

# The Confident Consumer - A Watchdog's Guide to Smart Buying and Your Consumer Rights

By *Geoff Sirmai*, Allen & Unwin, January 1999, 308 pages. Recommended retail price \$19.95. ISBN number 1-86448-743-7

*It's a jungle out there. There's no shortage of sharks ready to part us from our money. We're not fools. Just honest consumers. Use this book to fight back!*

Geoff Sirmai is well known as a consumer advocate. He has been a reporter on the ABC's "The Investigators" program, he was a spokesperson for the Australian Consumers' Association's Choice magazine and writes a weekly column for The Sunday Telegraph entitled "Your Rights". His book is a product of the information he has gathered and the stories he has heard over the years.

The book starts with the assumption that most sellers are out to take advantage of consumers. This assumption is perhaps understandable when one reads the anecdotes of what some sellers have admitted, interspersed with the advice throughout the book.

While the consumer's ultimate weapon is the ability to take business elsewhere if dissatisfied with treatment, this acts as an incentive to treat consumers better and may not necessarily resolve individual problems. Sirmai's message is to become a more confident consumer by buying smarter (chapter 4) and knowing your rights (chapter 5). His advice is to be more aware, even though the media does its best to expose the unethical practices of many of these "sharks".

Chapter 2 takes the reader through some basic elements of the law relating to the sale of goods. "Merchantable quality", "as described", "fit for the purpose", "due care and skill" are all explained in communications update issue 158 September 1999

plain English with examples of how these principles apply to everyday situations. The "Three Rs" - refund, replacement or repair - are covered. Explaining the law neatly to consumers, Sirmai comments: "Their mistake, they fix it. Your mistake and you've done your dough". The myth that a refund - if you decide you don't like something - is a consumer right is therefore exploded with the explanation that only a company that offers a "money back if you're not satisfied guarantee" is obliged to do so.

Chapter 3 is a brief but useful look at contractual rights. We learn that the warranty cards which seem to come with every appliance these days are in fact nothing more than a market research ploy to get more information about you without you realising it. Warranties are dealt with here in more detail with explanations of what a seller is entitled to do and what their obligations are to the consumer who makes the purchase. The classic situation where a store sales representative tells a consumer with a faulty product that the warranty is offered by the manufacturer and not the store, is analysed. Sirmai explains that it is all to do with who makes the contract and how it operates.

In giving the consumer a few tips on "smart buying" in chapter 4, Sirmai quotes Stew Leonard, "American customer service guru", to describe what consumers' starting points should be:

- Rule 1: The customer is always right.
- Rule 2: When the customer is wrong, re-read Rule 1.

Then, from the perspective that "advertising is the science of arresting the human intelligence long enough to get money from it" (according to Stephen Leacock) we are taken through the world of hype, under

headings such as "Taking the huff out of puff", "The spin doctor is in" and "Choc full of bull". There are no specific solutions offered on the grounds that complaints mechanisms under industry self regulation don't work.

The bulk of the book is chapter 6 "The Consumer's A-Z". Here Sirmai goes through specific products or categories of products, identifies the classic problems and gives advice on how to avoid the problem as well as how to solve it. Consumer rights are also covered, from whether a store has the right to inspect your bags and how they should be carried out, to whether we can have our own medical records. The A-Z is up to date, providing information about Internet purchases and telecommunications services. The list is useful, simply written and covers many everyday situations. Throughout the A-Z and at the end of it, a comprehensive list of "Contacts and Resources" across Australia is given.

The criticism levelled most at consumer protection law in Australia is that it does not provide accessible remedies. Taking legal action is something most consumers would not even consider. But if consumer confidence is about knowing where you stand and roughly how the law works in everyday situations, court action will hopefully not be necessary. As Geoff Sirmai says:

*"By marshalling all the forces at our disposal, confident consumers can have their cake and eat it - at a fair price!"*

As one of the forces at the consumer's disposal, *The Confident Consumer* is useful in giving fairly basic but commonsense advice to consumers.

Sandy Dawson

