END OF AN ERA: farewell Graeme Samuel

Free-range egg prosecutions

Green claims

Keep safe this winter

Fake dating scams
THE AUSTRALIAN COMPETITION AND CONSUMER COMMISSION has been operating under a new regime of consumer laws for the past 12 months and this latest edition of Update provides a report card on how we have used these new powers.

The ACCC has had some pleasing results in enforcing the Australian Consumer Law (ACL) with over 50 infringement notices issued since they became available from April last year with payment of fines totalling more than $300,000.

For more serious matters where court action has been necessary the ACCC has been able to pursue penalties of up to $1.1 million for corporations and $220,000 for individuals that became available under the ACL.

We had two large penalties awarded by the court under the new Australian Consumer Law. Optus was fined $5.26 million for misleading consumers regarding their broadband plans. (Optus have appealed this decision).

We had another win for business consumers with a fine of $2.7 million handed out to two companies that were sending businesses thousands of misleading faxes and invoices in an attempt to obtain subscriptions to their online business directories. The two overseas companies Yellow Page Marketing BV and Yellow Publishing Limited.

As greater use is made of the new powers and penalties they will become a deterrent to others, thereby increasing compliance with the law.

This edition also covers the mandatory report regime for product safety where compliance is reasonably high in the first six months of its operation, and we also set out the new rules for how door-to-door sales people must operate if they come knocking at your house. Both of these developments are part of the new legal framework that now shapes the work we do.

The ACCC released its first annual Water Monitoring Report to the Australian Government and this edition provides a summary of the report’s findings.

The publicly available report, covering 2009–10, provides insights into changes in the water market in the Murray-Darling Basin. It found that, after the introduction in recent years of various rules designed to tackle disincentives to trade, irrigators have been able to access the water market more freely with trade in 2009–10 increasing by about 20 per cent from the year before.

We highlight two areas where misleading claims can often fool a consumer, whether it’s in the pursuit of love or to lead an environmentally friendly life. There are tips on how to spot a fake profile on dating websites which may really be a scammer hoping to get you to part with money. We also look at so-called ‘green claims’ where products are marketed as environmentally friendly but in fact are not.

Finally as this was my final edition of Update as the Chairman of the ACCC I share some of my thoughts about the achievements of the past eight years and challenges into the future.

Graeme Samuel
Chairman, Australian Competition and Consumer Commission

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ISSN 1443–0681
ACCC 08/11_29404
Print Post approved PP255003/04404
Issue 31
www.accc.gov.au

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The substantial achievements of the ACCC over the past eight years are not mine alone and not even those of the seven Commissioners. The credit goes to the ACCC’s 800 committed, rigorous and independent staff who have taken the ACCC to where it is today.

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We were also asked to devise and enforce rules encouraging the efficient trading of water in the Murray-Darling Basin, so this precious resource can literally flow more readily to its best uses.

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We have also had some particularly good, innovative and pragmatic outcomes across sectors by negotiating what we call ‘global’ undertakings. This has been significant in

After eight years in the Chairman’s seat, Graeme Samuel reflects on the achievements over that time and looks to the challenges of the future for the regulator.

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End of an Era continued

the telecommunications industry, in relation to advertising standards and mobile handset warranties.

While I may be leaving the ACCC, the work of a regulator is never done and new challenges will arise as markets and industries change over time.

One of the significant challenges I see for competition regulators globally over the next decade will be the need to constantly review and revise their approaches to evolving media markets.

As rapidly changing technologies provide new means to distribute content to consumers, the traditional separation between various products and between various platforms, such as newspapers, television and the internet, is blurring and this can rapidly alter the competitive landscape. The existence of new forms of distribution such as Internet Protocol Television can also raise significant issues in defining the boundaries of relevant markets.

The ‘old’ media sector is becoming increasingly concentrated. But, at the same time, there is potential for competition from ‘new’ media.

It will be important to:
› understand the dynamics and interrelationships between the different platforms
› identify which new, untested ‘new-media’ entrants are likely to become important competitors in the future; and
› identify whether and how content owners can get content to consumers.

