



AUSTRALIAN CHAMBER OF  
COMMERCE AND INDUSTRY

7 July 2011

Mr Evan Holley  
General Manager  
Small Business and Deregulation Branch  
Department of Innovation, Industry, Science and Research  
[smallbusiness@innovation.gov.au](mailto:smallbusiness@innovation.gov.au)

Dear Mr Holley,

The Australian Chamber of Commerce and Industry (ACCI) would like to provide a brief response to the Options Paper, "Resolution of Small Business Disputes" (May 2011).

ACCI is the national voice of Australian business. Through our national member network of the peak State and Territory Chambers of Commerce and Industry and National Industry Associations ACCI speaks on behalf of more than 350,000 businesses of sizes in all industries employing more than 4 million employees.

ACCI welcomed the release of the Options Paper and the businesses it represents through the ACCI member network, has a particular interest in the issues and models identified in the Options Paper.<sup>1</sup>

The proposals canvassed in the Options Paper, particularly option 3 (National Small Business Tribunal<sup>2</sup>) will require further consultation amongst ACCI members through standing policy committees before ACCI is in a position to make a formal response on behalf of the business community.

By way of background, ACCI recommended the creation of a similar scheme to option 3, in its response to the *Access to Justice Taskforce Report*.<sup>3</sup> We therefore would have in-principle support for consideration of a national tribunal or ADR scheme whereby businesses, particularly small to medium sized firms, could access (and on a voluntary basis), a low cost federal ADR service. At this stage, we are of the preliminary view that it would be preferable that such a concept be developed in conjunction with the states and territories given that most small business contractual disputes would fall within those jurisdictions.

In the interim, ACCI would welcome the opportunity to consult with relevant officers from the Department on the issues canvassed in the Options Paper.

<sup>1</sup> ACCI Media Release, "SME Dispute Resolution Options Paper Welcome" (20 May 2011), accessible here: <http://www.acci.asn.au/Research-and-Publications/Media-Centre/Media-Releases-and-Transcripts/Economics-Industry/SME-Dispute-Resolution-Options-Paper-Welcome>

<sup>2</sup> Department of Innovation, Industry, Science and Research, "Resolution of Small Business Disputes: Options Paper", (May 2011), p iv.

<sup>3</sup> See ACCI Response to the Access To Justice Taskforce Report (September 2009), p 17 under the heading "ACCI Recommendation – Federal ADR Service". See also p 18 under the heading "ACCI Recommendation – Government Work with Chambers of Commerce and Industry Associations", accessible here: <http://www.ag.gov.au/a2j>

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I am the relevant contact officer and can be contacted in the Melbourne office on (03) 9668 9950 to arrange a conference meeting in person or by telephone at your convenience.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Daniel Mammone', with a long horizontal line extending to the right.

**Daniel Mammone**  
**Manager of Workplace Relations & Legal Affairs**  
([daniel.mammone@acci.asn.au](mailto:daniel.mammone@acci.asn.au))