

QoN Senate Economics Reference Committee: Influence of international digital platforms

QUESTION

CHAIR: Do you have any data you could provide the committee on notice that would give us a better picture of how widespread this issue is?

Mr Billson: We are challenged by that right now. We'll have a go, but I can't be certain we'll pull it together because a lot of people just give up, so we're going hunting for people who've given up getting justice. In other areas, there have been some recent cases where the larger respondent to the matter has petitioned the court for an impecunious order, which is, 'Your Honour, this party has brought this matter, but they can't pay my costs if they lose. There should be a whole chunk of money set aside before we start.' Now, that effectively cuts off the matter, and that's where the power and resource imbalance can be amplified in the justice system. So we're basically looking for people who've given up. That's a hard dataset to track down, but we are trying to work out how we might do that and we're hopefully engaging the legal fraternity and others to see how we might surface that information.

CHAIR: Even if the question to be taken on notice is for any and all data you can provide us that's going to help us establish the picture of how many complaints or issues come to your door in relation to these platforms, that, at a basic level—

Mr Billson: We could provide that quite quickly.

CHAIR: We'd like that, and we'd like anything else that you could provide.

Mr Billson: Certainly.

Australian Small Business and Family Enterprise Ombudsman response

Key issues:

- Accounts hacked and disabled.
- Gig economy worker not paid or not paid appropriately (for work done as independent contractor. There are also issues around the payments made under periodic promotional programs).
- Locked out of app and gig economy workers unable to work.
- Issue with direct contact with the platform and inability to make a complaint to resolve the issue once locked out.

Our approach:

- Build and maintain strong relationships with the digital platforms.
- Work with the digital platforms to ensure clarity of what is in dispute supported by information on the relevant issues up front to assist with getting the dispute resolved quickly.

Our Assistance Team has received 5,671 requests for assistance 2022-23 financial year, with 1,469 requests actively managed by the ASBFEO.

Small and family business are experiencing an increase in cyber security threats that compromise and damage business devices, bank accounts and email systems. Additionally, there is an increase in disputes involving digital platform and other digital service providers, accounting for 26% of the ASBFEO's actively managed cases in 2022-23 where the industry is known. This is a rise from 13% in 2020-21 and 17% in 2021-22.

Digital service provider disputes actively managed by ASBFEO

	2020-21	2021-22	2022-23
Number of disputes with a digital service provider, including digital platforms	96	184	316

This table reports on cases where the industry is known. Most industry data commenced in 2020 owing to a change in the ASBFEO ICT system.

Note: Digital service providers include a range of digital services including digital platforms, marketplaces and third party apps. Approximately 75% of these types of disputes involve digital platforms.

This data is based on cases actively managed by the ASBFEO and predominately where small businesses have been unable to resolve their disputes directly. The ASBFEO also provides general information on digital service provider disputes via its contact centre, although the number of specific digital industry calls (including the identity of parties) are not separately identified (4,202 calls in 2022-23).