

Wednesday 28 February 2018

Consumer Policy Unit
The Treasury
Email: consumerlaw@treasury.gov.au

Dear Treasury,

RE: Australian Consumer Law Review – ACL Amendments

I write regarding the package of legislative reforms proposed in the Final Report of the 2017 Australian Consumer Law (ACL) Review, and the exposure draft legislation, regulations and associated materials.

CHOICE is broadly supportive of these reforms, and has expressed this support throughout the ACL Review process. In particular, the amendments relating to unsolicited supplies, recalls and price transparency will provide much-needed improved protections for consumers.

In relation to unsolicited sales, it is important to recognise that these can and do take place in public locations and cause detriment to consumers in the same way as unsolicited sales that occur at private residences. Clarifying the unsolicited sales provisions to ensure that the law applies where a dealer meets a consumer in a location that is not the supplier's business premises, including a public place, will help ensure that consumers can access their legal protections in these situations.

This is a positive reform, and is supported by CHOICE, but we do want to stress that this reform is not our preferred option for dealing with the consumer harm caused by unsolicited sales practices targeted consumers in vulnerable circumstances. As we stated during the ACL Review, the most straight-forward way to prevent ongoing misconduct and consumer detriment caused by unsolicited sales would be to introduce a ban on this sales practice. Failing that, we recommend amending the ACL so that an unsolicited sales agreement formed in contravention of a local law is invalid and

WWW.CHOICE.COM.AU E CAMPAIGNS@CHOICE.COM.AU
57 CARRINGTON ROAD MARRICKVILLE NSW 2204 P 02 9577 3333 F 02 9577 3377

requires the goods to be forfeited, all amounts paid to be immediately refunded, and provides that the seller commits an offence attracting a penalty.¹

For further information please contact CHOICE on sagar@choice.com.au.

Yours sincerely,

Sarah Agar,
Head of Campaigns and Policy

¹ See submission to the ACL Review by CHOICE, Indigenous Consumers Action Network, Consumer Action Law Centre et al, 16 December 2016, available at <https://www.choice.com.au/consumer-advocacy/policy-submissions>