

Our reference: QSBC-8007

29 September 2023

Dr Michael Schaper
Review Chair
Franchising Code Review Secretariat Unit
Small and Family Business Division
Department of the Treasury
via email: franchisingreview@treasury.gov.au

Dear Dr Schaper

Re: Review of the Franchising Code of Conduct

The Queensland Small Business Commissioner (QSBC) welcomes the opportunity to provide feedback as a part of the review of the Franchising Code of Conduct (Franchising Code).

It is the aim of the QSBC to enhance the operating environment of the 473,000 small businesses in Queensland¹, and to reduce the time and costs associated with resolving disputes involving small businesses. More than 20% of franchised businesses in Australia are in Queensland², with the majority of these being small businesses – although we acknowledge that small businesses may also be a franchisor.

The QSBC works closely with the Australian Small Business and Family Enterprise Ombudsman (ASBFEO) and other state small business commissioners on franchise-related policy matters. In addition, as ASBFEO has functions under the Franchising Code to assist parties with franchising disputes, it is the QSBC's operational policy to refer any franchising disputes to ASBFEO for assistance.

As such, the QSBC supports the submission from ASBFEO to the review of the Franchising Code, including ASBFEO's recommendations under four key themes:

1. Promotion of good behaviour and shared success
2. Industry transparency, code navigation, and oversight
3. Improved routes to resolution and determination of disputes
4. Expanded access in the motor vehicle sales and service industries.

The QSBC supports ASBFEO's recommendations to strengthen the Franchising Code and regulatory landscape with a view to improve the experience and productivity of small businesses in the franchising industry. These recommendations align with the QSBC's objectives to enhance the operating environment of Queensland small businesses through a more equitable and prosperous franchising industry.

¹ ABS 8165 Counts of Australian Business, including entries and exits as of 30 June 2022. Australian Bureau of Statistics, Canberra.

² Franchising in Australia – X0002. IBISWorld. <https://my.ibisworld.com/au/en/industry/x0002/geographic-breakdown>

Thank you once again for the opportunity to provide feedback on the review of the Franchising Code of Conduct. If you have any questions, please contact me on 07 3334 2300 or at commissioner@gsbc.qld.gov.au

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Dominique Lamb', with a stylized flourish at the end.

Dominique Lamb
Queensland Small Business Commissioner