

## SMALL BUSINESS COMMISSIONER BILL 2013

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Amendment proposed by Legislative Council on 1 May 2013.

No. 1 Page 7. Insert after line 35:

### **18 Compulsory attendance at mediation and production of documents**

- (1) For the purposes of mediating a complaint or other dispute involving a small business, the Commissioner may, by notice in writing, require any person:
    - (a) to attend a meeting at a time and place specified in the notice, or
    - (b) to produce, at a time and place specified in the notice, to the Commissioner any document or thing described in the notice that is in the custody or under the control of the person and that, in the opinion of the Commissioner, would benefit the resolution of the complaint or dispute.
  - (2) A person must not:
    - (a) without reasonable excuse, refuse or fail to do anything required of the person by a notice under subsection (1), or
    - (b) in response to such a notice, make a statement that the person knows is false or misleading, or
    - (c) alter, suppress or destroy any document or thing that the person is required by such a notice to produce.Maximum penalty on summary conviction: 100 penalty units in the case of a corporation or 50 penalty units in the case of an individual.
  - (3) A government agency is not required to produce any document under this section if there is an overriding public interest against the disclosure of the document for the purposes of the *Government Information (Public Access) Act 2009* or if access to the document would otherwise be denied under that Act.
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