

16 August 2010

Commercial Law e-alert

Trade Practices Act reformed and renamed – welcome to the Competition and Consumer Act

Who will this affect?

- All businesses that transact with consumers

What should you do?

- If any of the new laws brought about by this reform is likely to affect your business, contact us for advice tailored for your business before they commence on 1 January 2011.

Following on from our e-alerts of 23 March 2010 and 7 June 2010, the second tranche of the Australian Consumer Law reforms have passed Parliament and will come into effect on 1 January 2011.

The passing of the *Trade Practices Amendment (Australian Consumer Law) Act (No.2) 2010 (Cth)* completes a major reform unifying Australia's consumer protection legislation.

The changes it will bring about include:

- new statutory consumer guarantees to replace the existing sale of goods implied conditions and warranties, including a new guarantee of "acceptable quality"
- new national consumer product safety laws and strengthening of ACCC's powers of enforcement, including to undertake product recalls
- new national law regulating cold calling sales door to door and by telephone, making employers vicariously liable for breaches by their employees or agents
- national regulation of lay-by sales to replace current state laws
- introduction of infringement notices to be issued by ACCC for breaches
- strengthening the enforcement powers of ACCC in relation to industry codes like the Franchising Code of Conduct
- The Trade Practices Act 1974 will be renamed the Competition and Consumer Act 2010.

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