

Submission

Australian Consumer Law Review

MAY 2016



Programs of the Advocacy & Rights Centre Ltd trading as ARC Justice

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The Loddon Campaspe Community Legal Centre (LCCLC) and Goulburn Valley Community Legal Centre (GVCLC) welcome the opportunity to respond to the Australian Consumer Law Review.

The Bendigo based Loddon Campaspe Community legal Centre (LCCLC) and Shepparton based Goulburn Valley Community Legal Centre (GVCLC) are both programs of the Bendigo based Advocacy and Rights Centre (T/A ARC Justice). LCCLC and GVCLC provide generalist legal assistance services and legal education targeting disadvantaged and vulnerable people in rural and regional Victoria. They also deliver a number of specialist programs.

LCCLC operates primarily in the Loddon Campaspe region (LGAs of Greater Bendigo, Loddon, Campaspe, Central Goldfields, Macedon Ranges and Mount Alexander). Goulburn Valley Community GVCLC, a division of LCCLC, operates in the Goulburn Valley (LGAs of Greater Shepparton, Mitchell, Strathbogie and Moira).

LCCLC is one of three Community Legal Services that has an agreement with Consumer Affairs Victoria (CAV) to assist vulnerable and disadvantaged clients whose consumer matters CAV have not been able to resolve through conciliation. LCCLC and GVCLC have been providing this service since July 2012.

LCCLC assists clients with consumer issues including, civil claims, domestic building disputes, motor car trader disputes, solar panel disputes, and unsolicited consumer contract disputes and where consumers have entered into contracts which contain unfair terms.

Many of our clients come from a financially disadvantaged background and suffer one or more further vulnerabilities for example, intellectual or physical disabilities, lack of formal education, limited English language proficiency, mental health issues, substance abuse, Aboriginal or Torres Strait Islander background or victims of family violence.

LCCLC and GVCLC generally endorse the submission made by our peak organisation, the Federation of Community Legal Centres (Victoria) and have contributed case studies to that submission. LCCLC and GVCLC also generally endorse the submission made by Consumer Action Law Centre (CALC). In particular we endorse the following recommendations from CALCs submission:

1. Consumer Guarantees – reversal on the onus of proof

the consumer guarantee provisions under the ACL could be significantly strengthened by adopting a time-limited reversal of the onus of proof, which currently applies under Singaporean consumer law.

2. Unsolicited and Door-to-Door sales

that in-home sales, telemarketing and door-to-door selling should be banned as an inherently unfair business practice. We support CALCs statement that a genuine invitation by the consumer should be required to clear and unequivocal, and made on the pro-active initiative of the consumer – not at the result of prompting by the trader.

Conclusion

We are grateful for the opportunity to participate into the ACL Review, and look forward to reviewing the interim report. We are more than happy to further discuss any aspect of this submission, or our work generally.

Yours Sincerely,

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