

## Office of Fair Trading

# Consumer rights – a guide for veterinarians (part two)

The Australian Consumer Law (ACL) aims to protect consumers and ensures fair trading in Australia. It is a national, state and territory law, meaning consumers have the same protections and businesses have the same obligations and responsibilities across Australia.

In part one of this guide, we discussed consumer guarantees and how they might apply to a veterinary practice.

In part two, we will discuss some of the other consumer rights that apply to goods and services supplied by veterinarians.

Like the guarantees, these rights apply to goods and services:

- purchased on or after 1 January 2011 (goods and services bought prior to 1 January 2011 are covered by previous laws)
- purchased for personal or household use, regardless of price
- that would normally be used for business and cost up to \$40 000.

## Proof of purchase

When you sell goods or services worth \$75 or more (excluding GST), you must provide your customers with proof of the transaction as soon as possible. A proof of transaction may be a cash register or hand written receipt, GST tax invoice, lay-by agreement, or confirmation or receipt number if paid by phone or online.

For sales under \$75 you must provide a proof of transaction within seven days, if asked.

Your customers may also request an itemised bill, including information on how the price was calculated, the number of hours of labour and the hourly rate of that labour (if applicable), and a list of any materials used and the amount charged for them.

## Refund rights and wrongs

If an item you sell turns out to be faulty, your customer has the right to a remedy such as a refund, repair or replacement. In the event of a fault, it is not up to the customer to contact the manufacturer to repair a faulty product; it is your responsibility to assess the faulty item and, with the customer, determine the best way to rectify the fault.

Consumers do not have an automatic right to a refund if they change their mind about a purchase, although many business owners choose to offer refund or exchange options in these circumstances.

## ***Refund signs***

One of the most common breaches the OFT sees with respect to refunds is misleading 'no refunds' signs and messages on receipts. While the intention is generally to say that no refunds will be offered if the customer changes their mind, they inadvertently send a very different message.

If you wish to display your refund policy in your practice but are unsure what it should contain, the OFT has created [compliant refund signs](#) you can use as a guide or download and print.

## **Unauthorised services**

It is important to note that consumers do not have to pay for goods and services they did not ask for or did not agree to. In fact, it is illegal to ask them to do so.

You should always ask your customers for permission to take any additional action that was not originally agreed to. The potential need for additional services may be discussed with a customer and noted in practice records before treatment begins, or practice staff may need to contact a customer during treatment to request their permission to provide services not previously agreed to.

*If there is a risk you may need to perform emergency procedures during a surgery, this should be explained to the customer and their approval received prior to the surgery. It may be worthwhile to include this in any written information or contracts produced for this type of service.*

*You cannot charge someone for additional services they did not agree to. In addition, you may be liable for any detriment caused by performing unauthorised services.*

## **More information**

This two part guide to how the ACL may apply to your practice outlines some of the key issues for you to be aware of. However, there is a lot more to the ACL that may impact on how you conduct business, such as guarantees for products, pricing, failure to supply, marketing practices and product safety.

To help businesses understand their responsibilities, Australia's consumer protection agencies have developed six ACL guides:

- Consumer guarantees
- Sales practices
- Product safety
- Unfair business practices
- Unfair contract terms
- Compliance and enforcement.

To download copies of these guides, visit [www.qld.gov.au/fairtrading](http://www.qld.gov.au/fairtrading). To order printed copies, email [oft-community-engagement@qld.gov.au](mailto:oft-community-engagement@qld.gov.au)