The Secretary
Senate Economics Legislation Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Mr Bryant,

RE: Inquiry into the Federal Small Business Commissioner Bill 2013

Thank you for giving me the opportunity to comment on the Inquiry into the Small Business Commissioner Bill 2013.

As the NSW Small Business Commissioner, I have been appointed to advocate on behalf of small businesses in NSW and support small businesses by:

- providing dispute resolution services,
- delivering quality business advice through Small Biz Connect, and
- speaking up for small business within government.

The NSW Government has introduced and is currently debating the *Small Business Commissioner Bill 2013* in the NSW Parliament. This legislation confers the necessary legislative powers and responsibilities so that the NSW Small Business Commissioner can effectively carry out the specified objectives and functions of the role. For the first time in NSW, small businesses have an independent person to speak on their behalf within government.

The Federal Small Business Commissioner represents a positive opportunity to establish a highly regarded advocate who can act as a conduit to, and representative for, issues that small businesses are facing at the Federal level.

Collaboration

Given that Small Business Commissioners already exist in NSW, Victoria, South Australia and Western Australia, it is critical that there is collaboration between State-based Commissioners and the Federal Small Business Commissioner to leverage the collective experience and knowledge of the group. A strong working relationship between Commissioners will allow for easy sharing of information and insights which may have impacts across jurisdictions.

The State-based Small Business Commissioners and the Federal Small Business Commissioner currently meet bimonthly as part of the Small Business Commissioners Forum which was established by the NSW Small Business Commissioner and Deputy Chair of the ACCC in February 2012. The Forum aims to provide an opportunity for each of the Commissioners to share information across jurisdictions, identify best practice and as appropriate, influence policy and legislation by using a united voice. This Forum is an important mechanism to ensure that the Commissioners work collaboratively on improving the operating environment for small businesses in Australia.

Avoidance of Duplication

There is a need to ensure that there is no duplication between the Federal Small Business Commissioner and the State-based Small Business Commissioners. Aside from the fact that duplication is a waste of Government resources, it leads to confusion within industry regarding the delivery of the services.

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An additional concern would be to minimise the ability for the constituents to complaint-shop around jurisdictions. Any role of the Federal Small Business Commissioner at a State or Territory level has the capacity to set a precedent to contribute to complaint shopping which could create uncertainty with the respective roles of Commissioners in other States. This can be addressed if the roles and responsibilities of Commissioners are agreed.

Dispute Resolution

There are challenges to be addressed if the Federal Small Business Commissioner's services are to be provided in Queensland, Tasmania, the Northern Territory and the ACT where Small Business Commissioners do not currently exist. These services would be at the expense of those jurisdictions that have allocated funding towards Small Business Commissioners and has the potential to create an inequity among States and Territories. Those States and Territories that have made the decision to not fund a Small Business Commissioner, should not be able to default to the Federal Commissioner when they have chosen not to fund such a State or Territory based role.

Instead it is more appropriate that the Federal Small Business Commissioner assist in relation to business disputes which involve issues that are regulated at the Federal level and are not currently being addressed at the State level; or alternatively, those disputes that have an international context and are not appropriate for the intervention of State-based Commissioners.

Advocate on Federal Issues

Small Businesses have indicated that they need an advocate that they can turn to regarding small business issues that are administered and regulated at the Federal level. A key example that the Office of the NSW Small Business Commissioner has been made aware of is the inappropriate way in which immigration officers have targeted cafés during peak trading periods in order to examine the visas held by staff. The timing and manner in which this is done causes significant disruption to the small business and can lead to damage of the goodwill of that business. This is an example of a situation where the Federal Small Business Commissioner could intervene to critically assess the way in which such a policy is administered, regulated and consequently delivered on the ground.

Thank you for giving me the opportunity to comment on the Inquiry into the Small Business Commissioner Bill 2013. As has already been argued, the role of the Federal Small Business Commissioner represents a positive opportunity to establish an advocate who can act as a conduit to and representative for issues that are facing small businesses at the Federal level. Should you wish to discuss any of the issues raised in this submission further please contact Jane Want, Senior Advisor, Advocacy

Yours sincerely

Yasmin King
NSW Small Business Commissioner
13 March 2013

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