Content control is paramount. We might have a series of pipes to distribute content to consumers, but if the compelling content is controlled by too few media players, they will have a stranglehold over the competitive landscape in this important area.

Another area of great uncertainty and change is that of financial services. We are still facing some of the aftershocks of the Global Financial Crisis and this has made for a constantly changing landscape. For example, foreign banks are recapitalising their balance sheets and starting to re-enter the Australian corporate and institutional market.

Non-bank financial institutions, the one-time primary source of competitive interest rates in the residential market, are starting to find new sources of lower cost finance—but the operative word here is ‘starting’.

With continuing uncertainty, it will be a complex and challenging task to predict the competitive effects of mergers in the finance industry.

There is much more to say than there is space. But I will finish by expressing what a privilege it has been to have led the ACCC over the past eight years. I am proud of what all my colleagues have achieved. For without any doubt, the ACCC is one of the most respected competition and consumer protection agencies in the world.

The ACCC is an organisation with the principles of professionalism deeply imbued in its culture. And most importantly, the work of the ACCC is increasingly relevant to the daily lives of all Australians.

For the success of our work over eight years, I say to each and every one of my colleagues—thank you.

In October last year the ACCC took action against Global One and 6G—providers of mobile premium services—for false, misleading and deceptive conduct in relation to television advertisements for the purchase of games, quizzes and ring tones. In particular these advertisements included a promotion for mobile users to download a song by the popular young Canadian singer Justin Bieber.

Using the Bieber ring tone as an example of the services advertised, to download the ring tone cost a joining fee of $13.20 and an ongoing subscription cost of $6.60 per six days—that’s over a dollar a day.

In April this year Justice Bennett found the advertisement made a representation to the consumer that they were making a one-off purchase rather than requesting access to a subscription service charged at premium rates and was therefore misleading.

The matter is now the subject of an appeal by Global One and 6G.

In particular these advertisements included a promotion for mobile users to download a song by the popular young Canadian singer Justin Bieber.

While the ACCC will step in and take action where the law is not being upheld, it is also important that all mobile phone users—parents and teenagers—check what they are really signing up for. If you are having problems with MPS remember, text ‘stop’ if you want to discontinue the service or contact the MPS provider.

Some functions can be very costly—data downloads, in-apps payments and mobile premium services (MPS). Services, such as ring tones, horoscopes and competitions are delivered via text message and charged at a higher than standard rate. MPS are often aimed at the teenage market and can be downloaded to mobile phones, including those on pre paid plans.

The recent case highlights potential problems with these products where consumers may be misled as to the nature and cost of the service. In accessing one of these services the consumer might not realise that they are signing up to an ongoing costly subscription rather than a one off purchase of a ring tone or responding to a quiz.
Every year many children in Australia require hospital treatment for injuries related to infant and nursery products.

Keeping baby safe is a comprehensive guide to infant and nursery products.

Keeping baby safe—
it’s not just your wish, it’s ours too!
In another step along the path of reforming water use in Australia’s food bowl of the Murray-Darling Basin, the Australian Competition and Consumer Commission has submitted its first annual Water Monitoring Report to the Australian Government.

The publicly available report, covering 2009–10, provides insights into changes in the water market in the Basin and found that, after the introduction in recent years of various rules designed to tackle disincentives to trade, irrigators have been able to access the water market more freely—with trade in 2009–10 increasing by about 20 per cent from the year before.

On the report’s release, ACCC Chairman Graeme Samuel said: ‘If they work well, water markets are an effective way of allocating scarce water resources to highly valued end users.’

‘This report provides information on the market’s performance. In many cases, irrigators are responding to price signals by using water more effectively, including trading water permanently and on a temporary and as-needs basis, as appropriate for their particular circumstances,’ Mr Samuel said.

The report includes information from irrigation infrastructure operators in the Basin states of NSW, Queensland, South Australia and Victoria, including government and irrigator-owned businesses, and provides insights into such things as how much each operator charges for services and how much water is being traded out of an operator’s area.

‘In the past 20 years, governments have undertaken substantial reforms in the Basin, including capping water extractions, clarifying water rights and developing interstate water trade. The ACCC has played a role in the market reforms by developing and implementing water market and charge rules,’ Mr Samuel explained.

