



# Solutions Guide

## Launching an Online Marketplace

# Embrace online opportunities

Starting a website may seem like a terrifying and daunting feat, but it opens your business to exciting and valuable opportunities. With over 61% of Australian SMEs running a website for their business, you will want to focus on making your website stand out in a crowded market. A website is your first point of contact with consumers and reflects the credibility of your business. Your website provides information about your services, generates leads and builds your brand image.

## Be careful

To avoid potential legal and commercial disputes, it is absolutely crucial to create legal policies that are relevant to your website. Follow the steps below to ensure your website is legally compliant and protected under Australian law.

[Sensis eBusiness Report 2016](#)



## Find your market

Customers will enter your online marketplace and ask themselves – ‘**why is this site worth spending time on?**’ Ask yourself that same question. Whether it is a more convenient service, cheaper prices or a whole new product itself, finding your niche in the market is key to success.

Instead of aimlessly selling to the masses, identify your audience and target them specifically. Find out what these groups of people want and address these needs directly. Consider not only content, but also the way this content is conveyed. For example, if one of your target markets are middle aged women, you might want to look at focusing on emails or newsletters, instead of social media websites.

## Keep relevant and fresh

Stay prevalent on social media platforms, and always maintain connection with your already existing customer base. Constantly improving the quality of your homepage and landing pages are also important as it keeps audiences interested.



# Create a Privacy Policy

The most common question we get asked from business owners is whether they need a [Privacy Policy](#) for their website. We tell them it's pretty simple to figure out: If your website gathers any sort of personal data (such as email addresses) then a Privacy Policy is a no-brainer. You are also obligated to do so under the Privacy Act 1988 [Cth]. A Privacy Policy is an ideal first step to getting your blog legally compliant, and deals with points such as how personal information is collected, what it is used for and how it is stored and managed.

It's crucial that any website using Google Analytics for web measurement (there's over 10 million out there) has a robust, local Privacy Policy, particularly if you use Google Analytics Advertising Features. By enabling the Advertising Features, you enable Google Analytics to collect data about your website traffic via Google advertising cookies and anonymous identifiers, in addition to data collected through a standard Google Analytics implementation. Google explicitly states in its terms of use that if you've enabled any Google Analytics Display Features then you must notify your visitors of this in your Privacy Policy.

The Privacy Policy must feature in the navigation of your website and be accessible from every page. Its inclusion on your website is a necessary safeguard to a potential breach of the Privacy Act 1988 [Cth], where companies may be liable to fines of up to \$1.8 million.



## Tip

8 in 10 Australian consumers check the security of a website before providing their personal information. Having a Privacy Policy from the get-go will show your readers that you value their privacy.

# Create a Website Terms and Conditions of Use

Under Australian Consumer law, you are required to have a [Website Terms and Conditions of Use](#) on your website if you sell goods or services. Website Terms and Conditions of Use are needed for every goods or services website as they explain to consumers their rights when purchasing.

A well drafted Website Terms and Conditions of Use will deal with issues such as refunds and returns, consumer guarantees, deliveries, disclaimers and ownership. For a blog owners, they have the effect of limiting liability for any information and material that may be on your site (such as guest posts and comments). Additionally, it should lay down the rules for people visiting the website as well as providing protection of intellectual property (your content and ideas) on the website.

While the terms and conditions apply to clients that are engaging in a transaction, the website terms of use apply to all users who visit the website. The terms of use express what visitors can or cannot do with the information displayed on the website. It is an important tool for blogs as it protects your intellectual property from being republished without consent, while incorporating a disclaimer that specifies your limitations for liability.



## Tip

Do not copy and paste a similar business's website terms and conditions of use. While this may seem like a shortcut, it is important that your T&Cs reflect what makes your business unique.

## Refund Policy

Online businesses are not exempt from making customer's rights apparent. Under the Australian Consumer Law, terms of payment, delivery, services, return and refund policies must be made clear to the consumer. These essential details should be provided on the 'Terms and Conditions' page of your website to ensure legal compliance and account eligibility with most Australian banks.

All online retailers must have a refund policy. The majority of customers visiting your website will review your refund and returns policy before making any purchase. A clear and comprehensive refund policy establishes trust with your customers, allowing them to feel confident in the purchases they make on your website.



### Tip

It is wise to have an option for customer feedback and complaints on your website, this can be helpful for customer interaction and allow issues to be resolved before any legal action is sought.

## Complying with ACCC

Businesses must guarantee products and services they sell, hire or lease for under \$40,000 and those normally bought for personal or household use over \$40,000, despite any warranties they give or sell to you.

If businesses fail to deliver on any guarantees including warranties offered, rights to repair, replacements and refunds, cancelling a service and compensation for damages and loss, a consumer can use their rights under the Australian Consumer Law for automatic protection.

To ensure your compliance, the goods for sale on your website must:

- Be an acceptable quality;
- Match the description provided on your website; and
- Meet any additional promises made about the quality and condition of your products, such as any money back offers and life time guarantees.

The services offered on your website must:

- Be provided with due care and skill or technical knowledge;
- Fit for a particular purpose; and
- Be delivered within a reasonable time (or the date specified).

# Next Steps

Creating necessary legal foundations for your website is important to avoid potential legal and commercial disputes. Having these legal policies in place, in addition to relevant compliance reaffirms the suitability of your website, protecting the consumer, your product and the website you've taken time to perfect.

