

# The CHOICE Consumer Rights Guide 2020

Five things you can do right now to take  
control of your consumer rights

**CHOICE**

# Introduction

In 2020, CHOICE (The Australian Consumers' Association) is celebrating 60 years of working with the Australian community to make products safer, markets fairer and life easier, in ways both big and small.

In 60 years, we've seen how powerful Australians can be when they come together and ask for better. Together with CHOICE, Australians have worked hard to make sure the daily interactions and longer-term relationships we have with businesses are fair and balanced.

Since our inception, CHOICE has been fighting alongside our members and supporters for better consumer laws, and in 2011, we saw the introduction of the first national, integrated and harmonised consumer law in this country, the Australian Consumer Law (ACL). It was a great achievement and has given us all the tools to assert our rights when buying products and services.

However, as events such as the Banking Royal Commission showed, there is still a lot of work to be done to create a fairer market for Australians, particularly in complex service areas like finance, health insurance and superannuation.

The good news? In our 60 years at CHOICE, we've seen firsthand the power you have.

When we band together, we have the power to change laws, improve markets and help everyone get a better deal. When we share information about our rights, more people are empowered to use their legal protections when companies do the wrong thing.

This guide, the CHOICE Consumer Rights Guide 2020, includes useful tips and advice for things you can do right now to take control of your consumer rights and make a difference.



Our founder, Ruby Hutchison, was a trailblazer for consumer rights in Australia.



# 1. Play the market

## Make 2020 the year you switch up your services.

Too many businesses rely on your loyalty to gouge you in the longterm. They rely on signing you up at cheap rates, only to charge you more once you become a loyal customer. Whether it's your energy retailer, home loan provider or health insurer, there is almost certainly a better deal in the market if you haven't switched in the last few years. For example, you could save an average of \$850\* per year on an average-sized home loan if you move from your current deal to the rate that new customers are offered.

\*As reported by the ACCC Residential Mortgage Price Inquiry 2018

CHOICE's advice for playing the market:

## Test their loyalty

Found a cheaper rate or a better service? Call your current provider and tell them what you've found – if you've been a loyal customer, make them fight to keep you.

## Don't pay for things you don't need

It's easy to be enticed by big numbers and long lists of benefits, but remember to focus on things you really need. Check your bills. Whether it's your phone company or your health insurance, ensure you are getting your money's worth. In some cases, you may not need the service at all.

What benefits are you really getting from your private health insurance, for example? Do you really need to be paying for Extras? Check out whether you really need health insurance to save on tax at [dolneedhealthinsurance.com.au](http://dolneedhealthinsurance.com.au)

## Ditch your default

Millions of Australians are lumped with accounts they never really had a choice in.

Whether it's a bank account you were signed up to at school or a superannuation account you were signed up to for a new job, these can be expensive and underperforming, or be slugging you with hidden fees.

## Don't trust commercial comparison sites

Too many commercial "comparison" sites don't really compare all your options. They can prioritise results for you that translate to sales commissions for them if you sign up. Fortunately, many government bodies and non-profits like CHOICE now provide objective comparison tools free of commercial interests.

**Tip:** Check how much internet and phone data you're using each month. You could be paying for large download quotas or speed you don't need.

**"You shouldn't have to be a data analyst to find a decent price and good product for your needs,"** says CHOICE finance expert, Jodi Bird.

"A lot of industries have relied for too long on confusing us into staying with them. CHOICE will help you independently compare a range of products, but even just a few phone calls each year can save you from being ripped off."



## 2. Keep records

### Keep a record of your communication with businesses.

Everyone has the same rights under the Australian Consumer Law, but you will find it easier exercising those rights if you've kept good records.

