*Reimagining markets to create a better future for all consumers*

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**Stuck in the 90’s: our analogue consumer laws need an overhaul for the digital checkout age**

With the COVID-19 pandemic sharply accelerating the trend toward more online and digital shopping, Australia’s only consumer-focused think tank, the Consumer Policy Research Centre, has taken a stark look at the differences between the consumer experience at the checkout today and in the 1990s.

The Centre has made recommendations to strengthen Australia’s laws and regulations to ensure that while we are purchasing more and more in online spaces, we aren’t left with the same consumer protection and privacy laws that existed when Gen Xers were at high school.

In its report, The Digital Checkout, the Centre has examined the different consumer experiences between now and the 1990s for each stage of the purchasing journey.

While the digital marketplace offers greater choice, speed and access to unprecedented experiences and options for products and services, consumers now are overwhelmed with information, have little control over how personal information is collected and used, and have fewer options for redress when things go wrong.

The Centre’s Chief Executive Officer, Lauren Solomon, said consumer regulation had not kept pace with the evolving digital marketplace, with significant policy implications.

“Australia needs a consumer protection framework that responds to market failures and promotes consumer interests in the Digital Checkout age,” Ms Solomon said.

“Household consumption constitutes approximately 60% of Gross Domestic Product. It is in the national interest to ensure the right policy settings are in place for this significant component of Australia’s economic activity.”

The report finds that throughout the Digital Checkout journey, while consumers are provided with greater choice and convenience than 30 years ago, it can be at the cost of information overload, and a lack of transparency.

“The online consumer experience is often curated with dark patterns, including algorithms and bundled consent, leaving little choice or control over how their data is being collected, shared and used.

“We know from our research conducted last year that 94% of people are uncomfortable with how their personal information is collected and shared online, and the same proportion of people surveyed want the government to protect them against the collection and sharing of their personal information.

“Yet our consumer privacy protections haven’t been updated since the 1980’s and are only now under review.

“We have Duran Duran-aged laws that were already outdated during the Nirvana years and are still with us as we go easy on Adele.”

The Centre is calling for reforms to ensure consumers can confidently engage with the Digital Checkout today and in the future, including:

* Prohibiting unfair practices and contract terms that conceal data practices in privacy policy terms and conditions
* Overhaul of the Privacy Act so that consumers are adequately protected, informed and empowered, as to how their data is being collected and used
* The establishment of a General Safety Provision that places more responsibility on traders for product safety
* Redefining the meaning of supply in the Australian Consumer Law to ensure consistent protections across complex online supply chains
* Establishing effective dispute resolution.

More information is available at: https://on.cprc.org.au/DigitalCheckout.

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