

# **JOINT COMMUNIQUÉ**

## **MEETING OF MINISTERS FOR CONSUMER AFFAIRS**

**FRIDAY 13 JUNE, 2014  
CAIRNS, QUEENSLAND**

**FINAL**

Commonwealth, State, Territory and New Zealand Ministers responsible for fair trading and consumer protection met in Cairns, Queensland, today.

### **Members of the Forum are:**

Hon Jarrod Bleijie MP (Queensland – Chair)  
Hon Matthew Mason-Cox MLC (New South Wales)  
Hon Bruce Billson MP (Commonwealth)  
Hon Heidi Victoria MP (Victoria)  
Hon Gail Gago MLC (South Australia)  
Hon Michael Mischin MLC (Western Australia)  
Mr Simon Corbell MLA (Australian Capital Territory)  
Hon Vanessa Goodwin MLC (Tasmania)  
Hon John Elferink MLA (Northern Territory)  
Hon Craig Foss (New Zealand)

Apologies were received from the Hon Heidi Victoria MP (Victoria), the Hon Vanessa Goodwin MLC (Tasmania), the Hon Gail Gago MLC (South Australia) and the Hon John Elferink MLA (Northern Territory).

### **The Legislative and Governance Forum on Consumer Affairs' (CAF'S) objective**

CAF'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.

### **The Australian Consumer Law**

#### **Product Safety Bans Under the ACL**

Consumer Affairs Ministers discussed the importance of having in place a sufficient period under which State or Territory Ministers can impose an interim ban on goods or product related services. Ministers agreed that work would commence on a proposal to amend the Australian Consumer Law to enable interim product bans imposed by Ministers to be extended from 90 to 180 days.

## **ACL clean-up bill amendments**

Ministers agreed to consider how to streamline the administration of the Australian Consumer Law (ACL) and to reduce compliance burdens, as part of the strong red tape reduction agendas across Commonwealth, State and Territory governments, whilst preserving important consumer protections. A broader review of the ACL will be undertaken by 2017.

## **Unfair Contract Terms and Small Business**

Ministers welcomed the release of the Consumer Affairs Australia and New Zealand (CAANZ) consultation paper *Extending Unfair Contract Term Protections to Small Business* and the commencement of the 10-week consultation process on this issue. The Australian Consumer Law protects individual consumers from unfair terms in standard form contracts and does not currently provide such safeguards for small businesses.

Getting the balance right between protecting small businesses against unfair contract terms, while at the same time not imposing unnecessary burden on business, will be an important consideration in this consultation. Ministers look forward to hearing stakeholders' views and encourage small business to engage in the consultation process. Information on the consultation process can be found at [consumerlaw.gov.au](http://consumerlaw.gov.au)

## **Charitable Fundraising**

Ministers discussed charitable fundraising and considered that establishing consistent reporting and other requirements would best be progressed by states and territories.

## **Review of Benchmarks for Industry-based Customer Dispute Resolution Schemes**

Ministers noted the progress of the Commonwealth Consumer Affairs Advisory Council in reviewing the *Benchmarks for Industry-based Customer Dispute Resolution Schemes*. Ministers also noted the significant benefits for consumers in accessing cost effective dispute resolution schemes. Ministers look forward to receiving the final report in 2014.

## **Egg Labelling**

Ministers agreed that CAANZ, led by New South Wales, would provide options to Ministers to enhance consumer confidence and certainty around egg labelling, including improving the effectiveness and enforceability of the model code and the development of a draft national information standard; taking account of the outcomes of the legal action being taken by the ACCC.

## **Ticket Scalping**

Ministers noted the progress made on the introduction of legislation in New South Wales to address the issue of ticket scalping.

## **Consumer Protection in Travel Services**

Ministers noted the progress of States' and Territories' implementation of the Travel Industry Transition Plan and the scheduled completion of further major milestones, including the repeal of a majority of Travel Agents Acts by 1 July 2014 and the commencement of a voluntary, industry

led accreditation scheme. Ministers also noted the development of a national consumer education campaign funded by the Travel Compensation Fund to commence on or shortly after 1 July 2014.

### **Australian Uniform Co-operative Laws Agreement (AUCLA) – Co-operatives National Law (CNL)**

Ministers were pleased that the Co-operatives National Law (CNL) had commenced in New South Wales and Victoria on 3 March 2014; and noted the progress made by other jurisdictions towards implementing either the CNL, alternative consistent legislation or substantially corresponding legislation.

### **Petrol Price Boards**

Ministers noted the desire not to duplicate regulations in place in NSW, SA and parts of WA, or to introduce further regulation where the ACL may address issues of concern.

Ministers further noted that the Australian Competition and Consumer Commission (ACCC) would be engaging with industry participants with a focus on the prominence of discounted prices and the potential to mislead consumers about the price they would pay for fuel. This may involve an enforcement approach for specific instances of problematic conduct where the ACCC considers it appropriate. Ministers agreed to revisit the issue of an information standard in light of any developments following this process.

Ministers also noted developments to support effective competition, particularly the court enforceable undertakings by Coles and Woolworths to limit their ability to fund fuel discounts from their supermarket business, accepted by the ACCC in December 2013.

### **Other Consumer Affairs Issues**

Ministers also discussed a number of other consumer affairs issues including:

Property Spruikers

Disability Aids and Equipment

## ATTACHMENT A

### CAF's principal strategies

To achieve this objective, CAF's principal strategic and operational priorities are:

#### ***Strategic Priorities***

1. Promote the achievement of improved consumer outcomes
2. Reaffirm the value and commitment to an integrated and harmonised approach to protecting consumers, across Australia and trans-Tasman
3. Engage in the international arena to effectively address global marketplace issues and solutions
4. Using social media, introduce new, national approaches to educate and engage business and consumers
5. Use a coordinated approach to better engage and protect vulnerable consumers (including refreshing the NICS)
6. Develop a cohesive approach to respond to online issues

#### ***Operational Priorities***

7. Develop the capability to deliver integrated solutions
8. Raise our visibility, including with other government agencies, to encourage compliance and enforce the law
9. Create a national approach to the analysis and collection of intel
10. Identify and implement national and trans-Tasman strategies that minimise risk of injury and death from safety hazards in consumer products.