Always lose documents and receipts? Technology makes it easier than ever to keep records:

- Take a photo of paperwork and receipts with your smartphone and store it using a photo service, emailing it to yourself or by using the [ACCC Shopper app](#)
- Ask for email copies of receipts or paperwork wherever you can
- Use a “notes” app on your smartphone after you call a business. Just make a couple of notes about what was discussed
- Photo storage and email services have search functions to help you find that obscure photo from months or years ago. It can be as simple as searching for “receipt”



### I lost my receipt, what can I do?

Thankfully, under the Australian Consumer Law, a receipt isn't your only option for proof of purchase. The ACCC says these can also be forms of proof:

- a credit or debit card statement
- a lay-by agreement
- a receipt or reference number given for phone or internet payments
- a warranty card showing the supplier's or manufacturer's details and the date and amount of the purchase
- a serial or production number linked

with the purchase on the supplier's or manufacturer's database

- a copy or photograph of the receipt



**“Evidence is everything,”** says CHOICE consumer law expert, Julia Steward.

“Ideally your consumer rights are respected by the company you bought from or the manufacturer, but if it ever needs to go to a court or a tribunal, evidence will be particularly important. You shouldn't have to hire a lawyer to assert your consumer rights, but if it ever gets to that, your record keeping will increase your chances of a good result.”

**Tip:** Many businesses now have a “live chat” function on their websites. Use it to your advantage. “Live chat” gives you a record of everything you were promised a product or service would do. Use this function to ask detailed questions about a product or service. If you receive it and it doesn't perform as promised, you'll have evidence they told you otherwise. Make sure to take screenshots of the conversation, download it or request the transcript.

# 3. Know your rights

Australian businesses are bound by the Australian Consumer Law. The Australian Consumer Law was designed to be easy to understand and use. Getting to know your rights will help you if you ever have to use them.

For more detail, you can read the full government guide to your consumer rights at [consumerlaw.gov.au](http://consumerlaw.gov.au)

Or [CHOICE.com.au](http://CHOICE.com.au) has information on a wide range of products and services and how to use your rights effectively.

This guide covers just a few things we think will help you make the most of your rights.

## Don't pay for rights you already have

“**Extended warranties**” are consistently some of the worst-value products available. In many cases, they provide little to no extra benefit over what you're entitled to under Australian Consumer Law. If a salesperson is pushing an extended warranty, ask them “**What does this provide me that I don't already get under the Australian Consumer Law?**”



## Who do I complain to? The retailer or manufacturer?

Both the store you bought the product from and the company that made the product have to respect your consumer rights. You get to choose who to complain to based on who you would find most convenient to deal with.

### Retailer

- Can have more local locations to attend
- Store programs and cards can keep records of proof of purchase
- Sometimes they then have to send a product to the manufacturer for repair or wait on replacement stock (can take longer)
- Smaller stores may be less aware of the Australian Consumer Law

### Manufacturer

- Some larger manufacturers keep lots of stock, have in-house technicians and can secure a faster resolution
- Your product registration with the manufacturer can count as proof of purchase
- Can have no Australian base or stores to approach (can take longer)

### Should you contact both?

Yes. Contact both companies and see who responds more promptly or comprehensively. Some companies may have policies that go above and beyond consumer law, and they may compensate you for your trouble or offer free services to apologise, so it can't hurt to compare what's on offer.

## Play to your strengths

You know yourself the best – can you communicate more clearly face-to-face? Great on the phone? More confident when writing?

Pick the method of complaining that you're most confident in, or ask for help from a family member or friend.

Though it's less frequent since the introduction of the Australian Consumer Law, some stores may still use sneaky tactics to get you to agree to less than what you're entitled to, so it's important that you feel confident and in control of the situation when lodging a complaint.

## Unhappy with the response?

You have a few different options:

- Ask to speak to someone more senior, confidently explaining your consumer rights and your expectations
- Contact your local consumer affairs or fair trading organisation for help
- The business may be part of a professional body with a code of practice or conduct – the professional body may be able to help
- Go public. Sometimes sharing your story is the most effective way to get a resolution. This could be on social media, sending a tip to CHOICE or sharing with another media outlet – however, stick to facts you can prove and be clear about what action you would like to see from the business

You can find a [Consumer Help Directory](https://www.choice.com.au/consumer-help-directory) at [CHOICE.com.au](https://www.choice.com.au).

**Tip:** You can find scripts to help you when writing a complaint or complaining on the phone or in person at [CHOICE.com.au](https://www.choice.com.au)

**“When complaining, different companies might need different approaches,”** says CHOICE consumer advocate, Jonathan Brown.

“I’ve seen companies play legal games for months or years over a consumer issue, only to fold the moment you say you’ll go public. Whereas some companies respond to formality, others will respond to an authority like a regulator. The key is to know what your rights are, to be assertive and confident.”



