

2021

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

COMPETITION AND CONSUMER AMENDMENT
(AUTOMATED COMPUTER BUYING) BILL 2021

EXPLANATORY MEMORANDUM

(Circulated by authority of the Hon. NGSpy MP)

General outline and financial impact

Automated Computer Buying Regulations

This Act amends the *Competition and Consumer Act 2010* in Part IV (Restrictive Trade Practices) as well as the corresponding Schedule 1 which is a Schedule version of Part IV. The measure shall prevent the use of automated computer programs to buy goods and services without the use of a written contract with the provider of the goods and services in the first place. This is designed to prevent irregularities in pricing and consumer goods, while also formalising a process for companies to continue practices that they deem acceptable. It shall also mandate companies that offer online retail services to ensure that this law is upheld, and to ensure that a human pays for goods and services when they need to.

Date of effect: This bill shall take effect on the day it receives the Presidential Assent, but the amendment to the Act shall take place on 1 August 2021.

Financial impact: There is no financial impact with this measure.

Human rights implications: This Bill does not raise any human rights issues. See *Statement of Compatibility with Human Rights*.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

Competition and Consumer Amendment (Automated Computer Buying) Bill 2021

This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview

This Bill ensures that automated computer programs cannot buy goods and services from a provider without a written contract by the provider that permits the consumer to buy goods and services using an automated computer program.

Human rights implications

This Bill does not engage any of the applicable rights or freedoms. This is due to this Bill not affecting the rights of humans, but rather the supposed rights of computer programs to exist for their function.

Conclusion

This Bill is compatible with human rights as it does not limit any applicable human rights or freedoms.