

Chapter 1

Introduction

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I Beyond the ‘Australian Consumer Law’

This volume is partly an in-depth commentary on key aspects of the *Australian Consumer Law* (ACL) regime, fully in force from 1 January 2011; but it is much more than that.¹ The ACL was enacted in two main tranches as Schedule 2 to the *Competition and Consumer Act 2010* (Cth) – the new name for the *Trade Practices Act 1974* (Cth) (*TPA*) – and then ‘applied’ as State and Territory legislation pursuant to a formal Inter-Governmental Agreement (IGA) finalised in July 2009. The ACL therefore represents a major ‘re-harmonisation’ of consumer law throughout Australia.² Fair trading and other consumer protection legislation introduced by States and Territories, from the 1980s, had increasingly diverged from the *TPA* to varying degrees – creating growing complexity for consumers, businesses and regulators.³

However, the advent of Australia’s simplified nation-wide regime centred on ACL is important for other reasons. It is part of a long-awaited reconsideration of the very purposes as well as the appropriate scope of consumer protection law in Australia, and it has inspired legislative reform

- 1 Other works providing introductions to that federal legislation and its progeny include: Corones S, *The Australian Consumer Law 2nd edn* (Thomson Reuters, Sydney, 2013); Bruce A, *Consumer Protection Law in Australia* (LexisNexis Butterworths, Sydney, 2011); Jay D and Nottage L, ‘Sale of Goods, Consumer Transactions and Product Liability’ in *Australian Encyclopedia of Forms and Precedents* (LexisNexis Butterworths, Sydney, looseleaf); and commentary updates by Kellam J and Nottage L (among others) in Tonking I and Baxt B (eds), *Australian Competition and Consumer Reporter* (CCH Australia, Sydney, looseleaf).
- 2 For overviews and links to the text of the ACL and its ‘application legislation’, as well as the IGA, see <http://www.consumerlaw.gov.au/content/Content.aspx?doc=the_acl.htm> accessed 10 September 2012.
- 3 See Professor Stephen Corones’ consultancy report (12 December 2007) comparing details of a patchwork quilt of pre-existing nation-wide legislation, at <<http://www.pc.gov.au/projects/inquiry/consumer/consultancyreports/consumerprotectionlegislation>> accessed 10 September 2012; generally, for example, Pearson G, ‘Streamlining Consumer Law Rules: An Australian Perspective’ in Reddy KV, Kumar V and Reddy VB (eds), *Global Perspectives in Consumer Law* (S Gogia & Company, Hyderabad, 2011), p 1.

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