



Whatever the High Court outcome, the sector will have the certainty it now lacks

Industry holding its breath for a verdict

Does failure to comply with the Franchising Code of Conduct invalidate a franchise agreement?

The franchising industry is holding its breath waiting to find out — from the outcome of the Ketchell Case.

A NSW court has ruled that it does invalidate an agreement.

The Franchising Council of Australia, through the generous support of its members, organised an appeal in the High Court which was heard on June 10. The case now rests until judges deliver their findings.

Whatever the High Court outcome, the sector will have the certainty it now lacks.

The FCA decided to fund the appeal to eliminate the confusion created, as the Ketchell case has served through three levels of courts.

"A pleasing aspect of the way events unfolded was the way members got behind the FCA approach," says John O'Brien, FCA Chairman.

"The response we got was terrific,

and the \$75,000 contribution from members has made it a lot easier to deal with the \$200,000 cost of funding the appeal," O'Brien said.

"The Ketchell case, the franchising inquiries in WA and SA, and the pressure of possible changes on good faith negotiations were factors driving up FCA membership," he said.

"FCA membership is at its highest, with more than 60 per cent of franchise systems in Australia banding together under the FCA umbrella.

"A 10 per cent net increase in membership at a time of full employment and economic slowdown is very positive for the sector and for the FCA."

Another reason franchisors and franchisees join up is that all FCA members are required to abide by a set of standards created by the association. This is reassuring for new franchisees.

The Franchisee Recruitment Report 2007, by market research company 10 Thousand Feet, found that of potential franchisee buyers, the majority held FCA membership as a

key criterion in choosing the right franchise to purchase.

The FCA fills other roles, with products and services designed to add value to franchises.

These include sector specific insurance products, website advertising, and other services that reduce costs. Education is a key focus of the FCA, with continual

professional development, specialised training and accreditation courses.

The FCA is also the facilitator for national networking events for franchisors, franchisees and suppliers.

High achievers in the sector are flagged by the Excellence in Franchising Awards — open only to FCA members. But overall, franchising is about sharing, particularly information and experience, and the FCA provides a hub for help.

For more information about membership visit the FCA website: www.franchise.org.au or call 1300 669 030



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Above: From ponds, patios, and pavements to powder rooms and bathrooms waterproofing has got to be done right the first time to avoid failure, and damage. Wet-seal was established in Australia in 1985 and now sees itself as the industry leader, continually reviewing an extensive range of up-to-date, guaranteed, waterproofing and sealing systems. To discuss franchise availability contact Peter Bischa, national franchise manager, on 1800 025 081.



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