

TRADE PRACTICES – CONSUMER PROTECTION (MISLEADING INFORMATION)

Part V of the Trade Practices Act aims to protect consumers. This can affect the University in two ways – it is protected if it deals with a business which fails to tell the truth about its product or services. It can also be relevant if the University is the “wrongdoer” – for example, if students are given incorrect information about a course.

One important provision is section 52, which prohibits businesses engaging in misleading or deceptive conduct. This includes conduct which is “likely” to mislead or deceive, even if no-one has yet become a victim. Whether or not conduct is held to be misleading or deceptive will depend on the particular circumstances of each case.

Generally, the University or other businesses are required to tell the truth or refrain from giving an unlawful impression. Keeping quiet and failing to disclose information can also be a breach of the Act.

Remember – it is no excuse that the conduct is unintentional or accidental.

For more information on this topic you should read the University’s *Trade Practices Compliance Guide* which is available at <http://www.latrobe.edu.au/legalservices>

For advice, please contact Legal Services on Extn 2495.