Irrigation infrastructure operators, or IIOs, have an incentive to restrict their irrigation customers from trading their water out of the area, arising from concerns that having fewer customers and less water in their area of operation could hurt their viability and the interests of remaining customers.

IIOs can restrict irrigators’ ability to deal with the water they use as a tradeable commodity, or impose high fees on irrigators that want to ‘terminate’ all or part of their right to get water delivered by the IIO.

However such restrictions can make it more difficult for farmers to buy and sell water to meet their individual needs, use less water in some cases or, even, leave the industry.

The Commonwealth Water Act 2007 addresses these barriers through the Water Market Rules 2009 and Water Charge (Termination Fees) Rules 2009. The federal government enacted these rules after the ACCC made recommendations informed by extensive consultations in Basin communities.

Where irrigators don’t already have a tradeable water asset but just a right to get water from an IIO, which is largely the case in NSW and SA, the Water Market Rules help irrigators ‘transform’ that right into a tradeable ‘entitlement’.

The termination fee rules regulate the maximum termination fees an IIO can impose.

The ACCC’s report found that, even at this early stage, it is possible to observe market outcomes from the rules. Most clearly, termination fees are generally down; and the time it takes IIOs to process transformations is also down—although state government departments are still taking a long time in their subsequent processing.

Compliance with the new rules has generally been good. However, the ACCC has conducted seven investigations and taken enforcement action that resulted in two IIOs admitting they overcharged termination fees and providing undertakings and/or paying infringement notices—or fines. They also refunded $640 000 and over $115 000 respectively in fees.

The report states there are still obstacles that limit the effectiveness of the rules and wider reforms in improving market outcomes.

One obstacle relates to the rules’ coverage. Some IIOs were not captured by or could not give effect to the rules in 2009–10. The report says changes to NSW laws late in 2010, letting private irrigation districts and water trusts give effect to the rules, may lead to more transformation and termination. However, many joint water supply schemes, that collectively hold about one-fifth of NSW’s water, are still not covered.

The report says state governments also continue to impose barriers to trade. In particular, a 4 per cent limit on the trade of water access entitlements has considerably restricted trade and led to significant inefficiencies.

The full report, including more detail on such current and future Basin issues, is available through the ACCC’s website, www.accc.gov.au
KEEP SAFE THIS WINTER

The cold months can bring some hot hazards. Hot water bottles and heating appliances provide you with warmth and comfort during cold winter nights, however they can be dangerous if used unsafely. Another important thing to watch out for in winter is to check the fire hazard warnings on children’s clothes, particularly sleepwear.

Safety tips for hot water bottles

› Never use boiling water out of a kettle to fill your hot water bottle, wait ‘til it cools a bit—this will reduce the severity of any burn injury if you are splashed while filling the bottle or if the bottle bursts.
› Always use a hot water bottle cover or wrap the bottle in a towel or fabric when you use it.
› Never lean on or roll onto a hot water bottle in case it bursts.
› Never sleep with your hot water bottle in your bed in case you accidentally roll onto it while you are sleeping.
› Cracked and worn hot water bottles are more likely to burst or leak, which can cause serious burns. To keep yours in good condition drain it by hanging it upside down with the stopper removed and then store it in a dark, dry place.
› Remember these products have a limited life span so it is best to replace them each winter.

Safety tips for your heater

› Make sure to check that your heaters and electric blankets are in good condition before using them for the first time each winter.
› If you have a fireplace or a wood heater, ensure the chimney or the exhaust vent pipe is free of blockages before you start using it to avoid the chance of carbon monoxide poisoning.
› Some fabrics can be highly flammable and cause serious burns. Be careful near open flames, such as fire places and gas stoves, as your clothing could catch on fire.
› For more information on staying safe this winter, visit www.productsafety.gov.au

Unsafe dressing gowns

The first civil penalty handed down for a breach of a product safety standard was against Dimmeys Stores Pty Ltd for supplying children’s dressing gowns which failed to carry any fire hazard warning label.

The Federal Court imposed penalties totalling $400 000 against Dimmeys in April this year.

