

11 May 2015

Manager, Consumer Policy Framework Unit
Small Business, Competition and Consumer Policy Division
The Treasury
Langton Crescent
PARKES ACT 2600
Email: AustralianConsumerLaw@treasury.gov.au

Dear Sir/Madam

Exposure Draft: Extending Unfair Contract Term Protections to Small Businesses

Thank you for giving the Telecommunications Industry Ombudsman (TIO) the opportunity to comment on the Exposure Draft of the *Treasury Legislation Amendment (Small Business and Unfair Contract Terms) Bill 2015* (the draft Bill).

As outlined in our submission dated 6 August 2014 to Treasury in response to its Consultation Paper about this issue, small business consumers – at least in the context of the telecommunications industry – experience detriment arising from potentially unfair contract terms. In our experience, the same considerations that underpin unfair contract term protections for individual consumers are equally relevant when considering small business contracts.

We are pleased to see the extension of unfair contract term protections in the Australian Consumer Law (*Schedule 2 of the Competition and Consumer Act 2010*) and the *Australian Securities and Investments Commission Act 2001*, to small businesses that enter into standard form contracts meeting a prescribed threshold. This is a significant step in addressing potential detriment faced by small businesses when engaging with providers that use standard form contracts.

We do not have any further comments on the draft Bill.

If you require further information, please contact Shobini Mahendra, Manager – Policy, Research and Systemic Issues on 03 8600 8700.

Yours sincerely



David Brockman
Executive Director – Industry, Community and Government

Telecommunications Industry Ombudsman Ltd ABN 46 057 634 787

PO Box 276 Collins Street West
Vic 8007
Level 3, 595 Collins Street
Melbourne 3000

Tel freecall* 1800 062 058
Fax freecall* 1800 630 614
Telephone 03 8600 8700
Fax 03 8600 8797

TTY 1800 675 692
Email tio@tio.com.au
Web www.tio.com.au

* calls from mobile phones may incur charges