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To: Adjudication
Subject: Collective bargaining class exemption – submission

Categories: Submission

I have had a look at this proposed class exemption and I agree with the ACCC's approach.

This is something most small businesses probably think they already have a right to do as it is just common sense that the little people can get together to negotiate with the big players.

\$10 million seems to be a good starting point but there may be some industries with low margin and high turnover (for example real estate agents) where the limit might need to be increased - to perhaps \$50 million to align with the new definition of small business for taxation purposes.

The measure of a good proposal is that once it is enacted no one ever has to go trawling around looking for the small print or the gotchas.

It is particularly sad that the exposure draft is not immediately understandable to a lay person but given the complexity of the regime which it is seeking to modify to allow the conduct, this is may be unavoidable to create the legal certainty needed.

That said, it does seem to me that discretion could be used to clarify that this is meant to be a wide-ranging blanket exemption and if there are areas left exposed, the ACCC will modify the instrument to ensure it achieves the objective rather than punish a minor technical contravention.