‘This outcome is significant because it is the first civil penalty handed down for a breach of a product safety standard,’ former ACCC Chairman Graeme Samuel said.

The ACCC alleged that in May and June 2010 Dimmeys sold children’s dressing gowns which did not carry any fire hazard warning label as required by the standard. It was further alleged that between April 2009 and August 2010 Dimmeys sold dressing gowns which did not have their fire hazard warning label attached in the correct position in accordance with the standard.

The ACCC enforces a mandatory standard for the labelling of children’s nightwear which is designed to reduce the risk of burn injuries to children by providing specific information on the fire hazard of relevant garments.

‘This case sends a strong message to all suppliers that they risk substantial penalties if they supply products which do not comply with prescribed product safety standards,’ Mr Samuel said.

Under Australian Consumer Law amendments which commenced on 15 April 2010, the ACCC can seek in civil proceedings penalties of up to $1.1 million against corporations and $220 000 against individuals for a contravention of various consumer protection provisions of the Competition and Consumer Act 2010 (CCA). This includes a section relating to prescribed consumer product safety standards.

‘This case sends a strong message to all suppliers that they risk substantial penalties if they supply products which do not comply with prescribed product safety standards,’ Mr Samuel said.

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Scams: It’s personal

Romance and dating scams often begin when scammers post fake ads on legitimate dating sites. The fake relationship can then last months or even years. Because of the duration of these scams and the manipulation of emotions, these types of scams can be the most devastating both emotionally and financially.

More and more people are meeting their significant other on-line. A recent survey found that 25 per cent of Australian adults are using the internet to find a partner.1

This is despite online dating sites being used by people who seek scam money out of would-be partners by claiming the funds are for airfares or internet bills that need to be paid to carry on the relationship.

While romance and dating scams made up only 2.7 per cent of the total number reported to the ACCC in 2010, the financial losses reported were over $15 million or around a quarter of the total for all scams.

‘We are working with online dating sites to make dating sites safer. We have established a working group and of course these sites want to educate and protect their users from scammers,’ ACCC Deputy Chair Peter Kell said.

While all scams can have a devastating financial and emotional impact, the victim of a romance scam is more likely to keep the matter to themselves and not seek help because they don’t want to admit to having been duped.

‘People should not be afraid to report or seek support if they think they are involved in a romance or dating scam,’ Mr Peter Kell said.

‘We often get calls from friends or relatives because they are worried that someone they care about is being taken advantage of through some form of romance and dating scam,’ he said.

Money is usually asked to be sent via a wire service as they are quick and hard to trace.

These are some of the reasons romance or dating scammers give to get money from their victims:

› They ask for money for a phone, internet connection or computer to keep in touch.
› They pretend to develop an illness or have an accident and need money for treatment.
› They pretend that their child or other close family member develops an illness and needs help paying for treatment.
› They pretend they will visit but need money for airfares, visas, taxes etc.
› They claim they are trying to send a gift to you but they need to pay a customs fee.
› They claim they have inherited some money or something of worth but need help paying upfront fees such as taxes.
› They pretend to have an interest in a business they want to share with you but need help to pay wages etc.

SCAMwatch twitter

SCAMwatch twitter will keep you up to date on the latest scams targeting Australian consumers and business and will give you tips on how to recognise, avoid and report scams. Stay one step ahead of scammers by following SCAMwatch on Twitter twitter.com/SCAMwatch_gov or @SCAMwatch_gov.au

For more information on dating and romance scams visit www.SCAMwatch.gov.au

‘We often get calls from friends or relatives because they are worried that someone they care about is being taken advantage of through some form of romance and dating scam.’

Below is an example of a fake dating profile that would be placed on a legitimate dating site. While not all fake profiles will be so obvious, have a look for some of the signs that may indicate it was put up by a scammer.

fake dating profile

Honest_Lover_2011

What to know about me? I am lovely person and single ... Also the person who like to have alot of fun, going to the beach, movies cook dance and also listen to music. Beside that I always like to be happy funny person ... Wit smiles on ...chat me now!!!!!

