

Trade Practices – Unconscionable Conduct

On 15 September 2008, the Senate referred the following matter to the Senate Economics Committee for inquiry and report by 3 December 2008:

"The need to develop a clear statutory definition of unconscionable conduct for the purposes of Part IVA of the *Trade Practices Act 1974* and the scope and content of such a definition."

Currently, sections 51AA, 51AB and 51AC of the TPA prohibit 'unconscionable conduct' but the expression is not defined in the Act. The Courts have been reliant on case law to guide their rulings under these sections. The Act refers to matters to which the Courts may and may not have regard in determining whether there has been unconscionable conduct.

The Committee invites written submissions which should be sent to:

Committee Secretary
Senate Economics Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

The closing date for submissions is **17 October 2008**.

The Committee requests that where possible, submissions should also be provided by email to economics.sen@aph.gov.au, preferably as Adobe PDF, MS Word or RTF format documents. Notes to assist in preparing submissions are available from the website http://www.aph.gov.au/senate/committee/wit_sub/index.htm or telephone the Secretariat on 02 6277 3540, fax: 02 6277 5719, or e-mail at the above address.

Once the Committee accepts your submission, it becomes a confidential committee document and is protected by Parliamentary Privilege. You must **not** release your submission without the Committee's permission. If you do, it is not protected by Parliamentary Privilege. At some stage during the inquiry, the Committee normally makes submissions public. Please indicate if you want your submission to be kept confidential.

Inquiries from hearing and speech impaired people should be directed to the Parliament House TTY number (02 6277 7799). Adobe also provides tools for the blind and visually impaired to access PDF documents. These tools are available at: <http://access.adobe.com/>. If you require any special arrangements in order to enable you to participate in a committee inquiry, please contact the Committee Secretary.

If you need any further information, consult the Committee's website at http://www.aph.gov.au/senate/committee/economics_ctte/inquiries.htm or contact the Committee Secretary on (02) 6277 3540 (phone), (02) 6277 5719 (fax); or by email to economics.sen@aph.gov.au or by writing to the above address.