

## By Ben Zipser

Since the last quarter of the 20th century, a growing number of statutes has been introduced in Australia to regulate market activity in the name of consumer protection. These statutes operate in a variety of ways, such as by requiring providers of goods and services to disclose certain information to consumers concerning those goods and services, by facilitating claims for compensation by consumers against providers of goods and services that are defective or dangerous, by allowing consumers to amend contracts that a court considers to be 'unfair' or 'unconscionable', and by establishing disciplinary schemes in respect of providers of services.

This edition of *Precedent* examines some of these statutory initiatives. One statutory initiative has been the creation of product liability remedies in the *Trade Practices Act 1974* (Cth). In light of the limited available common law remedies, the statutory remedies facilitate claims by consumers against providers of defective or dangerous goods and services. Michael Mills and others from Freehills provide an overview of these statutory remedies. A second statutory initiative concerns credit contracts. For many years, legislators in Australia have, in various forms, regulated consumer credit contracts. They are currently regulated across Australia by the Uniform Consumer Credit Code. Paul O'Shea, from the University of Queensland, considers the history and philosophy of information disclosure in consumer credit contracts. A third statutory initiative is the

growth of disciplinary schemes in respect of providers of services, such as legal practitioners, medical practitioners, architects and builders. Steve Mark, the NSW Legal Services Commissioner, provides an overview of the function and role of the Office of the Legal Services Commissioner in investigating complaints against legal practitioners in NSW. A fourth initiative, which reflects the philosophy of consumer protection, is the creation of complaints resolution schemes for consumers against financial services providers. Denise McGill, from the Queensland University of Technology, provides an overview of such schemes.

This edition of *Precedent* also contains contributions from Lynden Griggs, from the University of Tasmania, on reforming unconscionability, from Patrick Mugliston, a barrister in Perth, on the doctrine of good faith in contract law, and from Karen Williams, a barrister in Brisbane, on consumer protection in relation to older people.

With such a broad range of topics, embracing both the practical and informative, and the more esoteric, academic ends of the spectrum, we hope the articles in this edition offer something for everyone. ■

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