Marital Status
Single
Location
Canberra, Queensland
Age
20
Body type
Slim
Height
175cm
Eye colour
Brown
Hair colour
Brown
Ethnicity
Scandinavian
Smoking
Non-smoker
Drinking
Social drinker
Occupation
Accountant
Education
Bachelors Degree
Languages
English (fluent)
Star sign
Sagittarius
Religion
Christian

Things I enjoy
Beach, biking, music, sport racing, parties,
sta) opera, singing, dancing, cooking, photography, travel, music, movies,
reading.

Looking for
Nice and loving man who can treat lady like she is princess!!!

Gender
Male
Age
18 to 99
Marital status
Not important
Children
Not important
Height
Not important
Body type
Not important
Religion
Not important
Smoking
Not important
Drinking
Not important

Not overly concerned with age of potential partner.
Not overly concerned with level of interest.
Keeps all options open.
Keeorges open to ensure a high level of interest.
Wide range of interests means a wide range of potential candidates.

1 www.abc.net.au/news/events/love-bytes/
GREEN claims

Businesses are making an ever-increasing range of claims about the environmental aspects of products and services. On the positive side, this indicates the growing interest by businesses in this area. However, it can create fertile ground for consumer confusion and, in the worst cases, involve misleading and deceptive conduct in breach of the law.

Environmental claims such as ‘biodegradable’, ‘compostable’, or ‘recyclable’ are powerful selling tools. Images such as the earth or a forest may also be considered a sweeping claim that a product has environmental benefits.

With many consumers keen to make choices that reduce impact on the environment, it’s important they get accurate information about these so-called ‘green’ products and feel confident in the purchasing decisions they make. Businesses that make environmental claims about their products must ensure those representations are accurate, scientifically sound and can be substantiated. Not only is this good business practice, it’s the law.

Manufacturers and retailers that make false or misleading representations in their advertising or on their packaging may find themselves in breach of the Competition and Consumer Act (the new name for the Trade Practices Act since 1 January this year).

The ACCC has long had a responsibility under the Act. Now, under a new part of the legislation called the Australian Consumer Law, the ACCC scrutinises claims to ensure they are genuine to prevent consumers being misled by false or misleading representations.

Under the Australian Consumer Law (ACL) amendments the ACCC can seek in civil proceedings penalties of up to $1.1 million against corporations and $220 000 against individuals for a contravention of various consumer protection provisions of the Competition and Consumer Act 2010.

Other remedies available include:

› injuncts
› damages and compensation
› corrective advertising orders
› disqualification orders for company officers
› payment of the ACCC’s legal costs.

Under the ACL, the ACCC also now has the power to issue a substantiation notice requiring a person to give information and/or produce documents that could be capable of substantiating or supporting a claim.

To help businesses fully understand their green-marketing obligations, the ACCC has a number of guidance publications online at www.accc.gov.au.

In summary, environmental claims made should:

› be honest and truthful
› Detail the specific part of a product or process to which they refer
› use language that the average member of the public can understand;
› explain the significance of the benefit, and
› be able to be substantiated.

Free-range egg prosecutions

The humble egg has had a marketing makeover in recent years with egg cartons sporting labels such as ‘cage-free’, ‘barn-laid’ and ‘free-range’. But how can we be certain that the eggs inside the carton came from chickens that were kept in the conditions advertised?

That’s where the ACCC comes in, monitoring and enforcing the misleading and deceptive conduct parts of the Competition and Consumer Act 2010 (CCA), formerly the Trade Practices Act.

Last year, following a complaint, the ACCC instituted proceedings against a West Australian egg wholesaler for prominently using the words ‘free-range eggs’ when in fact the eggs were not free-range.

Earlier this year the Federal Court found Antonio Pisano and Anna Pisano (trading as C.J. & Co) had breached the law and deceived ‘unsuspecting and often well motivated consumers’. Mr Pisano was ordered to pay a civil pecuniary penalty of $50 000.

In his judgment Justice North described the conduct as a cruel deception of consumers who seek out free range eggs as a matter of principle. Justice North further stated that the conduct was extremely difficult to detect because, once the eggs were placed in the cartons, it was impossible to determine whether they were free range or not.

