

24<sup>th</sup> May 2016

ACCC

23 Marcus Clarke Street

Canberra

ACT 2601

[www.consumerlaw.gov.au](http://www.consumerlaw.gov.au)

Dear Sir,

**Australian Consumer Law Review-Issues Paper**

We refer to the Australian Consumer Law Review-Issues Paper which has been released five years after the introduction of the generic national consumer law was implemented. It is noted that the federal, state and territory governments are seeking the views of the Australian community on how the Australian Consumer Law (ACL) is operating in practice.

Master Grocers Australia (MGA) is a National Employer Industry Association representing independent grocery, liquor and hardware stores in all States and Territories of Australia. Independent supermarkets, liquor and hardware stores (independent retailers) comprise a significant subsector of the retail industry in Australia. They range in size from small, to medium and large businesses. The stores operate under banners such as; Foodland, FoodWorks, Friendly Grocer, SPAR, Supabarn, Supa IGA, IGA, IGA Xpress, Cellarbrations, Bottle-O, IGA Liquor, Local Liquor, Bottlemart and Mitre 10. Australia's 4000-plus independent grocery and liquor retailers employ 115,000 people and generate annual sales of \$15 billion. Through their membership of MGA they are regularly provided with information on any proposed legislative or regulatory changes and how they may be affected by such changes.

MGA thanks the ACCC for the opportunity to comment on the operation of the ACL for the last five years since its implementation. MGA wishes to point out that the members of MGA operate within a discrete sector of the retail industry. Whilst our members are always conscious of their legal obligations towards their consumer customers it should be noted that the commodities in which they trade are generally fresh and packaged foods. Insofar as our members are impacted by the ACL there appears to be a general satisfaction with the operation of the ACL over the last five years.

MGA regards the national consumer policy framework as a significant step forward in administering consumer laws. MGA does not see any reason for the current policy that has been adopted to change at this time.

Of significance to the grocery and liquor sector is the General Protections section of the Australian Consumer Law. Customers of Members of MGA can be particularly affected by Sections 2.2.1, 2.2.2, and 2.2.3 of the ACL. Issues do arise from time to time where there are allegations of misleading or deceptive conduct or unconscionable conduct emerging in the industry. However, MGA believes that the current process for addressing such concerns is being satisfactorily dealt with by the current law.

MGA appreciates the opportunity to comment on the administration and enforcement of the ACL but to date has not experienced any objections from our members with respect to the penalties and remedies of the offence provisions of the ACL.

As previously stated due to the branch of the retail industry in which the MGA membership operates there is not a great usage of the ACL. However, MGA will be interested in the continuous stages of the review process and we note there will be further opportunity to comment on the ACL after the first round of feedback is received by the ACCC. We would like the opportunity to review the observations that are submitted and then make further comment where relevant.

We thank the ACCC for this opportunity to make this brief comment on the ACL Review March 2016 and look forward to any further opportunity for review that may be available.

Yours sincerely



Jos de Bruin

CEO

MGA