

Legislative and Governance Forum on Consumer Affairs
with
Consumer Affairs Australia and New Zealand

Strategic Agenda 2018-2022

An integrated and harmonised approach to consumer
choice and protection

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AN INTEGRATED AND HARMONISED APPROACH TO CONSUMER CHOICE AND PROTECTION

THIS DOCUMENT SETS OUT THE STRATEGIC GOALS OF THE LEGISLATIVE AND GOVERNANCE FORUM ON CONSUMER AFFAIRS (CAF) AND CONSUMER AFFAIRS AUSTRALIA NEW ZEALAND (CAANZ), THEIR PRIORITIES FOR THE PERIOD 2018-2022 AND THE STRATEGIES THEY WILL USE TO DELIVER ON THIS AGENDA.

The Australian Consumer Law (ACL) commenced on 1 January 2011, creating for the first time a national policy framework designed to enhance consumer choice and protection. The reform changed significantly the legislative framework for consumer law: the way consumer policy is developed and implemented; the way consumer law rights and obligations are communicated; and the way consumers' rights and business obligations are enforced.

The national consumer law is atypical of Australian legislation in that it provides a single legislative framework across all jurisdictions supported by both Commonwealth and state and territory regulators. Effective communication and co-operation across jurisdictions is an integral part of ensuring the effective operation of the law.

Consumer affairs ministers form CAF under a broad COAG framework. CAF is responsible for the administration and development of the ACL and for other specific issues under the IGA and the Trans-Tasman Mutual Recognition Agreement.

Under the Intergovernmental Agreement for the Australian Consumer Law (IGA)¹ the objective of CAF 'is to improve consumer wellbeing through consumer empowerment and protection, to foster effective competition and to enable the confident participation of consumers in markets in which both consumers and suppliers trade fairly.'²

CAANZ is a forum of consumer affairs agencies in Australia and New Zealand, established to support the formal responsibilities of CAF. CAANZ engages in policy coordination and development, enforcement cooperation and information sharing, and shared compliance and national education initiatives.

¹ The IGA is due for review in 2018

² IGA, page:3

CAF AND CAANZ'S STRATEGIC GOALS FOR 2018-2022

CAF AND CAANZ'S GOALS FOR 2018-2022 ARE CENTRED ON EMPOWERED CONSUMERS, RESPONSIBLE TRADERS, FORWARD-LOOKING CO-ORDINATED REGULATORY ACTIVITY AND IMPLEMENTING THE CAF ENDORSED ACL REVIEW AGENDA.

An understanding of what constitutes success helps to focus action and achieve collaborative outcomes. The key goals are:

Consumers know and exercise their rights

- Consumers trade with confidence in existing and emerging markets
- Vulnerable consumers are empowered and supported

Businesses comply with the ACL

- Safe products are supplied in the Australian market
- There are serious and proportionate consequences for businesses that breach the ACL
- The occurrence of repeat offending is reduced

ACL regulators take a forward-looking and coordinated approach to consumer protection

- CAF's endorsed outcomes from the 2017 ACL Review are fully implemented
- ACL regulators respond effectively to new issues that arise in existing and emerging markets
- ACL regulators inform specialist regulators of relevant ACL issues to encourage greater consistency across frameworks

PRIORITIES FOR 2018-2022

THE PRIORITIES DETERMINE WHERE THE MAJORITY OF RESOURCES AND EFFORT WILL BE ALLOCATED TO ACHIEVE THE STRATEGIC GOALS.

Six strategic priorities have been identified:

1. Implement the CAF endorsed ACL Review outcomes;
2. Take regulatory action with a broad benefit for consumers, focusing on protecting vulnerable consumers and emerging issues;
3. Reduce the supply of unsafe products and related services in the Australian market;
4. Work with a range of partners to improve compliance with consumer protection laws at local, national and international levels, including through engaging and educating businesses;
5. Address emerging issues and conduct regular environmental scans; and
6. Create a shared digital strategy and data intelligence capability.

HIGH-LEVEL STRATEGIES

Priority 1: Implement the CAF endorsed ACL Review outcomes

1.1 Implement the existing ACL Action Plan

Priority 2: Take regulatory action with a broad benefit for consumers, focusing on protecting vulnerable consumers and emerging issues

2.1 Co-ordinate action across jurisdictions to target regulatory effort where the greatest benefit for consumers can be achieved, for example scams and unfair contracts

2.2 Ensure consumer protection exists within the consumer directed care framework

2.3 Implement the National Indigenous Consumer Strategy

Priority 3: Reduce the supply of unsafe products and related services in the Australian market

3.1 Explore the introduction of a General Safety Provision

3.2 Establish a comprehensive and collaborative approach to product safety compliance

3.3 Increase awareness of how related services, for instance through the internet of things, affect consumer product safety

3.4 Make progress towards a national product safety database

Priority 4: Work with a range of partners to improve compliance with consumer protection laws at local, national and international levels, including through engaging and educating businesses

4.1 Identify and establish effective relationships with the key partners of CAANZ

4.2 Seek out more opportunities to take joint or joined-up ACL action

Priority 5: Address emerging issues and conduct regular environmental scans

5.1 Scope and understand the consumer protection issues related to online selling, and target identified issues through integrated compliance

5.2 Undertake educational and disruptive approaches to protect consumers against scams.

Priority 6: Create a shared digital strategy and data intelligence capability

6.1 Develop a data and intelligence capability roadmap based on existing jurisdictional experience

6.2 Agree and implement a CAANZ Digital Strategy

CAF AND CAANZ DECISION MAKING STRUCTURE

