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THINKING ONLINE SHOPPING

The online shopping market continues to grow at a substantial rate. The National Australia Bank Online Retail Sales Index published earlier this year identified that around \$16.6 billion was spent by Australians on online retail in 2014 to January 2015, an increase of 9% from the previous year. As more and more are swapping traditional methods of in-store shopping for the often cheaper and more comprehensive option of buying online, many remain unaware of the potential pitfalls lurking within the industry.

Some of the most common problems consumers are faced with when shopping online are unexpected or additional fees, faulty or damaged products, goods arriving late and goods not arriving at all. It may be pleasing to know that when buying products from Australian based businesses or companies, you are safeguarded by the provisions of the Competition and Consumer Act 2010 (Cth). While a consumer may not be guaranteed the same legislative protections when buying from private sellers, they would most certainly be bound by the usual common law principles of contract law. Consumers should be aware that there is often no cooling-off periods and statutory warranties seldom apply when buying privately.

You should also check that you have clear title to the purchased goods. You can search the Personal Properties and Security Register to make sure no third party has registered an interest over personal property that you want to buy or lease. You should also be wary of anyone that tries to sell a product well under the market value. Other danger signs can be if sellers ask for payment in cash or in large amounts or if they offer to deliver the goods in person or want to meet in a public location for exchange.

In regards to online auctions, it is important to note that most online auction agencies have a dispute resolution service. eBay for example provides a Resolution Centre where dissatisfied

users can report a dispute for up to 45 days after a sale. Similarly, PayPal offers resolution mechanisms in which you can file disputes under their buyer protection policies. A reversal of credit card or debit card charges from your financial provider may also be an option when you experience duplicate or fraudulent transactions, charges made without consent, when products paid for are not as described, when products do not arrive or the company you purchased from does not exist.

Another potential concern a consumer may encounter is when buying from overseas traders. When you buy goods or services overseas, Australian Consumer Law generally does not apply. The Australian Government does offer some assistance, albeit in a relatively limited capacity. If a dispute does arise from a purchase made from an overseas based seller, you can contact the consumer protection body in the respective country and make the necessary enquiries in order to lodge a complaint. You will find that most problems will surface when attempting to enforce a decision or recover a loss. It may be more viable to explore mediation, arbitration or ultimately litigation. This of course would mean obtaining representation from a foreign lawyer.

In NSW, there are a number of remedies available for transactions that turn sour. Consumers can first attempt to resolve dispute themselves through direct talks with the seller. If negotiations are unsuccessful, you can lodge a complaint or application with NSW Fair Trading, the Australian Competition and Consumer Commission, the Financial Ombudsmen Service or the NSW Civil and Administrative Tribunal (NCAT). If you require assistance with the lodging of an application, wish to have the process explained or if you are unhappy with any outcome or decision, you should consider seeking advice from a legal practitioner. Talk to us. You'll be inspired.

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