions in Chapter 3.

Chapter 5 concerns enforcement and remedies. Chapter 5 provides the ACCC with a suite of enforcement powers, including civil pecuniary penalties, substantiation notices, and search and seizure information-gathering powers. ■