

## The CPA and other market conduct legislation

### Decoding the overlap



# Recap on the CPA

There has been a movement to work with business on achieving compliance

## Recent developments:

- The ruling which previously exempt certain municipalities was overturned on 1 April 2013
- A number of industries have had an industry specific code recognised by the Department of Trade and Industry to enable industry specific implementation
- The Consumer Goods Council has been appointed as a recognised industry body to hear disputes
- Overlap with the plethora of financial services industry legislation to be clarified by the Financial Services General Amendment Bill



# Recap on the CPA

## Key provisions

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- Promotional competitions regulation
- Protection from potential liability claims
- Alignment of warranties
- Non compliance with direct marketing provisions, particularly the overlapping provisions of the Electronic Communications and Transactions Act and the Protection of Personal Information Bill



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## Key provisions

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# Recap on the CPA

## Direct marketing disaster....

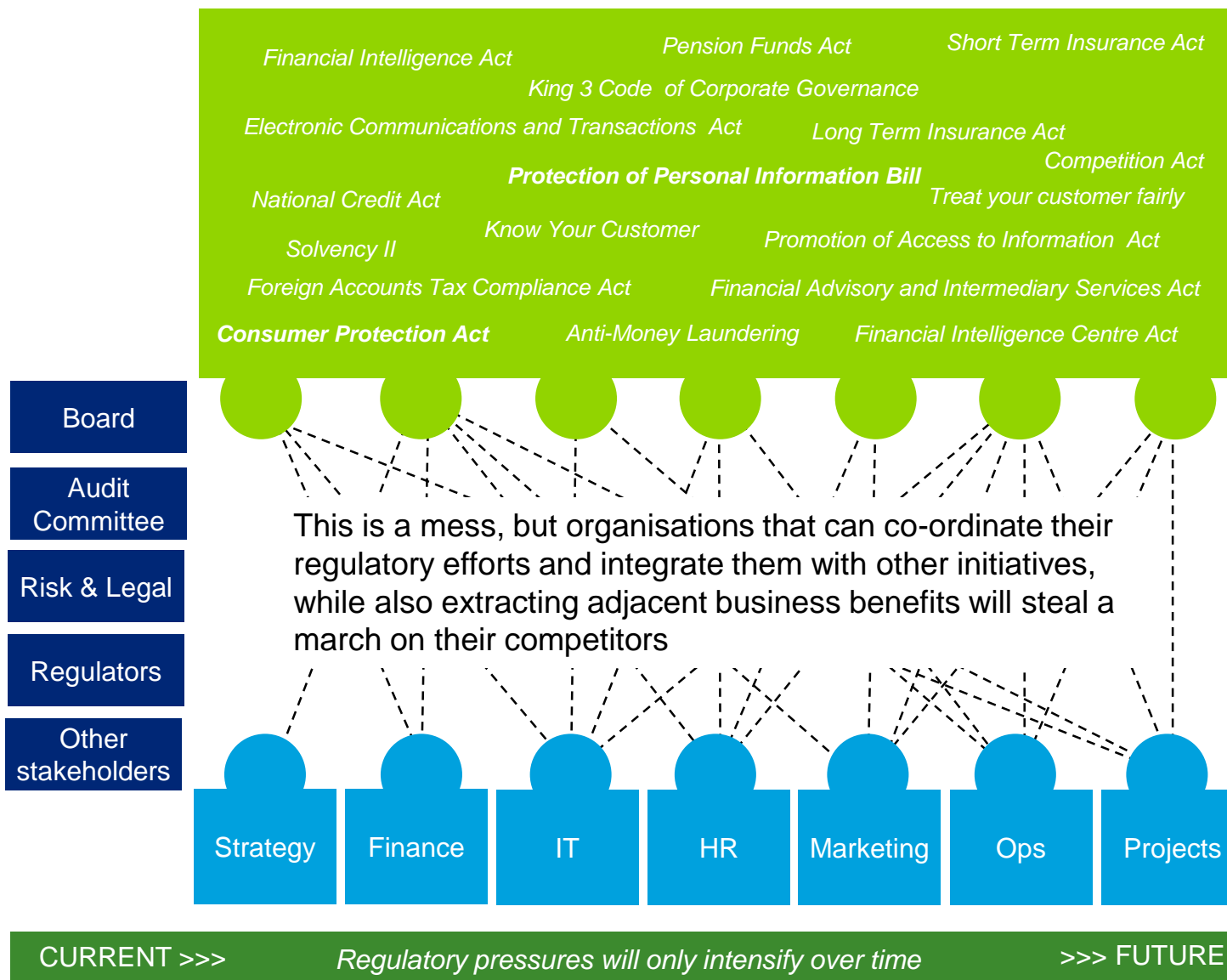
With so much legislation regulating direct marketing, what can you do?

