

**STATUTORY AND OTHER OFFICES REMUNERATION TRIBUNAL**  
**REPORT AND DETERMINATION PURSUANT TO SECTION 14(2) OF THE ACT**  
**REPORT**

1. On 22 August 2013 the Premier requested the Statutory and Other Offices Remuneration Tribunal (the Tribunal) to make a determination in respect of the remuneration payable to the office of the Small Business Commissioner.
2. The Premier advised that the *Statutory and Other Offices Remuneration Act 1975* (the SOOR Act) will be amended to include this office in the list in the Schedules. This is a new position and the Tribunal has not previously made a determination on the remuneration payable for this office.
3. The Small Business Commissioner (Commissioner) is an independent statutory position established by the *Small Business Commissioner Act 2013* (SBC Act).
4. The Commissioner has been created 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.
5. As broadly outlined in the SBC Act the responsibilities of the Commissioner are to:
  - deal with issues concerning the small business sector in a neutral and independent manner,
  - provide a central point of contact for small businesses to make complaints about their commercial dealings with other businesses and about their dealings with government agencies,
  - investigate complaints made by small businesses regarding their dealings with other businesses and government agencies relating to the unfair treatment of, or an unfair practice involving small businesses, or where it is in the public interest to do so,
  - provide low cost alternative dispute resolution services for small businesses,
  - conduct investigations into the way in which small businesses are treated by other businesses or government agencies,

**STATUTORY AND OTHER OFFICES REMUNERATION TRIBUNAL**  
**REPORT AND DETERMINATION PURSUANT TO SECTION 14(2) OF THE ACT**  
**REPORT**

- make representations or take any action on behalf of small businesses, either at the Commissioner's own initiative or at the request of small business
  - facilitate the development of codes of practice by industry that deal with issues concerning the small business sector,
  - advise the Minister, either at the Commissioner's own initiative or at the request of the Minister, on any matter affecting small businesses or that is relevant to the Commissioner's objectives or functions.
6. The Commissioner is able to exercise independence and discretion in relation to the investigation of complaints by small businesses; the provision of advice to the Premier, Minister and NSW Government in relation to complaints of unfair treatment and/or practices; the referral of findings against businesses providing services to NSW Government by the Director General Finance and Services; and the content of any report prepared by the Commissioner.
7. In undertaking that role, the Commissioner may independently exercise investigatory powers under the Act by reasonably requiring any person or government agency to provide information or answer questions relating to the person's or agency's dealings with small business.
8. The Commissioner will also promote the services of the Office of the NSW Small Business Commissioner to maximise the engagement of the small business sector and wider community, and facilitate effective implementation of NSW Government policies and strategies that foster the success and sustainability of small business in NSW. The Commissioner leads the development and ongoing management of the Small Biz Connect program to provide comprehensive mentoring and advisory service to small businesses across NSW.
9. The Commissioner must prepare an annual report on the activities of the office of the Small Business Commissioner for tabling in Parliament. The Commissioner may also make a special report at any time, and include recommendations without limitations, on matters relevant to the small business sector, for tabling in Parliament.

**STATUTORY AND OTHER OFFICES REMUNERATION TRIBUNAL  
REPORT AND DETERMINATION PURSUANT TO SECTION 14(2) OF THE ACT  
REPORT**

10. The Commissioner is also responsible for the resolution by mediation of retail tenancy disputes in the role of *Registrar of the Retail Leases Act 2004*.
11. In determining the remuneration for this position the Tribunal has had regard to an independent job evaluation of the position, and also to relevant comparators. The Tribunal is of the view that the Small Business Commissioner should receive an annual salary of \$267,000 and so determines.
12. As this determination is made close to the 2013 Annual Determination, there will be no further adjustment to the Small Business Commissioner's remuneration, as a result of any general increases provided across the public office holder group with effect from 1 October 2013.

**DETERMINATION:**

Pursuant to section 14(2) of the *Statutory and Other Offices Remuneration Act 1975* the Tribunal determines that the office of Small Business Commissioner receive a salary of \$267,000 per annum with effect from the date of the proclamation of the *Small Business Commissioner Act 2013*.

**Statutory and Other Offices  
Remuneration Tribunal**

*(signed)*

Helen Wright  
12 September 2013