



Australian Government



Australian
**Small Business and
Family Enterprise**
Ombudsman

18 February 2026

Mr Jason McDonald
First Assistant Secretary
Competition and Consumer Policy Division
Department of the Treasury
Langton Crescent
PARKES ACT 2600
AUSTRALIA

via email: consumerlaw@treasury.gov.au

Dear Mr McDonald

Unfair trading practices – exposure draft of the Competition and Consumer Amendment (Unfair Trading Practices) Bill 2026

The Australian Small Business and Family Enterprise Ombudsman (ASBFEO) welcomes the opportunity to comment on the exposure draft of the Competition and Consumer Amendment (Unfair Trading Practices) Bill 2026 and the accompanying Explanatory Memorandum.

Small businesses are the engine room of the Australian economy. In 2023-24, they accounted for 32% of Australia's GDP and employed more than 5 million Australians, representing 39% of the private sector workforce.¹ While significant, this contribution has declined since 2006 when small businesses contributed 40% of GDP and employed 53% of private sector workers, indicating a relative reduction in small business participation in both employment and economic output compared with medium and large enterprises.²

Small and family-owned businesses are often subject to unfair trading practices, practices that typically arise where there is a power imbalance and which cause the small business financial or other detriment. In fact, small and family business owners, particularly those from culturally and linguistically diverse backgrounds, often share similar vulnerabilities to individual consumers. For this reason, the ASBFEO has long advocated for unfair trading practices protections for small business and while we welcome meaningful reform in relation to consumer transactions, we are seeking equivalent protections for small businesses in business-to-business dealings.

With regard to the exposure draft of the amendments to the *Competition and Consumer Act 2010*, we welcome the introduction of both a general and specific prohibitions against unfair trading practices, noting that small businesses will benefit from the protections relating to subscriptions and drip pricing. However, given the general prohibition explicitly excludes the supply of goods in the course of the consumer carrying on a business, we urge the Treasury to progress as a priority work on extending unfair trading protections to small business and we stand ready to work with you in designing the regulatory framework for this important reform.

Furthermore, we call for these unfair trading practices protections for consumers, and the protections being developed for small business, to be mirrored in the *Australian Securities and*

¹ Australian Small Business and Family Enterprise Ombudsman (ASBFEO), *Small Business Data Portal: Contribution to Australian Employment*, ASBFEO website, 2023-24, accessed 29 January 2026.

² Australian Small Business and Family Enterprise Ombudsman (ASBFEO), *Energising Enterprise*, ASBFEO website, August 2024, accessed 29 January 2026.



Investments Commission Act 2001 so they also apply to financial products and services. In our experience, small businesses are being subjected to unfair trading practices in the provision of financial products and services, in particular from non-AFCA lenders, and the financial and other detriment suffered by the small business owner can be devastating.

If you would like to discuss any of the issues raised in this submission or require further information, or clarification, please contact ASBFEO via email at advocacy@asbfeo.gov.au.

Yours sincerely

The Hon Bruce Billson

Australian Small Business and Family Enterprise Ombudsman