C.J. & Co is not the only court action the ACCC has taken for misleading labels on egg cartons. In 2007 the ACCC also secured an outcome against G.O. Drew Pty Ltd who was found to have substituted and sold non-organically produced eggs as organic eggs.

‘These proceedings should act as a warning to the Australian egg industry that the ACCC views egg substitution as a serious matter and will take strong enforcement action to stop similar conduct,’ Mr Samuel said.

The ACCC is working with the egg industry encouraging suppliers to be clear and honest in their labelling.

The ACCC wrote to all producers and suppliers outlining the dos and don’ts of complying with the Competition and Consumer Act in relation to egg marketing and pointing out the consequences for those who flout the law.
Australian businesses have made 911 confidential mandatory product safety reports to the ACCC between 1 January and 30 June 2011, with intelligence provided by these reports and the ACCC’s product safety data clearinghouse triggering 40 recall notifications. The reports covered products in a broad range of categories including food, groceries, children’s products, cosmetics, toiletries and motor vehicles, and included injuries and illnesses such as anaphylactic and allergic reactions, food poisoning, burns, electrocution, choking hazards, cuts and lacerations.

‘As the majority of these reports have come from large organisations, the ACCC is concerned that small and medium sized enterprises may not yet be fulfilling their mandatory reporting requirements,’ said ACCC Deputy Chair Peter Kell.

Since 1 January 2011 any organisation in the business of selling, exchanging, leasing, hiring or hire purchasing consumer goods, or the granting or conferring of product related services such as repair or installation, has been required to notify the ACCC within two days after becoming aware that products or services they have supplied have been, or may have been, associated with serious injury, illness or death.

Mr Kell said that the ACCC has been assessing and working with suppliers on 481 of the 911 reports and has referred the remaining 430 to other regulators, such as Food Standards Australia New Zealand (FSANZ).

‘The ACCC has continued to gain feedback from suppliers on the reporting process. Since the introduction of mandatory reporting, improvements have been made to streamline the process for suppliers, making it easier for them to meet their mandatory obligation.

“We have also been working with food regulators, such as FSANZ, and the Australian Food and Grocery Council on streamlined reporting for the food industry,’ said Mr Kell.

For more information, visit www.productsafety.gov.au/mandatoryreporting. You can also follow Product Safety at the ACCC on Twitter: @ProductSafetyAU.

‘As the majority of these reports have come from large organisations, the ACCC is concerned that small and medium sized enterprises may not yet be fulfilling their mandatory reporting requirements,’ said ACCC Deputy Chair Peter Kell.

They might be selling energy, phone contracts, roofing, computer software, home maintenance or vacuum cleaners.

‘The offer gets you thinking. But the pressure is on. You can only get this deal if you sign on the dotted line now. Under the Australian Consumer Law, salespeople who choose to engage in direct marketing, including door-to-door trading, must comply with certain rules. These rules give you extra protection in situations where you have been approached by a salesperson, uninvited.

The salesperson may only come within permitted hours

Door-to-door salespeople must not approach you in your home outside the permitted hours. That is:

› on a Sunday or a public holiday
› before 9 am or after 6 pm on a weekday
› before 9 am or after 5 pm on a Saturday.

However, a salesperson may visit you at any time, if you have given your prior consent.

The salesperson must identify themselves and inform you of your rights

Before beginning a sales pitch, door-to-door salespeople must tell you:

› why they are visiting
› their name and who they represent, supported by written identification
› that you can ask them to leave and if asked, they must leave immediately; and
› that you have cooling-off rights.

Negotiating a sale—the salesperson must not harass you

It is against the law for salespeople to coerce you, harass you or put you under undue pressure to purchase the goods or services or waive your rights to cooling off and termination.

If you don’t like how a salesperson is behaving, ask them to leave—they must leave immediately and they must not contact you again (if representing the same organisation) within 30 days.

Sealed a deal and signed a contract?

If you agree to an offer, the sales contract must:

› be clear and expressed in plain language
› explain your cooling off and termination rights
› state the full terms and conditions, including the total price payable (or how it will be calculated);
› contain the salesperson’s name and contact details
› be signed by both parties
› be printed—although any changes may be handwritten and signed.

