



**Australian
Lottery &
Newsagents
Association**

17th of September 2021

Consumer Policy Unit
Market Conduct Division | Markets Group
The Treasury, Langton Crescent, Parkes ACT 2600
Phone: +61 2 6263 2111
By email: uctprotections@treasury.gov.au

RE: Submission regarding release of the exposure draft legislation - strengthening protections against unfair contract terms

The Australian Lottery and Newsagents' Association (ALNA) is the national industry body representing members who are Lottery Retailers and Newsagents' in almost every rural town, regional centre, urban and metropolitan shopping centre in Australia.

There are over 4000+ Lottery Retailers and Newsagents' in Australia. They are an important and trusted part of Australian communities and approximately 35% of the Australian population visit them at least once a week (source RDG Insights study). Our members therefore make a significant contribution to the Australian economy, employing over 20,000 people and generating an estimated annual turnover of \$6 Billion.

Retailers have commercial relationships with over 25,000 other businesses, further demonstrating their valuable contribution. We are one of the largest independent retail channels in our community.

ALNA welcome the Governments proposals to enhance UCT legislation and appreciates this opportunity to provide further insights in our submission on the exposure draft, as we have done in all previous consultations.

The extension to small business of UCT protections is in the view of ALNA one of the most valuable protections to small business. As a result, these protections were something that we strongly advocated for over several years and that we continue to focus attention on enhancing.

Many unfair contract terms have, or are, or will be eliminated. The ACCC has done a good job and our experience is, that the law has been used in a self-enforcing fashion. ALNA has used the law in relation to suppliers in the sector.

Our association would suggest that now that there has been regulatory and market experience of the law, it is time to move to not simply enhancement but to have universal application of the law. 'Unfair is unfair.'

Rather than respond to each issue raised in the exposure draft, we make the following brief comment.

The draft legislation includes *"enable certain clauses that include 'minimum standards' or other industry-specific requirements contained in relevant Commonwealth, State or Territory legislation to be exempt from the protections"*



Such a provision had been proposed in the inaugural UCT Bill but was dropped. It now re-emerges.

The Australian Lottery and Newsagents' Association strongly opposes that provision.

Commonwealth, State and Territory legislation can often be a political compromise and there is no guarantee that such legislation will always be fair and should be subject to UCT protections. It could mean that the Franchise Code might be exempted. Furthermore, State and Territory legislation often lacks appropriate scrutiny.

I hope that the above information is helpful, and we will be happy to discuss the submission.

As you can see ALNA is a major supporter of UCT law but is of the view that with the pandemic impacts on small businesses very real, there is an urgency now to get these reforms completed.

Kind regards

Ben

Ben Kearney

Chief Executive Officer

Australian Lottery & Newsagents Association