

Module	RETAIL
Jurisdictions	CTH, NSW, VIC, SA, TAS, WA, NT, QLD, ACT
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Module Scope

Does your organisation sell goods or services to members of the public?

Is your organisation responsible for the importation into, or exportation out of, Australia of goods or services?

Is your organisation responsible for the advertising or marketing of goods or services in Australia?

Is your organisation responsible for product labelling and/or storage?

Module Application

The RETAIL module provides information to importers, exporters, manufacturers and retailers of goods and services in Australia of what their legal obligations are, and what procedures and processes they should have in place to ensure compliance.

The RETAIL module comprehensively covers a wide range of topics, including:

- Workplace safety and security
- Employee and contractor management
- Importing and exporting goods
- Product safety standards, bans and product recalls
- Transportation of goods
- Food health, safety and hygiene
- Franchising and other agreements
- Licences, accreditations and approvals
- Sale of food
- Sale of therapeutic goods and medical devices
- Sale of dangerous and prohibited goods
- Product labelling and storage
- Marketing and advertising
- Premises and trading requirements
- Consumer responsibilities, guarantees and warranties
- Reporting and record-keeping requirements

➤ Enforcement and compliance

Organisations, their employees and authorised individuals are all expected to be familiar with the broad landscape of legal obligations to which they are subject as well as more specific obligations relevant to the particular sector they are operating in. The RETAIL module should be subscribed to by all Australian organisations dealing directly with consumers. The aim of the module is to equip the subscriber with knowledge of their obligations and the skills they require to establish relevant systems and processes to ensure compliance with the Australian Consumer Law, and licensing, accreditation and approval requirements at both a Commonwealth and state/territory level.

The RETAIL module has been designed to assist importers, exporters, manufacturers and retailers of goods and services whether they are sole traders, partnerships, unincorporated associations or corporations.

The specific questions and answers covered by the module are:

- What are the legal obligations and legal regulations?
- How do the obligations and regulations apply to different retail organisations?
- What processes or procedures should be in place to ensure compliance?
- What are the consequences if the legal obligations and regulations are breached?

The RETAIL module covers all legislated Commonwealth and state/territory legal obligations of Australian organisations and demonstrates practical assistance and guidance to ensure that these obligations are complied with through the implementation and maintenance of best practice processes throughout the organisation. The module also covers the role of the regulator and certain exemptions to the obligations, if applicable, and how they may or may not apply in particular circumstances.

The legislative and regulatory landscape from which the primary legal obligations are derived include:

- Competition and Consumer Act 2010 (Cth)
- Competition and Consumer Regulations 2010 (Cth)
- Commerce (Trade Descriptions) Act 1905 (Cth)
- Commerce (Trade Descriptions) Regulation 2016 (Cth)
- Therapeutic Goods Act 1989 (Cth)
- Therapeutic Goods Regulations 1990 (Cth)
- Therapeutic Goods (Medical Devices) Regulations 2002 (Cth)
- National Measurement Act 1960 (Cth)
- National Trade Measurement Regulations 2009 (Cth)
- Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth)
- Spam Act 2003 (Cth)
- Fair Work Act 2009 (Cth)
- Fair Work Regulations 2009 (Cth)
- Food Standards Australia New Zealand Act 1991 (Cth)
- Food Standards Australia New Zealand Regulations 1994 (Cth)
- Privacy Act 1988 (Cth)
- Privacy Regulation 2013 (Cth)
- A New Tax System (Goods and Services Tax) Act 1999 (Cth)
- A New Tax System (Goods and Services Tax) Regulations 2019 (Cth)
- Liquor Act 2010 (ACT)

- Food Act 2001 (ACT)
- Leases (Commercial and Retail) Act 2001 (ACT)
- Fair Trading (Australian Consumer Law) Act 1992 (ACT)
- Sale of Goods Act 1954 (ACT)
- Retail Leases Act 1994 (NSW)
- Food Act 2003 (NSW)
- Food Regulation 2015 (NSW)
- Liquor Act 2007 (NSW)
- Fair Trading Regulation 2019 (NSW)
- Sale of Goods Act 1923 (NSW)
- Sale of Goods Act 1972 (NT)
- Consumer Affairs and Fair Trading Act 1990 (NT)
- Liquor Act 2019 (NT)
- Food Act 2006 (Qld)
- Food Regulation 2006 (Qld)
- Retail Shop Leases Act 1994 (Qld)
- Retail Shop Leases Regulation 2016 (Qld)
- Liquor Act 1992 (Qld)
- Fair Trading Act 1989 (Qld)
- Sale of Goods Act 1896 (Qld)
- Retail and Commercial Leases Act 1995 (SA)
- Liquor Licensing Act 1997 (SA)
- Food Act 2001 (SA)
- Food Regulations 2002 (SA)
- Sale of Goods Act 1895 (SA)
- Fair Trading Act 1987 (SA)
- Liquor Licensing Act 1990 (Tas)
- Sale of Goods Act 1896 (Tas)
- Australian Consumer Law (Tasmania) Act 2010 (Tas)
- Retail Leases Act 2003 (Vic)
- Australian Consumer Law and Fair Trading Act 2012 (Vic)
- Goods Act 1958 (Vic)
- Liquor Control Act 1988 (WA)
- Sale of Goods Act 1895 (WA)
- Food Act 2008 (WA)
- Food Regulations 2009 (WA)
- Commercial Tenancy (Retail Shops) Agreements Act 1985 (WA)
- Fair Trading Act 2010 (WA)

Significant consequences can apply to Australian organisations, their employees and authorised individuals found to have breached or not complied with their legal obligations. These consequences vary considerably depending on the nature and extent of the breach or failure. The RETAIL module covers specific consequences in detail at both a Commonwealth and state/territory level which can include monetary penalties, disciplinary measures and even terms of imprisonment in some circumstances.

The RETAIL module covers the role and responsibilities of importers, exporters, manufacturers and retailers of goods and services. The module does not cover the role or actions to be taken by consumers in the event of a breach of regulations or obligations by an organisation.

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