



**Small Business
Development Corporation**

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Committee Secretariat
Senate Standing Committees on Economics
PO Box 6100
Parliament House
CANBERRA ACT 2600

Email: economics.sen@aph.gov.au

Submission uploaded online through the My Parliament website www.aph.gov.au

Dear Secretariat

INQUIRY INTO THE COMPETITION AND CONSUMER AMENDMENT (FAIR GO FOR CONSUMERS AND SMALL BUSINESS) BILL 2024 [PROVISIONS]

The Small Business Development Corporation (**SBDC**)¹ welcomes this opportunity to provide feedback to the Senate Economics Legislation Committee (**the Committee**) for its Inquiry into the provisions of the Competition and Consumer Amendment (Fair Go for Consumers and Small Business) Bill 2024 (**the Bill**) to implement a designated complaints function within the Australian Competition and Consumer Commission (**ACCC**).

The SBDC is an independent statutory authority of the Government of Western Australia established in 1984 to support and facilitate the growth and development of small businesses in the State. The SBDC is governed by, and accountable to, an independent Board, which is appointed by the Western Australian Minister for Small Business. The Board was created under the *Small Business Development Corporation Act 1984 (the SBDC Act)* to provide an independent source of advice to the Small Business Minister and overall direction to the SBDC.

In early 2012, the SBDC's structure and governing legislation² was enriched with the introduction of the role of Small Business Commissioner (**the Commissioner**) and establishment of dispute resolution services for small businesses. The Commissioner is also the Chief Executive Officer and in this dual role, is responsible for the day-to-day operation of the SBDC and the provision of its key services, including general

¹ This submission outlines the views of the SBDC and does not necessarily represent the views of the Western Australian Government.

² See Part 3 of the *Small Business Development Corporation Act 1984 (WA)*.

small business and specialist commercial tenancy advisory, dispute resolution, policy review and development, and advocacy and advice to government.

In 2020, the Commissioner was granted greater ability to inquire into conduct that is having an adverse impact upon small business in Western Australia. To this end, the Commissioner has established an Investigations and Inquiry Unit (**IIU**) whose role, amongst others, is to investigate and inquire into poor and unfair business practices that affect the commercial activities of small businesses.

Among its key strategic objectives, the SBDC has a critical role in ensuring the interests of small businesses in Western Australia are represented to all tiers of government and in advocating for a fair operating environment and improved access to justice for small businesses.

Celebrating our 40-year anniversary this year, the SBDC has built a strong reputation for providing informed and up-to-date information and advice to the small business sector in Western Australia. Supporting this key function, the SBDC prides itself on the provision of evidence-based advice to government and ongoing monitoring of key trends or issues impacting small businesses this State.

In line with this, the SBDC works closely with and refers matters to relevant authorities including the ACCC, the Australian Securities and Investments Commission, and the Australian Small Business and Family Enterprise Ombudsman (**ASBFEO**).

With this in mind, the SBDC strongly supports the proposed amendments to the *Competition and Consumer Act 2010* to establish a new designated complaints function within the ACCC.

The proposed reforms would empower designated small business advocates, **such as the Commissioner/SBDC and the ASBFEO**, to submit complaints about significant or systemic market issues impacting small businesses to the ACCC for investigation. The ACCC would then be required to assess and publicly respond to these complaints within 90 days, stating what further action, if any, will be taken.

The establishment of the new framework should expedite the assessment of significant market issues impacting small businesses and fast-track recommendations for investigations or actions. The SBDC considers anything that can help in providing a timely response to such issues will be beneficial for small businesses across Australia. The requirement for the ACCC to publish information about designated complaints on its website within specific timeframes will also help ensure transparency.

The SBDC notes that in deciding whether to approve an applicant as a designated complainant, the Minister must have regard to the applicant's experience and ability in representing the interests of consumers or small businesses in relation to a range of market issues that affect them.

Given our wealth of knowledge – gained through first-hand dealings with small businesses and their representatives – and our key role in monitoring the Western Australian business landscape and investigating single incidents and systemic issues,

the SBDC is very well-placed to know about significant and emerging small business issues. As such, if the provisions are passed the SBDC will be seeking to become an approved designated complainant under the new framework.

This will enable the fast-tracking of complaints and recommended actions based on patterns or emerging trends that become apparent through our dealings with small businesses and their representatives. It will also help streamline information, intelligence sharing and dispute resolution with the ACCC.

The SBDC looks forward to working with the ACCC to ensure relevant issues relating to small businesses across Western Australia are prioritised and addressed.

Thank you for the opportunity to provide feedback to the Committee in response to the Inquiry into the Bill. If you would like to discuss this submission in more detail, please contact Sophie Leadbeater, Senior Policy and Advocacy Officer, on [REDACTED] or at [REDACTED]

Yours sincerely



David Eaton PSM
Small Business Commissioner

7 March 2024