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ACL Comments  
Policy and Legislation Division  
Consumer Affairs Victoria  
Level 17, 121 Exhibition Street  
MELBOURNE, VIC, 3000

### **Re: Australian Consumer Law Compliance Guides**

The Australian National Retailers Association welcomes the opportunity to provide feedback on the draft Australian Consumer Law Compliance Guides.

ANRA represents the leading national retailers in Australia, across a broad range of retail products and services. Members of the Association include Australia's most trusted household names in supermarket chains, department stores and speciality retailers.

ANRA notes that providing customers certainty and clarity around their rights and responsibilities, particularly around the ability to return goods, is a key policy objective behind the Australian Consumer Law. ANRA supports this move to provide such clarity, however, would like to raise one issue regarding the guidance that is currently given in the draft Consumer Guarantees Guide, regarding proof of purchase documentation .

The Consumer Guarantees Guide (section 12, page 40) suggests that retailers may accept a range of documents about proof of purchase and specifically notes that a credit or debit card statement may constitute such a proof of purchase. ANRA has concerns regarding this statement - whilst a credit or debit card statement may be an appropriate method for a customer to substantiate a purchase for some retailers and for some transactions (for example for large item single purchases) this is not always the case. These statements do not necessarily provide sufficient records of purchase for other retailers. For example, a number of retailers such as supermarkets and discount department stores sell multiple, homogenous, and available items that can be purchased at multiple stores. Items are also often purchased as one part of a multi-item purchase. In this instance a credit or debit card statement does not provide details of specific items. This makes it extremely difficult for retailers to have any certainty as to whether a product, claimed to be purchased from their store, actually has been supplied by them.

ANRA raised this issue in its submission to the Senate Economics Committee Inquiry regarding the Trade Practices Amendment (Australian Consumer Law) Bill (No. 2) 2010. In that submission ANRA noted the following.

*ANRA also has broader concerns regarding inclusion of "a credit card or debit card statement" on this suggested list of proof of transaction documents. This is because, for many retailers, such statements do not contain sufficient information to constitute an appropriate record of the products that have been purchased. ANRA accepts that such statements are proof that a transaction did take place. Such statements do not, however, list the specific products which were purchased in that transaction. This means that a retailer, when presented with such a statement, has little or no ability to actually ascertain the products that were purchased in the transaction by a customer. This problem is particularly acute for retailers such as supermarkets or discount department stores that will often sell a number of products in one transaction where these products can be purchased from a number of retailers. The problem is less*

*acute for other retailers, such as speciality clothing or major electrical goods retailers, where people will generally purchase one or two items in a transaction.*

*Whilst retailers may choose to accept a debit or credit card statement as a proof of transaction in addition to other documents, ANRA considers that it should appropriately be left to the retailer to determine whether they will accept this form of document as proof of purchase. Retailers are best placed to make this decision based on the type of goods they sell. ANRA is concerned that by stating in legislation that debit and credit card statements are a proof of transaction, this will have the unintended effect of creating the impression that all retailers must accept these documents as proof of purchase despite the problems above.*

In light of these concerns, ANRA proposes that the Guide should explicitly state that retailers can require a customer to provide a tax invoice/receipt and that it is up to retailers to decide whether they also choose to accept documents such as credit or debit card statements as proof of purchase.

We welcome the opportunity to provide feedback on the Australian Consumer Law Compliance guides, and look forward to providing further input as required. Should you require more information on ANRA's submission, please contact Ms Margy Osmond, CEO, at [margyo@anra.com.au](mailto:margyo@anra.com.au) or on (02) 8249 4520.

Regards

Margy Osmond  
Chief Executive Officer

