

JOINT COMMUNIQUÉ

MINISTERIAL COUNCIL ON CONSUMER AFFAIRS MEETING

Friday 3 June 2011

The Ministerial Council on Consumer Affairs (MCCA) held its twenty-fifth meeting in Canberra, Australian Capital Territory today. MCCA comprises Commonwealth, State, Territory and New Zealand Ministers responsible for fair trading and consumer protection.

Members of the Council are:

Mr Simon Corbell MLA (Australian Capital Territory - Chair)
Hon David Bradbury MP (Commonwealth)
Hon Anthony Roberts MP (New South Wales)
Hon Michael O'Brien MP (Victoria)
Hon Paul Lucas MP (Queensland)
Hon Simon O'Brien MLC (Western Australia)
Hon Gail Gago MLC (South Australia)
Hon Nick McKim MP (Tasmania)
Hon Delia Lawrie MLA (Northern Territory)
Hon Simon Power MP (New Zealand)

Apologies were received from the Hon Delia Lawrie MLA (Northern Territory), the Hon Nick McKim MP (Tasmania) and the Hon Simon Power MP (New Zealand).

MCCA's objective

MCCA's objective is to provide the best and most consistent protection for Australian and New Zealand consumers through its consideration of consumer affairs and fair trading issues of national significance and, where possible, development of consistent approaches to those issues.

MCCA's principal strategies

To achieve this objective, MCCA's principal strategies are to facilitate and encourage:

1. nationally coordinated and consistent policy development and implementation by all jurisdictions, including legislative consistency of major elements of consumer protection law and emerging policy issues (*Policy and Legislative Harmonisation*);
2. consistency of policy and enforcement decisions for the suppliers of goods and services within a national marketplace (*Consistent Enforcement*);
3. access to education and information for consumers and suppliers (*Education*);
4. co-operation and consultation on consumer policy between Australia and New Zealand (*Australia/NZ Co-operation*); and
5. research into consumer concerns and trade practices (*Research*).

MCCA is supported by a Standing Committee of Officials of Consumer Affairs (SCOCA). MCCA considered a range of consumer issues in the context of these strategies. Outcomes of the meeting included:

The Australian Consumer Law

At the Ministerial Council on Consumer Affairs (MCCA) meeting today in Canberra, Australia's consumer affairs Ministers welcomed the commencement of the Australian Consumer Law on 1 January 2011.

The ACL is a priority element of COAG's reforms to deliver a seamless national economy, and it was delivered in full, on schedule and is the result of Australia's governments working together for the benefit of all consumers, businesses and the economy. The ACL completes reforms recommended by the Productivity Commission in May 2008.

Report on implementation of the ACL

Ministers were pleased to receive a report by SCOCA on the cooperative efforts of Australia's consumer agencies on the implementation, initial administration and enforcement of the ACL.

Ministers noted that the report includes details of extensive collaborative efforts among consumer agencies to raise awareness about the ACL and to jointly administer and enforce the laws. Specifically, Ministers commended the efforts of consumer agencies to:

- develop cooperation and coordination arrangements to deal with consumer issues;
- adopt a national approach to deliver information and education to consumers and businesses;
- create a cooperative compliance, dispute resolution and enforcement framework; and
- implement a new national product safety system.

Competition and Consumer Legislation Amendment Bill

Ministers noted that Australian Government intends to introduce the Competition and Consumer Legislation Amendment Bill (the Bill) during the Winter sittings of the Australian Parliament. The Bill would amend the unconscionable conduct provisions of the Australian Consumer Law to introduce interpretative principles and unify the consumer and business-related unconscionable conduct provisions, which are almost identical.

On 30 April 2010, the Ministerial Council agreed to the amendments to the ACL in the Bill. The Bill was passed by the Commonwealth House of Representatives but lapsed with prorogation of the Parliament for the 2010 Federal Election.

Australian Consumer Survey

Ministers noted the completion of the Australian Consumer Survey (ACS), conducted by Sweeney Research, and agreed that the ACS will provide a valuable benchmark for future education, enforcement and research initiatives. The Survey report will be published on 8 June 2011 at Consumers 2011.

Review of consumer protection in the travel and travel related services market.

The Ministerial Council acknowledges the need for reform of travel industry regulation in Australia given the adoption of the National Tourism Accreditation Framework and the commencement of the Australian Consumer Law in 2011.

Ministers consider that modernisation of the regulatory framework for the travel sector needs to foster ongoing consumer confidence in the sector and enhanced consumer protection, business compliance and financial capacity, and competition and innovation.

The Ministerial Council supports the further development of a Travel Industry Transition Plan, in consultation with industry and consumers, as a pathway to an industry-wide regulatory approach, which complements industry efforts to promote confidence and quality, and maintains appropriate levels of consumer protection.

Fundraising regulation reform

Ministers noted the Australian Government's recent announcement that it would work with the States and Territories through COAG on consistent approaches to the regulation of charities and not-for-profit bodies. Ministers further noted the Australian Government's commitment to commence negotiations with the States and Territories on consistent regulation and a new national regulator for the charities and not-for-profit sector.

Given the Ministerial Council's responsibility for progressing fundraising reform, the Ministerial Council tasked the SCOCA national fundraising project team with developing consistent approaches to fundraising regulation. An issues paper will be published in the second half of the year.

Unlawful selling practices under the Australian Consumer Law by travelling con men

Ministers agreed to establish a coordinated national strategy in 2011-12, led by New South Wales, that aims to severely curtail unlawful selling practices under the Australian Consumer Law by travelling con men from all Australian jurisdictions.

Community concerns with gift cards

Ministers noted community concerns at the terms and conditions around gift cards and the substantial amount of money paid by consumers for these products, and agreed that the Commonwealth and Queensland would lead work to explore and develop options to better protect consumers who purchase these products.

Conduct Harmonisation - Feasibility of harmonised domestic building contracts

The Ministerial Council today agreed to commence work towards the development of harmonised provisions for domestic building contracts across Australia. This work will be incorporated into its current project to harmonise a range of conduct elements for occupations to be included in the National Occupational Licensing System (NOLS).

BRCWG Projects

The Ministerial Council noted the progress of important national reform projects, and resolved to continue working towards the agreed goals of simplified national systems and uniformity of laws and procedures.

Co-operatives National Law

Ministers agreed to continue work to develop the Co-operative National Law which will remove existing barriers to interstate business activities and ensure that the same law or consistent laws apply to co-operatives wherever they are registered in Australia. Under the proposed national scheme of laws there will also be co-operation and consistency of administration between jurisdictions.

New COAG Legislative and Governance Forum on Consumer Affairs

Ministers acknowledged the transition of the Ministerial Council on Consumer Affairs to the new COAG Legislative and Governance Forum on Consumer Affairs from 1 July 2011. Ministers stated that they looked forward to continuing their work in the consumer affairs arena in this new Forum.