



# Legal Issues.

## Consumer Protection

Consumer laws protect you in relation to:

- Trading practices such as door-to-door sales, pre-paid funerals and health and fitness contracts
- The safety of products that you buy
- The purchase of products by weight or measure
- Credit contracts
- Buying services and goods
- The rental of residential property.

You can expect the goods and services you buy to:

- Be free of faults (unless you knew about them before purchasing)
- Suit the intended purpose (for example, if you asked for some glue suitable for wood, that is what you should get, not glue suitable for paper)
- Match the description or any sample shown to you
- Be of merchantable quality, which means that there should be no hidden defects and the goods or services should be of a reasonable level of quality or performance, bearing in mind the price and the way they were described.

Useful information can be found on the website [www.consumerlaw.gov.au](http://www.consumerlaw.gov.au) including a list of organisations to be contacted for various consumer issues in each state.

### Tradespeople

The SA Government's Consumer and Business Services is responsible for licensing various occupations including plumbers, gas fitters, electricians and builders. The licensing system exists to protect you from unsafe building work, poor business practices and to protect the water, gas and power supplies from damage caused by faulty work.

You should always select a licensed tradesperson for plumbing, gas fitting, electrical or building work (e.g. painting, tiling, paving, fencing and carpentry). Ask to see the tradesperson's licence before they begin any work for you to ensure they do have the appropriate licence. If they can't produce it, ask for their licence number and then check the **Consumer and Business Services' Licensing Public Register** (tel. 13 18 82 or search it online at [www.cbs.sa.gov.au](http://www.cbs.sa.gov.au)). If you don't use a licensed

tradesperson and something goes wrong, insurance claims could be difficult.

Some home maintenance and renovation / refurbishment work (including installation of soft furnishing items) may occur as a result of door-to-door offering.

Door-to-door traders must show you their identification and explain the cooling-off rights that apply to any deals worth \$100 before a contract is signed. More information can be found in the Consumer and Business Services consumer guides.

### Retirement village arrangements

In South Australia the **Office for the Ageing (OFTA)**, tel. **8204 2420**, is responsible for monitoring compliance with the SA Retirement Villages Act and Regulations. The Retirement Village Unit provides information, conciliation and assistance on retirement village matters including clarification regarding matters of concern.

Older people can be vulnerable to polished sales pitches. Complaints are received about retirement villages whose sales promises have not met consumer expectations. Sometimes it is the case of the consumer not having fully understood the contract that has been signed. OFTA and Catalyst Foundation recommend that impartial, professional advice is obtained before a contract is signed.

Catalyst Foundation (formerly Seniors Information Service) can offer information about retirement villages and will refer to its legal clinic or the **Law Society's** register of solicitors specialising in specific areas of law including the Retirement Village Act.

### Rental arrangements

The Tenancies Branch of Consumer and Business Services is also able to assist older people who have any tenant/landlord questions and is able to advise you of your rights and obligations as a tenant. Tel. **Tenancy Advice Line, 13 18 82**

**Tenants Information and Advocacy Service (TIAS)** is a free service for low income tenants in private rental. The service covers, for example, appeals, bond assistance, complaints, debt, evictions, transfers and waiting lists.

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Tel. 1800 060 462, [www.syc.net.au/tias](http://www.syc.net.au/tias). Offices are located in Adelaide, Port Adelaide, Blair Athol and Christies Beach).

### Pre-paid funeral arrangements

A pre-paid funeral plan includes a contract detailing the arrangements and service to be provided, and payment in advance, either as a lump sum or by installments. The money paid to the funeral director is invested and should be protected against inflation.

When entering into a contract, make sure you read and understand it. If necessary, get independent legal advice before you sign. Obtain a copy of your contract at the time of signing and keep it in a safe place. All contracts can be altered, subject to mutual agreement.

Further information is available at [www.moneysmart.gov.au](http://www.moneysmart.gov.au), the Australian Funeral Directors Association website ([www.afda.org.au](http://www.afda.org.au)) and from the Consumer and Business Services.

### Shopping from home

Purchases from home may be done via door-to-door sales, mail order, television or the Internet. Such transactions are subject to the same laws as other purchases of goods and services. However, enforcing those laws against a trader who is interstate or overseas can be difficult and expensive.

Door-to-door traders must provide you with identification that clearly identify them, the company they represent and its address.

When shopping on the Internet check:

- Trader identification - legal trade name, registered address, physical trading address, phone number, and Australian Company Number (ACN) or ABN (Australian Business Number)
- Freight/delivery method and costs and their refunds and returns policy
- Privacy statements setting out how the business deals with your personal information
- All dialogue boxes (to make sure they are filled in and 'ok' isn't just clicked)
- Currency exchange rates, sales tax/import duties
- The legality of importing goods from overseas.

Other tips:

- Be wary of offers that appear too good to be true.
- Print out your order before you send it; retain all correspondence and communication.
- Don't give your bank details to any business.
- Only use your credit card for payment online if the retailer uses a secure payment system.

For further information check the Australian Competition and Consumer Commissions' web page [www.accc.gov.au/consumers/online-shopping/shopping-online](http://www.accc.gov.au/consumers/online-shopping/shopping-online) and MoneySmart's [www.moneysmart.gov.au/scams/avoiding-scams](http://www.moneysmart.gov.au/scams/avoiding-scams)

### When things go wrong

You have a right to complain if you have bought something which is faulty, been given deliberately false information about a product or service or goods do not match the description.

Try to resolve the situation by talking to the trader or contractor. It will help to have relevant documents handy. If this is not successful put your concerns in writing to the trader and ask for a written response. Keep your original letter. If you are not satisfied contact the **Consumer and Business Services**, Chesser House, 91-97 Grenfell Street, Adelaide. Tel. 13 18 82

Consumer and Business Services publishes a range of booklets and brochures on consumer protection issues, which are also available on line at [www.cbs.sa.gov.au](http://www.cbs.sa.gov.au). Regional offices in Mount Gambier, and Port Augusta and Service SA centres in Berri, Gawler, Kadina, Murray Bridge, Naracoorte, Port Lincoln, Port Pirie and Whyalla. Tel. 13 18 82 for further information.

For assistance to resolve complaints about public, private and non-government health and community services in South Australia contact the **Office of the Health & Community Services Complaints Commissioner** on 8226 8666 or 1800 232 007.

### Do Not Call Register

This Australian Government register is a secure database where individuals and organisations can list their landline and mobile numbers to opt out of receiving unsolicited telemarketing calls and marketing faxes. Most telemarketing firms will be barred but some groups including registered charities, political parties and educational institutions will still be able to call those who have registered. Register by phone (tel. 1300 792 958), on line at [www.donotcall.gov.au](http://www.donotcall.gov.au), or download form and post it to the Register's office). If you have difficulty using the options above contact Catalyst Foundation (tel. 8168 8776 or 1800 636 368 for country callers using landline) and request for a copy of the form to be posted to you.

**The information contained here is general in nature and is not intended as legal advice.**