

Policy and Advocacy

Small Business Commissioner

Overview: In mid-2010, the Western Australian Government agreed to establish a Small Business Commissioner to support small retailers in the transition to a more deregulated trading environment and provide a low-cost, non-litigious means of resolving retail tenancy and business-to-business disputes.

Outcomes: Modelled on the highly successful Victorian Small Business Commissioner, the SBDC worked with the Parliamentary Counsel's office to draft amendments to the *Small Business Development Corporation Act 1983* and the *Commercial Tenancy (Retail Shops) Agreements Act 1985* to establish a Small Business Commissioner in Western Australia. The Commissioner, who will replace the position of Managing Director at the SBDC, will provide assistance to small businesses in dispute and offer access to a low cost, Government subsidised mediation service.

The Small Business and Retail Shop Legislation Amendment Bill 2011 passed through State Parliament in June 2011 without amendment, paving the way for the introduction of a Small Business Commissioner. It is anticipated that the alternative dispute resolution service for small business disputes will be introduced during 2011-12.

Reviews, submissions and consultations

Overview: The SBDC regularly provides input into a variety of enquiries, reviews and policies in order to ensure the interests of small business owners are represented. The SBDC also undertakes to influence policy change to the benefit of the small business sector.

Outcome: During 2010-11, the SBDC provided submissions to reviews including the:

- Review of the Franchising Bill 2010 (WA),
- Department of Commerce's Position Paper on the creation of a lease register for retail tenancy leases,
- Federal Government's Options Paper on the Resolution of small business (business-to-business) disputes,
- Amendola Review into the State Industrial Relations System, and
- Australian Business Number and Business Names Registration Project.

Small business ministerial link forums

Overview: The SBDC organises small business ministerial link forums in both the metropolitan area and in regional Western Australia on behalf of the Minister for Small Business. These provide a valuable mechanism for identifying and receiving feedback on key issues impacting the small business sector.

The link forums involve industry groups (general associations, professional bodies or trade associations) as well as individual small business operators and provide an opportunity for small business concerns to be raised directly with the Minister. Issues of concern raised may form the basis of future small business policy and advocacy across government.

Outcomes: During 2010-11, two link forums were held in the Perth metropolitan area, with issues raised at the meetings addressed at the Ministerial and agency levels. These issues included; ways to reduce red tape, particularly in relation to planning and land development; challenges within the

business operating environment; the “buy local” policy in relation to government contracting; the role of the Small Business Commissioner; and how to reduce business taxes and charges.

Regulatory Gatekeeping

Overview: The Regulatory Gatekeeping Unit (RGU), within the Department of Treasury, administers the State Government’s Regulatory Impact Assessment (RIA) process.

The SBDC is actively involved in this process by providing advice to the RGU and Government departments on the types and level of impact a proposal is likely to have on small businesses and identifying alternatives to regulation. Policy officers from the SBDC typically discuss the proposal in detail with the relevant agency and provide guidance on how to minimise impacts on small business.

Since commencement of the second stage of the RIA process on 1 June 2010, which extends the RIA requirements to include the assessment of all subordinate legislation, more assistance has been sought from the SBDC.

The SBDC is also represented on the Regulatory Impact Assessment Working Group (RIAWG), which was established by the RGU to assist in the implementation of the RIA process across Government and to provide feedback to the RGU.

Outcome: During 2010-11, the SBDC reviewed 72 RIAs and worked with 21 agencies. The SBDC acts to provide guidance to agencies in the completion of RIA requirements to ensure that proposed regulation does not result in adverse or unintended consequences for small businesses.

Small business advocacy service

Overview: The SBDC offers a free, confidential service to small business owners experiencing difficulties in their dealings with local, state or federal governments. The advocacy service investigates cases where small business owners are in dispute with a Government body and offers advice or alternative options suitable for both parties. The service also provides links and contacts to other services when the small business owner needs further assistance.

Outcomes: During 2010-11, the SBDC investigated 45 advocacy issues raised by small business operators. Local government regulation and agency communication and consultation were amongst the most common concerns. The SBDC has analysed these issues in more detail and continues to liaise with relevant government agencies to identify potential policy or regulatory solutions that go beyond addressing the specific problem of a single small business.

