

# Update on Victoria's unfair contract terms legislation

*Dr. Elizabeth Lanyon, General Manager Consumer Policy & Programs and Chair Unfair Contract Terms Taskforce - Consumer Affairs Victoria*

*Peter Hiland, Special Counsel, Compliance & Enforcement - Consumer Affairs Victoria*

*Patrick L'Estrange, Senior Legal Officer, Consumer Policy & Programs and member Unfair Contract Terms Taskforce – Consumer Affairs Victoria*



# Introduction



- Report of Fair Trading Review Reference Panel 2003
- Part 2B Fair Trading Act
- Unfair Contract Terms Taskforce
  - mobile phones, hire cars, domestic building, curtains and carpets, health and fitness, internet service provision, pay TV, residential tenancies, airline conditions of carriage



# Taskforce and Litigation experience



- Problematic nature of the 'good faith' requirement – amendment to s.32W
- Need for a presumption that Part 2B applies – new s.32ZDA
- Need for County and Supreme Court options - amendments to ss.32ZA & ZC
- Need for wider range of remedies - new s.32ZC(4)



# Inclusion of consumer credit contracts



- Existing national process for consumer credit  
- FTA Review Reference Panel report 2003
- Consumer Credit Review – Merlino Report -  
Government Response 2006
- Fair Trading and Other Acts Amendment Bill  
2008 - amendments to ss.32V & 32Y
- Precedes National Consumer Law – MCCA  
endorsed UCT provisions to include  
consumer credit contracts