# 4. Use your voice

Over 200,000 people help CHOICE change Australia for the better.



You can take control of your consumer rights by using your voice to change laws, get unsafe products fixed or taken off shelves, and make sure businesses treat us fairly.

You can take action now by participating in CHOICE campaigns, but there are other practical things you can do on any consumer issue you're passionate about.

## Tell your local MP why your issue matters

Personal stories matter. If you've been harmed by a consumer issue, it's important that your political representatives know about it. Personal stories are a powerful agent for change. You can write a letter to your local MP or even ask for a meeting. They're busy people, so it's important to be clear about your issue and what you want to see changed.

## Change companies and tell people why

Are you unhappy with one of the companies you buy from? Change companies, tell them why and tell your community why. Losing customers is one of the most effective ways to make a company change a policy or a bad behaviour, but it's vital you explain why.

## Help investigate

At CHOICE, we have some of the best experts in the world on finance, product safety and consumer rights, but even the best can't keep track of every issue that affects Australians.

Have you noticed a business doing something dodgy? Are you a master of data? Passionate about an issue and want to lend a hand?

Share what you've found. CHOICE has forums at [CHOICE.community](https://www.choice.com.au/community) to share your findings. Your research and input can make waves.



**“Many of the biggest reforms to consumer rights have happened because of support and action from the CHOICE community,”** says CHOICE Director of Campaigns, Erin Turner.

“Without people sharing their stories and demanding change, we never would have seen the Banking Royal Commission or big reforms like the ban on unfair credit card surcharges. People like you sharing your stories with CHOICE has helped us secure better laws, get unsafe products pulled from shelves and made our community a fairer, safer place.”



## 5. Beat the tricks

**Tricky sales tactics have been used to sell products for many years.**

But in 2020, we've got more tools than ever to become more savvy consumers.

### Put up a “do not knock” sign

Door-to-door sales are one of the worst forms of sales. By targeting you in your home, pressure sales techniques are some of the most effective for ripping you off.

But our friends at Consumer Action Law Centre have beaten the door-to-door sales trick with a simple “Do not knock” sign:



**Print this out and place it at a prominent place near your door.**

If businesses ignore these signs, they can receive huge fines and you can ask to be let out of any contracts from a salesperson who ignores this sign.

All you need to do is stick the sign up somewhere clearly visible at your door and it counts as a legal instruction to leave you alone. (This only applies to commercial businesses: charities and political parties are not legally bound by this sign).

### Sign up to the “do not call” register

Like door-to-door sales, phone sales are also some of the worst for taking advantage of potential customers.

Phone salespeople are highly trained to pressure you and keep you on the phone. If you don't want to chat, feel free to make an excuse up, such as: “I have a doctor's appointment” or “Dinner's boiling over”. Or, if they keep pushing you, just hang up!

Some mobile phones now have features that will check the incoming phone number and tell you if there are reports online of it being a telemarketer or scam.

You can also register your number at [donotcall.gov.au](https://www.donotcall.gov.au) to stop pesky telemarketing calls.

**Note:** Unfortunately, this won't stop scams, so still be suspicious of calls from phone numbers you don't know!

### “No returns”

Businesses cannot enforce “no returns” rules if a product is faulty. Don't be shy about returning dodgy products if they are:

- broken
- don't do what was advertised

You have the right to a refund or replacement under Australian law. It doesn't matter if it was on “sale” or a sign at the store said “no refunds”. You have rights and you are entitled to exercise them.

Unfortunately, some retailers will still try to give you the run-around [as we found when we awarded Kogan a Shonky award in 2019](#).

You don't have to accept less than what you are entitled to. A business cannot force you to take a lesser model or product than that to which you are entitled, and you should demand a refund if you haven't received what you paid for.



# Support our work

For 60 years, CHOICE has been working with you to make Australia a fairer place.

As a non-profit consumer advocate we're here for the benefit of the Australian community and no one else.

You can support our work by becoming a CHOICE member at [choice.com.au/join](https://www.choice.com.au/join)

For a small fee you can support our independent advocacy, journalism, advice, testing and reviews.

And you'll get access to member exclusive tests and services.



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