

Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Industry, Innovation, Science, Research and Tertiary Education Portfolio
Additional Estimates Hearing 2012-13
13 February 2013

AGENCY/DEPARTMENT: DEPARTMENT OF INDUSTRY, INNOVATION, SCIENCE, RESEARCH AND TERTIARY EDUCATION.

TOPIC: Small Business Commissioner

REFERENCE: Written question – Senator Ryan

QUESTION No.: AI-183

1. Please outline how the Small Business Commissioner is different from, and how the Commissioner will work with the Small Business Commissioner role within the ACCC, who was first appointed in 1999?
2. Up to and including February 13, 2013, has the Small Business Commissioner met with or provided policy advice and if so on what issue/topic/policy area to:
 - a. ASIC
 - b. ACCC
 - c. FairWork Australia and/or Ombudsman
 - d. Office of Better Practice Regulation
 - e. Productivity Commission
 - f. APRA
 - g. Reserve Bank of Australia
 - h. Retail Council of Australia
 - i. COAG Business Advisory Taskforce
 - j. COAG National Harmonisation unit
3. How do you gauge what matters are of concern to small business and formulate the advice you provide?
4. Up to and including February 13, 2013, provide a list of organisations you have met with that are either:
 - a. industry associations with strong small business membership
 - b. State-based chambers of commerce and industry
5. Up to and including February 13, 2013, has the Small Business Commissioner been consulted on or provide input to and if so with and to whom on:
 - a. The composition of the G20 – ‘B20’ Business Advisory Group
 - b. Franchise Code review
 - c. Horticulture code review
 - d. Inspector General of Taxation’s Report into ATO benchmarking technology
 - e. Low Value Threshold for Customs Duty and GST on imported goods
 - f. Recently announced ‘flexible workplace’ reforms
 - g. Impact of possible superannuation changes on the retirement plans of small business people

- h. Action to contain, to force more people into employer-employer relationships and/or impose restrictions on independent contracting and self-employment
 - i. Natural disaster relief arrangements
 - j. The impact of the carbon tax
 - k. Administrative arrangements for the Government's paid parental leave scheme
 - l. Planned extension of the national consumer credit protections to small business and small business transactions
 - m. The cost and availability of small business finance
 - n. Red-tape reduction
 - o. Late Commonwealth payments to small business
 - p. Commonwealth dispute resolution models
 - q. Unfair contract protections for small business
 - r. Increasing the weight given to small business considerations in policy development and regulation formation; and
 - s. Increasing the weight given to small business considerations in the role and functioning of economic and regulatory bodies
6. How does the Small Business Commissioner see his 'independent' role in an election year? Now that an election has been called will you replicate your advice and engagement with the Government to the Opposition?

ANSWER

1. The ACCC has advised that the ACCC does not have a Small Business Commissioner. Under Section 10 (1B) of the *Competition and Consumer Act 2010*, the ACCC has a Deputy Chair with knowledge of, or experience in small business matters.

The role of the Deputy Chair is to oversee the functions of the ACCC when dealing with small businesses in the context of enforcing and promoting compliance with the *Competition and Consumer Act 2010* and the mandatory industry codes under the Act. The Deputy Chair also oversees the ACCC's ongoing small business program which focuses on general awareness campaigns directed at small businesses to inform them about their rights and obligations under the Act and various mandatory codes.

The role of the Small Business Commissioner is to be an advocate to government about small business interests; to assist small business; to represent the interests of small business; and to refer small businesses to services that can assist them to resolve issues, such as disputes. This covers all small business issues, not just those which fall under the *Competition and Consumer Act 2010*.

The Australian Small Business Commissioner has been working with, and will continue to work with Dr Michael Schaper (Deputy Chair, ACCC) on the referral of small business disputes to appropriate government agencies, and on competition matters that are affecting small businesses.

2. As of February 13, 2013, the Australian Small Business Commissioner had met with the ACCC and Productivity Commission (2b and e). The Australian Small Business Commissioner had not yet met with the other bodies listed in Question 2. Policy advice is provided by the Department.
3. For raising issues of concern with the Small Business Minister please refer to Hansard, Senate Economics Legislation Committee Estimates, 13 February 2013, page 79.

As the Small Business Commissioner, for legal reasons, my Office does not advise small business. We assist small business. Please refer to Hansard, Senate Economics Legislation Committee Estimates, 13 February 2013, page 83.

4. Organisations the Small Business Commissioner has met with, up to (and including) February 13, 2013, include:

Industry associations

- Council of Small Business of Australia (COSBOA) Executive
- Council of Small Business of Australia (COSBOA) Board who represent:
 - Australian Booksellers Association
 - Australian Federation of Business and Professional Women (BPW Australia)
 - Business Enterprise Centre
 - Furnishing Industries Association
 - Institute of Public Accountants
 - National Independent Retailers Association
 - Pharmacy Guild of Australia
 - Real Estate Institute of Australia
 - Stocktakers Institute of Australia
 - Tasmanian Small Business Council
 - Convenience and Mixed Business Association
 - University of Western Sydney
 - Australasian Association of Convenient Stores
 - Australian Digital Television Industry Association
 - Australian Hairdressing Council
 - Australian Livestock and Rural Transporter Association
 - Communications and Information Technology Training Ltd
 - Fitness Australia
 - National Financial Services Federation
 - Independent Retailers Organisation
- Australian Retailers Association
- Franchise Council of Australia
- Australian Steel Institute

State-based chambers of commerce and industry

- Victorian Employers Chamber of Commerce and Industry

5. Up to and including February 13, 2013, the Small Business Commissioner has been consulted or provided input into the following:

Topic for discussion	Consulted with
Franchise Code review	Mr Alan Wein, Reviewer of Franchising Code of Conduct.
Red-tape Reduction	Mr John Lloyd, Victorian Red Tape Commissioner.
Late Commonwealth payments to small business	Various employees of the Department of Industry, Innovation, Science, Research and Tertiary Education.
Increasing the weight given to small business considerations in the role and functioning of economic and regulatory bodies	Dr Warren Mundy (Productivity Commissioner), Ms Ros Bell (Assistant Commissioner).

The Small Business Commissioner had not yet been consulted or provided input into the other areas raised in Question 5 as of February 13, 2013.

6. Please refer to Hansard, Senate Economics Legislation Committee Estimates, 13 February 2013, page 87 and 88.

The Small Business Commissioner will continue to engage with and be consulted on small business matters with any interested small business stakeholders.