

AADA ENGAGES EMINENT PROFESSOR JENNY BUCHAN TO CONDUCT A ROOT AND BRANCH REVIEW INTO AUSTRALIAN CONSUMER LAW

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The Australian Automotive Dealer Association (AADA), which represents over 3,000 franchised new car dealers, has launched a Review into the Australian Consumer Law (ACL) in the automotive industry to ensure that both consumers and Australian retailers are better protected under the law.

Today the AADA has launched its Review and is calling for submissions from all industry stakeholders including auto manufacturers, consumer groups, and other industry associations on how the ACL is currently performing for both car buyers and automotive dealers alike. The timing for the review is appropriate, given the arrival of many new brands and manufacturers to our shores.

As a first step, the AADA has engaged an independent expert, Emeritus Professor Jenny Buchan, to develop an issues paper to be published in the first quarter of 2026. Emeritus Professor Buchan is an expert in addressing power imbalances in relationships between small and large business, and she will be consulting with industry, government and consumer groups before publishing the Issues Paper early in 2026.

“Quite rightly consumers purchasing motor vehicles hold the dealer and manufacturer(s) of those products and services to a very high standard,” said AADA CEO James Voortman, CEO of AADA.

“However all too often it is the dealer, who played no role in manufacturing the vehicle, who carries the lion’s share of risk in meeting the ACL obligations, with flow on effects on the consumer.”

“The vulnerable position of the dealer can often be used by some manufacturers to reduce their own risk by obstructing the dealers’ statutory right to indemnification. This practice by the manufacturer (who built the vehicle), is a key feature of the power imbalance found in our industry and has negative consequences for consumers.”

To ensure that the Issues Paper clearly identifies issues surrounding the effectiveness of the ACL in meeting automotive consumers’ expectations, Prof. Buchan will conduct the review by interviewing key stakeholders, reviewing relevant ACL provisions and publishing key findings on how the automotive industry is unique in its obligations to consumers. The review will also look to best practices overseas where the vehicle manufacturers are in no doubt as to what the indemnification processes are.

“Identifying and addressing power imbalances has been a key feature of my professional experience. To be able to bring my experience and author this Issues Paper, when the biggest transition to low emission vehicles is happening right now in Australia, is something that I can see is very pertinent,” said Emeritus Professor Jenny Buchan.

This Review is timely considering the recent Government [announcement](#) to strengthen supplier indemnification laws, making now an opportune time to ensure that there is clarity in applying the law on behalf of consumers and if not, there is time to amend laws before new civil penalties are in place.

For more information about the Review and how to make a submission head to <https://www.aada.asn.au/acl-review/>.

About Emeritus Professor Jenny Buchan LLB (Otago) LLM (Melbourne), PhD (QUT)

Prior to working for UNSW Business School to teach law to business graduates in 2002 Jenny Buchan worked for 20 years as a transactional lawyer in New Zealand, Melbourne and Sydney, and as a competition and consumer protection law compliance consultant. Now, she teaches law at UNSW Law School and is a Senior Advisor at H&H Lawyers.

In recognition of her expertise in franchising and consumer law she was a panel member of the Australian Competition and Consumer Commission's Small Business Consultative Committee from 2010 – 2022.

Jenny's research has addressed power imbalances in relationships between small and large business, a stark focus in many franchise relationships.

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