

# The Australian Guidelines for Electronic Commerce – What do they mean for your on-line business?

In response to the ever expanding growth of business to consumer electronic commerce ('B2C electronic commerce') in all areas of the provision of goods and services, the Commonwealth Government in consultation with the Commonwealth Consumer Affairs Advisory Council ('CCAAC') has recently released The Australian Guidelines for Electronic Commerce ('the Guidelines').

## Aim of the Guidelines

The Guidelines replace the Australian E-commerce Best Practice Model and seek to provide guidance to businesses when involved in B2C electronic commerce. It is anticipated that the Guidelines will enhance consumer confidence in electronic commerce and cover issues which are not relevant to traditional retail commerce.

## Enforceability of the Guidelines

The principles contained in the Guidelines are not mandatory or enforceable. However, they have been developed for use by electronic traders located inside and outside Australia and it is hoped that retail industry groups will encourage members to trade in accordance with the Guidelines.

## Issues covered by the Guidelines

In addition to compliance with the relevant consumer protection legislation the Guidelines require that businesses should adopt fair business practices when engaging in B2C electronic commerce.

The Guidelines require businesses to make reasonable adjustment in the provision of goods and services to ensure they are accessible to people with a disability. Information on how to make your services more accessible to people with a disability is available at <http://www.humanrights.gov.au>. Specific guidelines are also outlined in respect of advertising and engaging in contracts with minors.

Compliance with the three main requirements of the SPAM Act is noted and whilst the Guidelines acknowledge that the Privacy Act does not apply to all small businesses it recommends compliance with the Act in an effort to increase consumer confidence.

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Businesses should ensure information is made available online that makes it easily identifiable and that its standard contractual terms and conditions are accessible and distinguishable from advertising material.

Complaint handling procedures should be transparent and readily available to deal with any customer enquiries. Businesses should also provide information about independent methods of dispute resolution which may be available to the consumer.

It is commonly perceived that on-line payment methods often discourage consumers from purchasing via electronic means. As a result, the Guidelines make recommendations regarding on-line payment methods and notes that the methods available should be reliable, secure and easy to use.

### What do the Guidelines mean for you and your business?

The Guidelines do not extend or diminish the obligations which arise out of the current laws and codes relating to consumer protection.

The aim of the Guidelines is to increase consumer confidence in B2C electronic commerce which may, as a result, benefit your business in the long term. With this in mind, you may consider highlighting to your customers that your business endorses and supports the Guidelines and even provide a link to the Guidelines from your website.

Whatever you choose to do, as a matter of good business practice it is recommended that you and your employees are aware of the contents of the Guidelines and that every effort is made to implement the principles contained within it.

If you would like to obtain a full copy of the guidelines please click on the following link:

<http://treasury.gov.au/contentitem.asp?NavId=014&ContentID=1083>

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