

Warranties, Representations and Common Issues

Solar Masterclass Series - Small Business (contracts & quoting)

Presented by
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Australian Consumer Law

Consumer guarantees:

- Goods: fit for purpose and acceptable quality
- Services: rendered with due care and skill and within a reasonable time
- Cannot be avoided by contract

Who's Liable?

Australian Consumer Law / Contract:

- Retailer ultimately liable to Consumer
- Manufacturer may, under ACL, also be directly liable

Negligence:

- Retailer liable for conduct of Contractor but Contractor may also be directly liable

ACCC v LG Electronics Australia

- Two instances of misleading consumers
- Advised consumers that there was no recourse after manufacturer warranty ended
- Ordered to pay \$160,000 by way of a pecuniary penalty

Common Issues

- Most common issues arise from, or could be avoided / minimised by properly recording / confirming discussions in writing
- Staff should be trained to understand:
 - Standard company terms & conditions
 - Appropriate representations that can be made, including any necessary caveats / disclaimers
 - Recording / confirming discussions in writing

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