

2022

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Competition and Consumer Amendment (Unfair Contract Terms) Bill 2022

EXPLANATORY MEMORANDUM

(Circulated by authority of Cookie Monster)

General outline and financial impact

Unfair Contract Term Provisions

This Act amends the Competition and Consumer Act 2010 to add unfair contract terms to the list of cartel provisions that corporations can be charged for.

It also creates a super-complaint provision. This provision will allow recognised consumer advocates such as Consumer Action Law Centre, CHOICE & the Consumers Federation Australia to make 'super-complaints' when they have received credible evidence of anti-competitive behaviour.

These 'Super-Complaints' will be given top priority by the The Australian Competition and Consumer Commission. The Australian Competition and Consumer Commission is often overloaded with cases to investigate, this provision will allow consumer advocate groups to cut through the bureaucracy and address cases quickly when they have gathered sufficient evidence/

Financial impact: This measure is estimated to have no financial impact

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 (Unfair Contract Terms) Bill 2022

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 will allow consumer advocate groups to act with greater efficiency, it will also protect the human right to fair pay and working conditions.

Human rights implications

This Bill does not engage any of the applicable rights or freedoms.

Conclusion

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