

LEGISLATIVE COUNCIL

Small Business Commissioner Bill 2013

Second print

Proposed amendments

- No. 1 Page 6, clause 15. Insert after line 31:
- (5) A complaint relating to an unfair contract to which a small business is a party may be made by or on behalf of the small business and be dealt with by the Commissioner even though the contract is no longer on force, but only if the complaint is made within the period of 6 months after the contract ceased to be in force.
- No. 2 Page 6. Insert after line 31:
- 16 Orders in relation to unfair contracts**
- (1) The Commissioner may, in dealing with a complaint relating to an unfair contract involving a small business, make such orders as the Commissioner considers necessary to remedy the unfairness.
 - (2) A person must comply with an order under this section to the extent to which it applies to the person.
Maximum penalty on summary conviction: 50 penalty units.
- No. 3 Page 7. Insert after line 35:
- 18 Attendance of persons at alternative dispute resolution and production of documents**
- (1) For the purposes of resolving a complaint or other dispute involving a small business, the Commissioner may, by notice in writing, require any person:
 - (a) to attend a meeting at a time and place specified in the notice, or
 - (b) to produce, at a time and place specified in the notice, to the Commissioner any document or thing described in the notice that is in the custody or under the control of the person and that, in the opinion of the Commissioner, would benefit the resolution of the complaint or dispute.
 - (2) A person must not:

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- (a) without reasonable excuse, refuse or fail to do anything required of the person by a notice under subsection (1), or
 - (b) in response to such a notice, make a statement that the person knows is false or misleading, or
 - (c) alter, suppress or destroy any document or thing that the person is required by such a notice to produce.

Maximum penalty on summary conviction: 50 penalty units.