



Fair Trading Rules

Fair trading rules apply to businesses selling to other businesses and those selling to consumers. It allows all businesses to be competitive and have a fair chance of succeeding, while also protecting consumers.

Advertising a total price

You may choose to advertise a price which isn't the total price e.g. a price without GST, payment by instalments or a menu with a 10% surcharge on public holidays. Under the Trade Practice Act this is known as 'component pricing' and this price must always be accompanied by the single total price.

The single total price includes any charges, taxes, fees, levies or duties you expect a customer to pay. If the price or parts may vary you must also mention this, e.g. extra costs for materials or postage.

For more information on what does and doesn't count as the single total price visit the ACCC website.

Billing for unordered goods

Make sure you have an order for goods before supplying them. You risk not being paid if you send goods to a customer who has not ordered them. If you pursue payment, you may be breaking the law.

The person you sent the goods to doesn't have to pay unless:

- they decide they want the goods you have sent
- they have wilfully lost or damaged the goods

You can get the goods back at your own expense within three months of the person receiving them or one month after they notified you they had received unordered goods, whichever is the earliest. If you don't take any action within that time, the person becomes the legal owner of the goods unless they unreasonably deny you access to reclaim the goods or they knew (or should have reasonably known) the goods were not for them e.g. they were sent to the wrong address

Delivery of goods

It is an offence to accept payment for goods and services you are not able to supply within a reasonable time, or for goods and services materially different from what was agreed in the contract.



Make sure you:

- have enough stock to meet orders
- take into account any possible delays in manufacturing or distribution before accepting payment and give a delivery date

Contact sales (door-to-door)

Door-to-door hours are limited to 9am-8pm weekdays and 9am-5pm Saturdays. You're not allowed to sell door-to-door on Sundays and public holidays. The duration of a visit is limited to one hour, with half-hour extensions only allowed if the householder provides you with their written consent.

As consumers haven't had time to shop around or consider options when the sales person is in their home, they are given a 10 ordinary days 'cooling off' period in which to change their mind without any penalties. This means they can choose not to continue with an order without losing a deposit or legal consequences of breaking a contract.

You are required to conspicuously display the cooling-off cancellation notice in the contract, and are prohibited from requiring payment for services before the expiry of the cooling-off period.

Receipts and itemised bills

Retailers are required to provide itemised bills on request and to provide receipts for all transactions over \$50 and receipts on request for transactions under \$50.

Equal opportunity when providing goods and services

It's illegal to discriminate or sexually harass when providing goods and services, and accommodation (note: there are also other areas which apply which aren't consumer-based). You may also be held vicariously liable for discrimination or sexual harassment by your employees or agents (anyone authorised to act on their behalf).

Unlawful discrimination is: treating someone unfairly in the above areas on the basis of one or more of the following attributes age, disability, industrial activity, marital, parental or carer status, physical features, political beliefs or activity, pregnancy, race, religious beliefs or activity, sex or sexual orientation and gender identity.

Sexual harassment is: behaviour of a sexual nature that is unwelcome, unsolicited and unreciprocated. It occurs in circumstances where a reasonable



person would have anticipated the other person would be offended, humiliated or intimidated.

How to treat customers fairly

Equal opportunity is part of good customer service. It makes sense to treat customers and clients ethically and with courtesy. It's unlawful to discriminate against another person by:

- refusing to provide goods and services
- offering goods and services on less favourable terms
- subjecting the other person to any other detriment in the provision of goods and services on the basis of one of the protected attributes, such as race or sex

A person must not sexually harass a customer or client while providing or offering to provide goods and services. Likewise, a customer or client must not sexually harass anyone who is providing them with, or helping them select, goods and services.

Reasonable precautions to prevent discrimination and sexual harassment

In order to avoid liability for the actions of employees, you must show that reasonable precautions were taken to prevent discrimination and sexual harassment from occurring.

These precautions can include:

- developing an equal opportunity policy and complaint resolution procedure
- providing information and training to raise staff awareness about what behaviour amounts to discrimination and sexual harassment (the Victorian Equal Opportunity and Human Rights Commission offers free training)
- making all staff aware of the policy and complaint resolution procedure
- acting to resolve situations when complaints about discrimination and sexual harassment are brought to a supervisor's attention

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