

8 December 2021

Manager  
Market Analysis and Deregulation Unit  
Market Conduct Division

*via email: [mbcomms@treasury.gov.au](mailto:mbcomms@treasury.gov.au)*

Dear Sir/Madam

**Improving the technology neutrality of Treasury portfolio laws**

We support the proposed amendments to the Treasury portfolio laws to improve technology neutrality. This follows our recent submissions (attached) that support the technology neutrality of laws that govern the execution of documents and the holding of meetings.

We believe the proposed legislation supports the Australian Government's digitisation agenda and improve the utility of governance mechanisms that will help individuals and businesses to acquit their legal obligations using appropriate technologies. The legislation will reduce costs for small businesses associated with the execution of documents and the holding of meetings.

We note the proposed legislation seeks to allow for legally required notice publications to be done in a "manner that results in the notice being accessible to the public and reasonably prominent" rather than in newspapers. While we agree that this approach is technology neutral, the term "reasonably prominent" is ambiguous and we are concerned that notices which have traditionally been published in newspapers which may well be receiving significantly fewer views compared to a decade ago but may still be a useful channel of particularly relevance to small businesses. It may be appropriate to create a mechanism, such as a national notice register, that could centralise and contribute to the reasonable prominence of notices published online that small business owners could be encouraged to review. Perhaps a reboot of the Commonwealth Gazette website may be worth considering.

Issues of reasonable prominence aside, we believe the proposed legislation contains appropriate safeguards against any intentional misuse of technology.

We recommend that should this legislation pass, the Australian Government leverage the networks of the various organisations that represent small businesses, including this office, to ensure those small businesses understand the opportunities and their responsibilities under the legislative changes.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Mr Eamon Sloane on 02 5114 6108 or at [eamon.sloane@asbfeo.gov.au](mailto:eamon.sloane@asbfeo.gov.au).

Yours sincerely



**The Hon. Bruce Billson**  
Australian Small Business and Family Enterprise Ombudsman