

Response to the Chair of the Senate Inquiry into the Provisions of the Trade Practices Amendment (Small Business Protection) Bill 2007

There are two issues: one being the Bill as tabled giving the ACCC the right to take representative action in these sections, the other being access by private litigants to take action in a lower and cheaper court.

We feel there is a case for both.

We would not like to see the bill held up but we do see a need for the Parliament to be made aware that the ACCC rarely takes up its option to take representative actions.

The submission by Frank Zumbo has the right idea but does not split the two issues.

COSBOA feels the ACCC should be given the right to take representative action in respect of Section 45 (D) and (E) and then also be strongly encouraged to be much more proactive. Plus we feel the Federal Magistrates Court option could be available to private litigants as an easier and cheaper option in order to ensure justice.

Regards

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