

ALERT

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Trade Practices Act name change to Competition and Consumer Act

Introduction of Competition and Consumer Act

Effective 1 January 2011, the *Trade Practices Act 1974* (Cth) (**TPA**) was renamed the *Competition and Consumer Act 2010* (Cth) (**CCA**). As well as the name change, the CCA introduced substantial changes to consumer law, including expanding the unfair practice provisions, creating a new national product safety regime and introducing new laws on consumer guarantees. It is designed to create a unified national consumer law (the Australian Consumer Law or ACL) to apply to consumer transactions in all Australian jurisdictions.

How this affects you

The CCA is one of the most wide-reaching pieces of commercial legislation; it is critical that you are aware of how the new regime will affect your business. While a name or section change may seem insignificant, these changes can potentially impact on the enforceability of your consumer contracts and other documents.

We recommend that you conduct a review of all documents referring to the TPA and amend those references to the new CCA. Documents

that will need to be reviewed include leases, mortgages, goods and services contracts, supply contracts (including standard form terms and conditions of supply), commercial contracts and other transactional documents that typically refer to the TPA.

If your business involves sales to consumers (as opposed to sales to other businesses), the new Act may necessitate substantial modification to your sale documents.

How we can help

We can review and update all your consumer contracts and other documents to ensure they comply with the provisions of the CCA. We can also provide more detailed advice on how the introduction of the CCA affects your business.

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Disclaimer: This Alert is intended to provide general information on legal issues and should not be relied upon as a substitute for specific legal or other professional advice.



For more information on the operation of the CCA and possible implications for your business, or to arrange for a review of your business-consumer documents, please contact:

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