



15 February 2011

To Whom It May Concern,

I am actively involved in the Australian franchise sector, with multiple sites in Western Australia, and I strongly oppose the introduction of State based legislation on franchising.

After consulting with many people within the industry that I hold in great esteem, everyone appears to agree that the direction this proposed legislation is taking is unnecessary.

I agree with the detailed reasoning provided by the Franchise Council of Australia. The franchise sector is already comprehensively regulated at a Federal level by the Franchising Code of Conduct and the Trade Practices Act, and overseen by the ACCC. We have just had two major Federal inquiries on this matter that specifically considered the recommendations of the SA and WA inquiries, so there can be no possible justification for introducing a new State law that contradicts the conclusions of these inquiries.

Any new legislation at State level will add compliance costs, and is a totally unnecessary duplication. I have seen no evidence of material problems in the franchise sector. However if there are problems, they should be fixed at a Federal level in the Franchising Code or by ACCC action. I oppose State based regulation of this area. There is no rational reason for introducing this level of complexity.

I also strongly oppose the introduction of any new statutory duty of good faith, let alone a State based duty. We already have the Franchising Code, prohibitions on misleading and deceptive conduct and unconscionable conduct and a common law duty to act in good faith that will apply to most franchise agreements. This is more than adequate. Any new duty will create uncertainty, cost and be a disincentive to business in Western Australia.

Kind regards,

Mark Attard
CEO
Chocolateria San Churro

Sweeten thy Soul

SAN CHURRO HEAD OFFICE ~ SUITE 103 WATERFRONT CITY, 425 DOCKLANDS DRIVE, DOCKLANDS, VICTORIA AUSTRALIA 3008
PHONE 1300 797 620 | FAX 03 9640 0244 | INFO@SANCHURRO.COM | WWW.SANCHURRO.COM | ABN 22 848 841 363



BECAUSE WE CARE THIS IS PRINTED ON
100% RECYCLED STOCK 65% POST-CONSUMER
24 55% PRE-CONSUMER WASTE