The contract must also be accompanied by a form you can use to terminate the contract during the cooling off period and you must be given a copy of the contract on the spot.

Change your mind? You may have cooling off rights

If you purchase goods or services from a door-to-door salesperson worth more than $100, you are entitled to a cooling off period of 10 business days.

This gives you time to reconsider the deal and be sure that it is something you really want and can afford.

If you do decide you ‘want out’, you have a right to terminate the contract, without penalty, during the cooling off period. Any associated contracts, for example, finance contracts will also be terminated.

If the salesperson has not met all of their obligations, the cooling off period could be longer; three months or six months.

Even if you’re sure you want to go ahead, be aware the salesperson is not allowed to supply you with your purchase—or request payment from you—during the cooling off period.

Protect yourself: when to say ‘No thanks, please leave!’

Always say no to door-to-door salespeople who:

› have no legitimate identification or identification which looks doubtful
› offer deals that seem too good to be true
› ask for up front payments before doing any work or providing goods.

These traders are probably con artists who never deliver and rip people off.

To help stop them, report them to your local police and the ACCC.

More information

Recent changes to the Freedom of Information (FOI) Act will make it easier to access government documents, including those by the ACCC, and in many cases they will be freely available on the web.

The updated FOI Act promotes disclosure of government information, so that government agencies are more transparent and provide information about both processes and outcomes.

In practical terms some of the significant changes are: fewer reasons to refuse to release and greater access to documents released under FOI.

Instead of only the applicant receiving the information, now everything released under FOI (that is not exempt from publication) will be published on a new ACCC FOI website http://foi.accc.gov.au.

Freedom of Information requests can also be made via this website, as well as the main ACCC site.

A new feature of the FOI changes is that all Australian Government agencies must publish ‘operational information’ that is, internal policies, procedures, instructions, guidelines that ACCC staff use in making decisions which affect the public.

Operational information will be regularly updated on the website as it is developed or updated, and biannual reviews of the information on the website will take place.

In short the ACCC FOI website will be an open and transparent portal to key information about what the ACCC is, what it does and how it does it.

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New ACCC Education and Engagement team focuses on new laws

Australian consumers and businesses can help create a fair marketplace by exercising their rights and complying with the new Australian Consumer Law (ACL).

That may sound daunting, but the ACCC’s new Education and Engagement section (formerly Small Business and Outreach) is here to help.

The team provides education to business and consumer audiences by talking regularly to relevant stakeholders and organising articles, website content, presentations or an ACCC presence at events across the country.

Our stakeholders include state and territory offices of fair trading and small business, Business Enterprise Centres (BECs), industry associations, chambers of commerce and local council business development offices.

ACCC Education and Engagement Managers (formerly known as Regional Outreach Managers) are currently focused on educating small businesses about the key aspects of the ACL and how they can build compliance into their business operations.

The ACL came into force on 1 January 2011, replacing former state and territory consumer protection laws.

It provides a modern, flexible and responsive national regulatory system that protects consumers, eases burdens for business, increases efficiency and simplifies trading across local borders.

The law is enforced collectively by the ACCC and state and territory offices of fair trading and small claims tribunals.

To get in touch with your local Education and Engagement Manager contact the ACCC Small Business Helpline on 1300 302 021.
ACCC publications—recent highlights

View these and many more online at accc.gov.au

ACCC Water Monitoring Report 2009–10
ACCC Reconciliation Action Plan 2011–12
AER Strategic priorities and work program 2011–12

Keeping baby safe: A guide to infant and nursery products
Safety Alert: Baby slings brochure
Kickstart your career: Join the ACCC
Safety Alert: Blind and curtain cords

Need help paying your electricity or natural gas bill?
How can I save money on my electricity or natural gas bill?
Electricity and natural gas telephone and door to door sales
What happens when I change my electricity or natural gas contract?

How do I choose an electricity and/or natural gas contract?
Electricity and natural gas contracts—what are they and do they apply to me?
What to do about your electricity and natural gas services when moving house

Electricity and natural gas—information for tenants
Network costs for electricity and natural gas
Disconnection and reconnection—your rights and responsibilities
Electricity and natural gas bills explained—the costs of your electricity and natural gas

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