

2016 Australian Consumer Law Review: VACC submission

Members were advised in bulletin AM23-15 that the Australian Government would be conducting the first review of the Australian Consumer Law (ACL) since its introduction on 1 January 2011.

On the 31 March 2016 the Australian Government released a discussion paper and terms of reference for the review. Industry had until the 27 May 2016 to lodge a submission.

What is the aim of the Review?

The main aim of the review was to assess the impact of the ACL on protecting consumers and streamlining regulatory requirements for businesses, as well as the effectiveness of the enforcement model adopted by regulators administering the law. The review will also examine the flexibility of the ACL to respond to new and emerging issues to ensure that it remains relevant into the future as the overarching consumer law in Australia.

What actions has VACC be taken in the lead up to the review?

VACC has met with the Australian Government, and begun the process of lobbying for positive change for our industry.

VACC has dedicated considerable resources to its submission and highlighted how the ACL is, quite often, being applied incorrectly by consumers, lawyers and government agencies on many issues of alleged consumer detriment.

All VACC Executive Committee Chairmen (or nominated delegates) were invited to part of a 2016 ACL Focus Group that gave each industry sector an opportunity to inform VACC of how the ACL is impacting their relevant industry sector.

VACC also sought the views of all members via a member survey. VACC thanks members who provided VACC with evidence and other supporting data that helped form a critical element of the VACC 2016 ACL Review submission.

What are some of the issues addressed in the VACC submission?

The VACC submission stated the case for:

- Different or exempted treatment of used vehicles
- The inconsistent message to consumers focusing on interpretation of ACL from Regulatory authorities such as Consumer Affairs Victoria
- Strong rejection on the introduction of an automotive specific Lemon Law
- Greater accountability and willingness to cooperate with issues resolution from manufacturers for their product

Clarity around 'reasonable time to repair', consequential loss, defects and minor failures.

You can view a copy of the VACC submission by [taking this link](#).

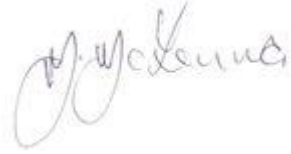
What is the next part of the strategy?

After consultation with the 2016 VACC ACL Focus Group, the VACC submission had been delivered to the Australian Government.

The Review overseers will provide a draft report in the second half of 2016, with a further opportunity to provide comments. The final report will be delivered to the Minister in May 2017.

VACC continues to lobby the Australian Government for a better operating environment for its members.

Kind regards

A handwritten signature in black ink, appearing to read "Michael McKenna". The signature is written in a cursive style with a large initial "M".

Michael McKenna

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Industrial Relations, Policy and Engagement