- CPA: **All** types of direct marketing with an **opt OUT** provision
- ECTA: **Only electronic** direct marketing with an **opt OUT** provision
- PPI Bill: **Only electronic** direct marketing with an **opt IN** provision

This excludes any industry specific legislation such as the NCA, FAIS, LTIA, STIA and TCF!!

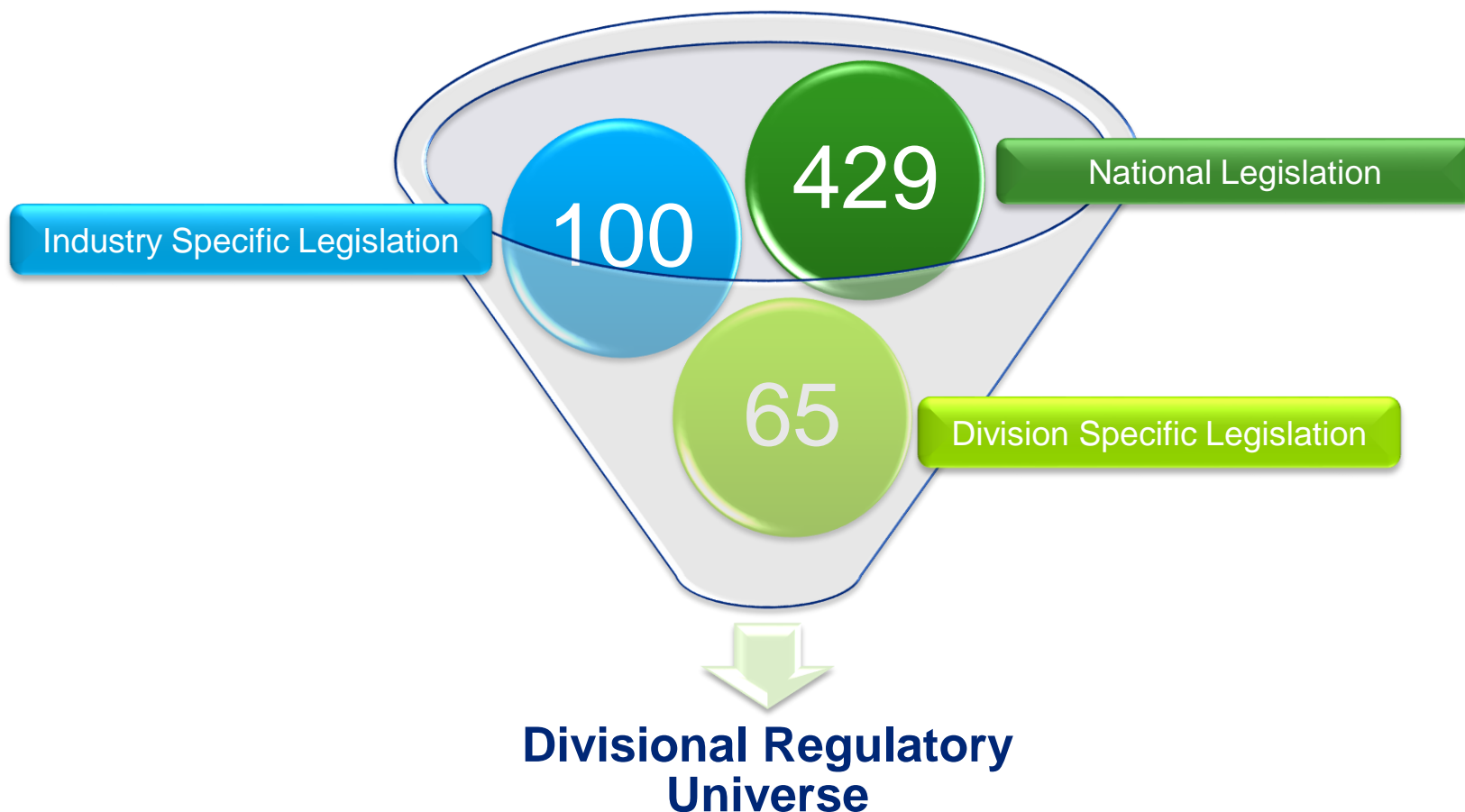


# Plethora of regulation, with more coming...



# Determining your regulatory universe

Below is a high level process which should be used to understanding what forms part of the regulatory universe:



# Unpacking the overlap...

Duplicate provisions should be identified, understood and processes changed thereafter







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