

LEGISLATIVE ASSEMBLY

Small Business Commissioner Bill 2012

First print

Proposed amendments

No. 1 Page 6, clause 15. Insert after line 18:
(b) the complaint relates to an unfair contract to which the small business is a party, or

No. 2 Page 7. Insert after line 8:

17 Alternative dispute resolution required before proceedings can be taken

- (1) If an application is made to the Commissioner for assistance in resolving a complaint or other dispute involving a small business and the Commissioner decides to deal with the complaint or dispute, the matter to which the complaint relates or the dispute may not be the subject of any proceedings before any court unless and until the Commissioner has certified in writing that alternative dispute resolution services provided by the Commissioner under this Act have failed to resolve the matter or dispute.
- (2) The Commissioner is to certify that alternative dispute resolution services have failed to resolve a complaint or other dispute involving a small business if the Commissioner is satisfied that any one or more of the parties involved in the matter or dispute has refused to take part in, or has withdrawn from, alternative dispute resolution services provided by the Commissioner.
- (3) This section does not apply to or in respect of the following:
 - (a) proceedings before a court for an order in the nature of an injunction,
 - (b) proceedings for an offence,
 - (c) proceedings in relation to an industrial matter before the Industrial Relations Commission,
 - (d) a retail tenancy dispute within the meaning of the *Retail Leases Act 1994*.
- (4) This section does not operate to affect the validity of any decision made by a court.