

# MEDIA RELEASE

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Small Business Commissioner welcomes first unfair contract terms decision at VCAT

The Victorian Civil and Administrative Tribunal (VCAT) has ordered a full refund of a business seminar fee, finding that terms of a business contract were unfair and void.

A seminar provider, Success Resources Australia Pty Ltd, was ordered to refund $3,995 plus court costs after cancelling a real estate seminar, in what is the first decision of a Court or Tribunal on unfair contract terms since laws were introduced in November 2016.

The provider sought to rely on contract terms which allowed it to make any changes to speakers and dates and to avoid any liability for changes.

VCAT held that the terms were unfair and void under Australian Consumer Law as the contract allowed the provider to avoid supplying the service without providing a refund.

The Victorian Small Business Commissioner Judy O’Connell welcomed the outcome.

“This decision shows that standard form contracts that contain unfair or unequal terms are not worth the paper they are printed on. The unfair contract protections for small business came in to effect last November and now mean small businesses can take action against one-sided contracts,” Ms O’Connell said.

Businesses can visit the Australian Competition and Consumer Commission’s website for further information on unfair contract terms.

Ms O’Connell said “Any disputes about unfair contract terms can be brought to my office for mediation or potentially referral to the ACCC for investigation”.

The Victorian Small Business Commission (VSBC) can be contacted by calling

13 VSBC (13 8722) or visit [www.vsbc.vic.gov.au](http://www.vsbc.vic.gov.au)

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