

# **BAGCHECK GUIDELINES SUMMARY STATEMENT**

## **RIGHTS AND OBLIGATIONS OF CUSTOMERS**

This statement is a summary of the rights and obligations of customers under the Bagcheck Guidelines which is sponsored by the Australian Retailers Association NSW and endorsed by the Office of Fair Trading.

### **RIGHTS**

- You have the right to know before entry that the store conducts bag checks.
- You have the right to refuse interference with your person or with your bags. Checking means that store personnel can look, but not touch. You can be asked to assist during the check, eg by removing any obstruction to visual inspection.
- A shopkeeper shall not check a personal handbag unless it is larger than the size of a sheet of A4 paper (ie 297mm x 210mm) or they are certain that the handbag conceals goods which have not been paid for and are the property of the shopkeeper.

### **OBLIGATIONS**

- Having entered a store knowing that bag checks are conducted, you have accepted the store's right to ask you to open your bags for checking.

### **IMPORTANT NOTES**

- If you refuse a check of your bags you can be asked to leave the store and not return.
- Other bags, cartons, parcels and containers that could reasonably be expected to conceal goods may be checked.
- A shopkeeper will only hold a customer and call the police where the shopkeeper is sure that an offence has been committed.
- If a shopkeeper or employee forcibly detains you or forcibly searches your goods, and you have not committed an offence, you are entitled to make a complaint to the police, the store management or Privacy NSW.
- If you feel that the Bagcheck Guidelines have been breached you should contact the Australian Retailers Association NSW on (02) 9290 3766 (for retailers) or the Office of Fair Trading on 13 32 20 (for consumers).