



FS22 Consumer Law on the Web- Fact Sheet

Use this Fact Sheet if:

- You need to conduct legal research in the course of dealing with a consumer or consumer credit dispute.
- You need to find out about recent developments in consumer and consumer credit law.
- You need to find the right application form, court form or other legal form to take a step in legal proceedings or an administrative matter.
- You need to find legislation or case law.

Legal Research Online

The internet has for some years now been the premier research tool for lawyers. It provides access to up-to-date resources across many jurisdictions and is usually free of charge.

Caseworkers and self-represented persons can also gain a lot of useful information online, without the need to engage in technical legal research.

Some Hints and Tips

Browse, Don't Search

One of the drawbacks of web-based research is that usually the search engine technology is not wholly reliable. Where possible, it is preferable to browse indexes and alphabetical contents pages for relevant headings and then burrow down into the detail from there. If you must search, try and limit the search only to relevant areas, rather than across the site as a whole.

Search With 'Ctrl + F'

Don't forget also that by using the 'Ctrl + F' function you can search the text of any Word, HTML or PDF document for key phrases, which makes trawling through lengthy statutes and decisions much easier.

The Joy of Google

It's not a legal research tool specifically, but it's amazing what you can find by going to www.google.com and searching for the name of a party against whom you have a dispute.

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Here are some sites worth visiting:

Legislation

Federal legislation:

www.comlaw.gov.au - Commonwealth legislation in RTF, PDF, HTML or Zip format.

Victorian legislation:

www.legislation.vic.gov.au - Victorian legislation in MS Word or PDF format. Choose the 'Victorian Law Today' link and browse alphabetically.

Other jurisdictions:

Each state and territory has its own legislation website. You will find these by searching for "legislation [name of state or territory]" on Google.

Eg: www.legislation.nsw.gov.au or www.legislation.qld.gov.au

Case Law

Austlii- www.austlii.edu.au

The largest and most well-established site for Australian case law. All Australian jurisdictions are covered, as well as a number of overseas jurisdictions. Austlii also has legislation from all Australian jurisdictions, but is often out of date: use with caution. VCAT decisions are available at:

www.austlii.edu.au/au/cases/vic/VCAT

Courts, and Court Forms and Precedents

All courts have their own websites which will normally have lots of information including court forms and precedents for downloading, and practical advice about how to deal with court procedure.

Magistrates' Court- www.magistratescourt.vic.gov.au > 'Publications Forms and Links' > 'Court Forms'

VCAT- www.vcat.vic.gov.au > 'Fees Forms Brochures' > 'Application Forms – Brochures'

Supreme Court - www.supremecourt.vic.gov.au > 'Forms' or for more information > 'Practice and Procedure' > 'Prothonotary's Office'

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Federal Court- www.fedcourt.gov.au > 'Filing, forms, fees and costs' > 'Alphabetical index to forms'

Note also that the Federal (and Federal Magistrates') Court has an 'eCourt' facility which lets you track a case online and see what appearances and documents have been filed, and what orders have been made.

Penalty Interest Rate

There is information about the Penalty Interest Rate at www.justice.vic.gov.au > 'Fines and penalties' > 'Penalty interest rate'

The current penalty interest rate applied to court judgment debts under the Penalty Interest Rates Act 1983 (Vic) is 12.0%.

Consumer Credit Law

Consumer Credit Code- www.asic.gov.au

Everything you always wanted to know about the Consumer Credit Code, including the current monetary threshold for 'hardship variations' to credit contracts.

Consumer Action Law Centre- www.consumeraction.org.au

We have a web-based service which provides direct access to advice from specialist consumer credit lawyers, we also publish a range of fact sheets on consumer credit matters.

Consumer Credit Legal Centre (NSW)- www.cclcnsw.org.au

CCLC in NSW have a large range of fact sheets and sample letters on credit and debt matters. Remember though that it is concerned with NSW law, although many issues are relevant and pertinent to Victorian consumers.

Financial Ombudsman Service - www.fos.org.au

Financial Ombudsman Service is a dispute resolution scheme that also publishes information about dealing with banking and finance disputes. Look for the Bulletins on the FOS website under 'Publications'.

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Consumer Law

Government Consumer Protection Agencies

Consumer Affairs Victoria- www.consumer.vic.gov.au

Consumer Affairs Victoria, has volumes of information about all sorts of consumer issues, including residential tenancies, motor car trading and building.

MoneySmart (through ASIC)- www.moneysmart.gov.au

The Australian Securities and Investments Commission's consumer portal provides tips and safety checks for consumers in the financial services sector.

The ACCC- www.accc.gov.au

The Australian Competition and Consumer Commission provides information on a wide range of consumer issues.

The Electronic Funds Transfer Code of Conduct- www.asic.gov.au > Type 'EFT Code' into the search box at top right and click on the second result for a copy of the full text of the Electronic Funds Transfer Code of Conduct, which regulates EFTPOS transactions.

Further Information and Assistance

For consumer and credit-related enquiries, members of the public, community and public sector caseworkers and lawyers can obtain advice from our web-based advice service or they can telephone us Monday to Friday, on 03 9629 6300 or 1300 881 020.

Members of the public can also obtain non-legal advice and assistance regarding consumer (but not credit) disputes from Consumer Affairs Victoria by calling 1300 55 81 81.

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