

Legal Issues

Consumer protection



Consumer laws protect you in relation to:

- Trading practices such as door-to-door and telephone 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 only 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 on product safety, consumer guarantees, sales practices etc. can be found on the website www.consumerlaw.gov.au.

Tradespeople

The SA Government's Consumer and Business Services (CBS) is the agency 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 South Australia Government's website 'Check occupational licence holders at www.sa.gov.au/topics/business-and-trade/licensing/licence-check or phone CBS on **13 18 82**. If you don't use a licensed tradesperson and something goes wrong, insurance claims could be difficult.

Retirement village arrangements

See our fact sheets *Retirement village housing* and *Financial and contractual arrangements in retirement villages*.

The **Office for Ageing Well**, tel. **8204 2420**, is

responsible for monitoring compliance with the SA Retirement Villages Act and Regulations.

The **South Australia Civil and Administrative Tribunal (SACAT)** helps with resolving issues within specific areas of law. This includes disputes between retirement village residents and operators. **Tel. 1800 723 767**, www.sacat.sa.gov.au.

Rental arrangements

The Tenancies Branch of Consumer and Business Services is also able to assist people who have any tenant/landlord questions and to advise you of your rights and obligations as a tenant.

Tel. Tenancy Advice Line, 13 18 82 or email ocbatenancyadvice@sa.gov.au.

Information on lease agreements and related issues can be found at www.sa.gov.au/topics/housing. **SACAT** (mentioned above) has authority to make legally binding decisions in disputes between landlords and tenants. SACAT can help with private rental, public and community housing, residential parks, rooming houses and lifestyle villages.

RentRight SA (formerly TIAS) is a free, independent service helping people maintain their tenancies in private rental, community housing or public housing (e.g. if facing eviction). The service is provided by SYC Ltd, **tel. 1800 060 462**, www.syc.net.au/home/rentrightsa

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 instalments. The South Australian legislation requires funeral providers to place the payments with a regulated fund. 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. For information on the legal requirements contact CBS.

Further information on the options available can be found at www.moneysmart.gov.au and the Australian Funeral Directors Association website (www.afda.org.au)

Shopping from home

Purchases from home may be done via door-to-door sales, mail order, 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.

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When shopping on the Internet check:

- Trader identification - legal trade name, registered address, physical trading address, phone number, and (if it is an Australian business) 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
- 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.
- Only use your credit card for payment online if the retailer uses a secure payment system.
- Don't give your bank account details to any business.
- Make sure no tick/check boxes which do not reflect your preferences are filled by default.

The South Australian Consumer and Business Services (CBS) publish useful resources such as *The Savvy Consumer* and *Door-to-door sales*, which are also available on line at www.cbs.sa.gov.au. Tel. **13 18 82** for further information.

The website of the Australian Competition and Consumer Commission (ACCC) features advice and tips for online shopping, a guide for consumers with a disability and other resources on warranties, repair, replacement and refund, cancelling a service, etc. www.accc.gov.au

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 if goods do not match the description.

As a general rule complaints and dispute resolution services advise people to first try to resolve their issues directly with the organisation, documenting all steps taken, including contacts made and copies of any letters sent. If no satisfactory resolution is achieved contact the relevant complaint service. Besides the Consumer and Business Services there are agencies dealing with complaints in specific areas:

Telecommunications Industry Ombudsman

A free and independent dispute resolution service for individuals, small business and not-for-profit organisations who have a complaint about their telephone or internet service.

Tel. **1800 062 058**; www.tio.com.au

Australian Financial Complaints Authority provides consumers and small businesses with free and independent dispute resolution for financial complaints regarding credit, finance, loans, insurance, banking deposit and payments, investments and financial advice and superannuation.

Tel. **1800 931 678**; www.afca.org.au

Office of the Health & Community Services Complaints Commissioner (HCSCC) provides assistance with resolution of complaints about public, private, non-government health and community services in South Australia. Tel. **8226 8666**, **1800 232 007**; www.hcsc.sa.gov.au. It is also possible to lodge a complaint on line.

Energy and Water Ombudsman SA facilitates the prompt resolution of disputes between the consumers and the providers of water and energy services.

Tel. **1800 665 565**, <https://ewosa.com.au/>

Do Not Call Register

This Australian Government register is a secure database where you can list your landline and mobile numbers to opt out of receiving unsolicited telemarketing calls and marketing faxes. Most telemarketing firms will be barred. 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, or download form and post it to the Register's office).

Further information

Other industry ombudsman and dispute resolution services can be found on the website of the Australian Competition and Consumer Commission (ACCC): www.accc.gov.au

Catalyst Foundation (including Seniors

Information Service) can help you to identify and locate the organisations that might be able to assist with your specific complaint or legal issue, consumer protection and advocacy. We can also provide access to the relevant application forms where applicable.

Tel. **8168 8776** or email

information@catalystfoundation.com.au;
www.catalystfoundation.com.au

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

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