



25 November 2016

SUBMISSION ON AUSTRALIAN CONSUMER LAW REVIEW
INTERIM REPORT

BACKGROUND

The Queensland Consumers' Association (the Association) is a non-profit organisation which exists to advance the interests of Queensland consumers.

The Association's members work in a voluntary capacity and specialise in particular policy areas.

The Association is a member of the Consumers' Federation of Australia, the peak body for Australian consumer groups.

The Association welcomes the opportunity to make this submission which, due to resource constraints, is brief.

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GENERAL COMMENTS

The final report should:

- Recognise and take more account of the results of relevant behavioural economics research
- Take into greater account the Harper Review's Recommendation 21 –Informed Choice regarding the effective provision of, and access to, information for consumers (including information about themselves).
- Take greater account of relevant provisions in sectors/industries with specific legislation eg energy, telecommunications, food, and health.
- Recognise the important links between safety matters and other consumer problems/protections such fit for purpose, acceptable quality, no faults, manufacturer warranties.
- Include providing greater help for consumers before they try themselves to resolve problems with suppliers (eg easier access to relevant information about other complaints about the same problem).

SPECIFIC COMMENTS

The final report should include:

1. Issues not addressed in the interim report

Inadequate price transparency

- non display of price for all or some products/offers eg some convenience stores in CBDs, drinks in hotels and bars, and price of one item with supermarket multi buy offers.
- advertising prices lower than regular prices permanently or for much longer than the product/service is on offer at the regular price.

Misleading/deceptive packaging of products

- for example excessive amounts of slack fill in pre-packaged products in opaque packaging, such as vitamins, supplements and breakfast cereals.

2. Issues addressed in the interim report

Unfair contract terms

We consider that the following examples should be added to the “grey list” of examples of contract terms that may be unfair:

- Requiring customers with unresolved disputes to use a mediation service nominated by the business
- Not allowing the customer to participate in a class action against the business.
- Not allowing the customer to make any public adverse comments about the business.
- Not allowing the customer to use a credit/debit card’s chargeback facility.
- Requiring the customer to compensate the business for loss of earnings while equipment damaged during a hire is being repaired or replaced.