

10th June 2016

Ms Julia Muse
ACL Review Secretariat
Australian Consumer Law Review
The Treasury
Langton Crescent
Parkes ACT 2600

Dear Ms Muse,

Re: Submission - Australian Consumer Law Review

Thank you for the invitation to provide our views/comments in relation to the Australian Consumer Law Review.

We also appreciated the opportunity to have met with yourself, Ben Dolman, Principal Advisor, Market and Competition Policy Division, The Treasury, Australian Government and George Kamencak, Deputy Commissioner, Consumer and Business Services, Government of South Australia on the 23rd May 2016.

SAIR represents 115 South Australian families that own between them 236 supermarkets trading under the brands of Foodland, IGA and Friendly Grocer that employ 15,000 people across the State, representing 13% of the total South Australian Retail workforce.

Collectively we understand and accept the successes and failures of a strong competitive marketplace and the obvious benefits to consumers.

We re-iterate that our members do not have any major consumer related issues and enjoy an excellent and supportive relationship with Consumer and Business Services.

During our discussions with you there was mention about the Competition and Consumer Act 2010 Policy Review undertaken by Prof Ian Harper, where the area of consumer law had only limited exposure and was not investigated within that Terms of Reference.

We noted that the area on *unconscionable conduct* and *predatory pricing* by the major national and international supermarket chains is of concern for our members, which has had major negative impacts on our customer base.

Please find attached our original and final submissions to the Competition Policy Review as agreed for your reference. These submissions address 'Misuse of Market Power' under Section 46 and our recommendation in supporting an amendment of including an 'effects test'.

Within these submissions we reference that where there is a misuse of market power there will be an effect of substantially lessening competition and taking away consumers' choices, which will lead to increased prices.

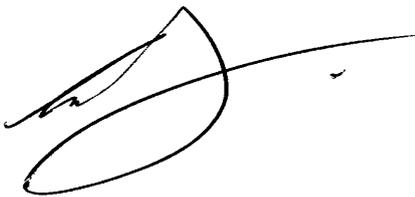
As per our submissions we also highlighted that for any future legislation to be successful it needs to recognise that small businesses (particularly those members we represent) can gain justice where there is 'friendly-user' access to a court system including a rapid turn-around process.

The cost of a normal court system is currently cost prohibitive to our members.

Being a representative body of small business operators we witness many examples of misuse of market power which do not get to court purely and simply because of the unacceptable high cost.

Once again thank you for seeking our views and we look forward in your continued support.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Colin Shearing', written in a cursive style with a long horizontal stroke extending to the right.

Colin Shearing
Executive Spokesperson.