



**Small Business
Development Corporation**

Our ref: D23/10311

Director
Consumer Policy Unit
Market Conduct and Digital Division
Treasury
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Dear Director

DRAFT LEGISLATION – DESIGNATED COMPLAINTS FUNCTION WITHIN THE AUSTRALIAN COMPETITION AND CONSUMER COMMISSION

The Small Business Development Corporation (**SBDC**) welcomes this opportunity to provide feedback on draft legislation to implement a designated complaints function within the Australian Competition and Consumer Commission (**ACCC**)¹.

The SBDC is Western Australia's peak government body for small business, established to support and facilitate the growth and development of small businesses in the State. The Small Business Commissioner is also the Chief Executive Officer of the SBDC and has a critical role in ensuring the interests of small businesses are represented to all tiers of government. Among its key strategic objectives, the SBDC advocates 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 in Western Australia.

The SBDC's service offering also includes a dispute resolution service and more recently, the establishment of a dedicated Investigations and Inquiries Unit (**IU**). The IU unit was established following updates to the SBDC's enabling legislation², which provided the Small Business Commissioner with specific powers to investigate and report on any matter that affects the commercial activities of small businesses in Western Australia.

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

² *Small Business Development Corporation Act 1984*

The SBDC has established strong working relationships with federal and state-based agencies, and regularly refers matters to the appropriate regulatory entity, including the ACCC.

With this in mind, the SBDC strongly supports the establishment of a designated complaints function within the ACCC and commends Treasury for progressing this measure.

The establishment of a designated complaints function and appointment of trusted small business representative bodies as designated complainants who are able to submit complaints to the ACCC where they have evidence of a significant or systemic market issue impacting small businesses will be beneficial for small businesses across Australia.

The establishment of the new framework, which would require the ACCC to prioritise and assess these complaints, respond in a timely manner, and act where appropriate, should expedite the assessment of significant market issues impacting small businesses and fast-track recommendations for investigations or actions. The requirement for the ACCC to publish information about the complaints on its website within specific timeframes will ensure transparency.

Given the SBDC's key role in monitoring the Western Australian business landscape and investigating single incidents or systemic issues, the SBDC will be seeking to become an approved designated complainant once the relevant framework is in place. This will enable the fast-tracking of recommended actions based on patterns or emerging trends that become apparent through our dealings with small businesses and their representatives and to help streamline information, intelligence sharing and dispute resolution with the ACCC.

The framework will be even more beneficial for small businesses if a process can be established to share information and intelligence both ways across the ACCC and the SBDC and if a more effective dispute resolution pathway can be incorporated.

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 in response to the draft legislation. 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

2 January 2024