THCC Consumer Guarantees

Consumer Guarantees

Under the Australian Consumer Law (ACL), which is part of the Competition and Consumer Act 2010, consumers automatically receive certain rights when they buy goods or services. These rights are known as **consumer guarantees**.

A product or service must be:

- Of acceptable quality – safe, durable, and free from defects
- Fit for purpose – suitable for the reason you told the business you needed it for
- As described – matching any description, sample or demonstration

If a product or service fails on one of these guarantees, you're entitled to a repair, replacement, refund or compensation, depending on the problems seriousness.

How this applies to Registered Clubs?

Registered Clubs are governed by the Registered Clubs Act 1976 (NSW).

The Registered Clubs Act 1976 mainly deals with governance, licensing and club management. When a club acts as a business, providing goods and services to members and guests eg: selling meals, it's treated like any other business under the ACL. For those transactions, customer guarantees apply.

Examples:

- a club restaurant serves spoiled food – the meal isn't of acceptable quality.
- a club sells merchandise that breaks immediately – product not safe or durable.

In each case, the club must offer an appropriate remedy (repair, replacement or refund).

The ACL consumer guarantee only covers goods and services. They generally don't apply to internal club matters such as:

- membership cancellation or suspension
- voting rights or governance disputes
- disciplinary actions

Those are handled under the Registered Clubs Act 1976 and the clubs constitution and by-laws.