Commercial Tenancy Legislation

Overview: During 2010-11, the SBDC assisted the Department of Commerce to draft amendments to the *Commercial Tenancy (Retail Shops) Agreements Act 1985* to implement recommendations from the 2003 review of the Act. Amendments were developed to improve the rights and negotiating power of small business owners who have, or are planning to enter into, a retail lease agreement. The amendment bill has been passed by the Legislative Assembly and as at 30 June 2011, is being considered by the Legislative Council.

Outcome: The SBDC provided advice to the Government and the Parliament throughout the development of the Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011. This included providing detailed comments and policy advice on the potential effects of a proposed retail shops lease register on small businesses and assisting the Department of Commerce to develop options for improving access to lease information in the retail tenancy market in Western Australia.

Australian Business Number/Business Name registration project

Overview: One of the Federal Government's regulatory reform initiatives is the creation of an Australian Business Name (ABN)/Business Name Register. This register will provide an online mechanism for the registration of ABNs and business names, and has been designed so consumers can easily identify who is behind a business name in Australia.

As part of the national reform under the auspices of the COAG Business Regulation and Competition Working Group, the SBDC has been involved in the development of the new system to ensure that the interests of small businesses are considered and addressed.

As the commencement of the national business name registration service is dependent on the passage of legislation through the federal and state parliaments, it is anticipated the register will be operational by mid-2012.

Outcome: During 2010-11, the SBDC worked with the Department of Commerce to ensure that as the project progressed, the Federal Government took into

consideration the needs of Western Australian small businesses in relation to the cross-border protection of existing business names, legal and governance issues, transitional arrangements, and distribution channels. The SBDC also participated in Communications Forums to ensure that consistent messages are being communicated to small businesses during the transition into the new national register.



"In China, you can make a lot of money, much quicker, but there's pollution and a hectic environment. Here we enjoy fresh air and a safe community. We love the Australian lifestyle, there's less stress and we get to spend more time with our family."

**Li Chenyun and Hu Dongquan
Encore Delights, Bayswater**

(Li and Hu were sponsored into Western Australia by the Business Migration Centre at the Small Business Development Corporation.)

Ready response network

Overview: Through the Ready Response Network, the SBDC gauges the views of small business owners around the State on a variety of current issues affecting the sector. The SBDC regularly polls the Network, via emailed questionnaires, using the responses to inform policy development and raise small business issues in the media.

Outcomes: During 2010-11, five Ready Response Network opinion polls were conducted, on the following issues:

- Small business expectations for 2011,
- Dealing with major unexpected events,
- Attitudes and experiences relating to the resolution of business-to-business disputes,
- Social media and its use as a business tool, and
- The implementation of a Paid Parental Leave Scheme.

Membership for the Network has continued to show strong growth, with an increase of over 400 members during 2010-11 to a total of 1,114.

Business Facilitation Services

Aboriginal Business Unit (ABU)

Overview: The ABU broadens and enhances the SBDC's existing suite of business support services by specifically assisting and supporting the development of Aboriginal businesses and the Aboriginal business community in Western Australia.

This is achieved by working collaboratively with the Small Business Centre network, other Government agencies and industry to provide practical, tailored, relationship-based advice on a broad range of small business issues.

In 2010-11, as a result of a restructure, the Aboriginal Tourism Unit at Tourism WA joined the ABU at the SBDC. This included the provision of \$150,000 (ex GST) in both 2010-11 and 2011-12 for the specific purpose of continuing the delivery of a Capacity Building Program for Aboriginal tourism operators.

Outcome: During 2010-11, the ABU attracted 44 new business clients, conducted 58 client follow-up contacts, 57 company contacts and collaborated on the following projects:

- **Wiluna Regional Partnership Agreement and Many Rivers Microfinance (MRM)**

MRM commenced operations in Wiluna in November 2010 with a part-time fly-in, fly-out Field Officer supported by State Government and non-Government partners. In January 2011, this project was able to recruit a full time Field Officer based in Kalgoorlie to service the Northern Goldfields as well as Wiluna.