

JOINT COMMUNIQUÉ

MEETING OF MINISTERS FOR CONSUMER AFFAIRS

Friday 9 December 2011

Commonwealth, State, Territory and New Zealand Ministers responsible for fair trading and consumer protection met in Adelaide, South Australia, today.

Members of the Council are:

Hon John Rau MP (South Australia - Chair)
Hon David Bradbury MP (Commonwealth)
Hon Anthony Roberts MP (New South Wales)
Hon Michael O'Brien MP (Victoria)
Hon Paul Lucas MP (Queensland)
Hon Simon O'Brien MLC (Western Australia)
Mr Simon Corbell MLA (Australian Capital Territory)
Hon Nick McKim MP (Tasmania)
Hon Daniel Knight MLA (Northern Territory)
Minister for Consumer Affairs (New Zealand)

Apologies were received from the Hon Michael O'Brien MP (Victoria), the Hon Nick McKim MP (Tasmania), the New Zealand Minister for Consumer Affairs (New Zealand), the Hon Daniel Knight MLA (Northern Territory), the Hon Simon O'Brien MLC (Western Australia) and Mr Simon Corbell MLA (Australian Capital 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.

CAF was previously the Ministerial Council on Consumer Affairs (MCCA).

The Australian Consumer Law

Ministers welcomed improvements to the Australian Consumer Law.

The improvements will assist consumers, businesses and the Courts to fully appreciate the intent of the unconscionable conduct provisions. Removal of a distinction between the consumer and business-related unconscionable conduct provisions will simplify the law. These changes will give effect to recommendations of an expert panel established to consider improvements to Australia's laws dealing with unconscionable conduct.

In addition, regulations have been made to allow door-to-door salespersons and telemarketers to immediately supply goods with a price of up to \$500 to consumers immediately when a sale is made. These regulations will commence on 1 January 2012, when transitional provisions that preserved the effect of pre-existing State and Territory laws expire. The Australian Consumer Law

will continue to prohibit suppliers or dealers from accepting payment for 10 business days when a sale is unsolicited.

Ministers noted the Commonwealth's decision to accept the Productivity Commission's recommendation in relation to the component pricing provisions of the ACL as they apply to restaurant and cafe menus. State and Territory consumer agencies will engage with interested parties to seek their views on any draft amendment.

Co-operatives National Law

Ministers noted that the Australian National Launch of the United Nations 2012 International Year of Co-operatives took place on 22 November 2011 at Parliament House, Canberra. One of the goals of the International Year of Co-operatives is to "encourage Governments to establish policies, laws and regulations conducive to the formation, growth and stability of co-operatives". Ministers agreed they will continue to work towards the introduction of the *Co-operatives National Law* or alternative consistent legislation to coincide with the International Year of Co-operatives.

Other Consumer Affairs Issues

Ministers also discussed a number of other consumer affairs issues which include:

- a national group buying project;
- publication of the Commonwealth Consumer Affairs Advisory Council's issues paper on gift cards;
- a national project on travelling con men;
- a review of consumer protection in travel services;
- regulation of bunk bed and evaporative air conditioner safety;
- variable direct debits;
- shelf pricing;
- country-of-origin labelling;
- unsolicited selling and 'do-not-knock' signage; and
- an update on the national regulation of pay-day lending and mortgage broking.

ATTACHMENT A

CAF's principal strategies

To achieve this objective, CAF's principal strategies are to facilitate and encourage:

1. Nationally coordinated and consistent policy development and implementation by all jurisdictions, including legislative consistency of major elements of consumer protection law and emerging policy issues (*Policy and Legislative Harmonisation*);
2. Consistency of policy and enforcement decisions for the suppliers of goods and services within a national marketplace (*Consistent Enforcement*);
3. Access to education and information for consumers and suppliers (*Education*);
4. Co-operation and consultation on consumer policy between Australia and New Zealand (*Australia/NZ Co-operation*); and
5. Research into consumer concerns and trade practices (*Research*).