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Dear Madam / Sir,

**Re: Feedback on the draft *Payment Times Reporting Rules 2020***

Thank you for the opportunity to provide feedback on the draft *Payment Times Reporting Rules 2020 (Rules)* and Payment Times Reporting Bill 2020 (**Legislation**).

We note that the intent of the Legislation and Rules is to record both (i) when payments to small business suppliers are intended to be made by qualifying reporting entities; and (ii) when they are made, with the idea being that public accountability will encourage prompt payment.

Our feedback is:

1. We suggest that the Rules make provision for reporting entities to explain, if required, why payments may have been made later than the longest standard payment period the business offers. There may be proper reasons as to why payment has not been made to a supplier, such as inadequate performance of the services. We make this suggestion to avoid any inferences that a reporting entity is making payments late without a valid reason.
2. We also suggest that the Rules regarding report content (reflected in Section 14 of the Legislation) be amended to expressly preclude the need to report identifying particulars of small business supplier payees. The disclosure of supplier identities may impact commercial-in-confidence arrangements as competitors may use this material to identify certain suppliers, potentially also leading to competition law issues.

Yours faithfully

**Claire Clutterham**  
Principal Legal Counsel  
ASC Pty Ltd