

COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS AMENDMENT ACT 2011

1022. Hon KATE DOUST to the Minister for Commerce:

I refer to the Commercial Tenancy (Retail Shops) Agreements Amendment Act 2011, which was passed by Parliament on 29 November 2011. Today is the anniversary.

- (1) How many complaints relating to commercial tenancy disputes has either the Small Business Commissioner or the Department of Commerce received since the act was passed?
- (2) How many of these complaints have been referred to the State Administrative Tribunal?
- (3) How many of these complaints have been ruled out by the SAT because the act will not give it jurisdiction until the act is proclaimed?

Hon SIMON O'BRIEN replied:

I thank the honourable member for some notice of the question.

- (1) The Small Business Development Corporation recorded a total of 926 commercial tenancy disputes, some of which could be unrelated to retail shop leases. The Department of Commerce has not recorded any formal complaints since the act was passed.
- (2) The Small Business Development Corporation referred 120 retail tenancy disputes to the State Administrative Tribunal.
- (3) Two matters that involved applications claiming misleading or deceptive conduct have been reported to the Small Business Development Corporation after being ruled out by the State Administrative Tribunal. This question is more appropriately directed to the SAT.

It is important to note that prior to the Small Business Commissioner taking office, which he did in January this year, and, more importantly, the establishment of the alternative dispute resolution service, which commenced at the end of March this year, all commercial tenancy disputes were referred to the SAT as there was no mechanism for the Small Business Development Corporation to resolve or deal with disputes. That might explain, at least in part, why the 120 retail tenancy disputes were referred to the SAT as per part (2) of the member's question. There is no doubt about it; the Small Business Commissioner and the alternative dispute resolution process has provided some extra strings to the bow in helping small businesses work through disputes as they arise. I add those final remarks because I think it is important not to treat the creation of that Small Business Commissioner role and the passage of the commercial tenancy act as synonymous. They are complementary but quite distinct entities.