

CoSBA is WA's Small Business Representative Peak Body

CoSBA



Combined Small Business Alliance of WA Inc.



GOVERNMENT OF
WESTERN AUSTRALIA

Small Business
Development
Corporation



Western Australia

CoSBA

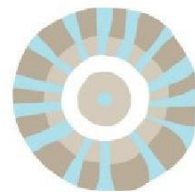


Combined Small Business Alliance of WA Inc.

Small Business Policy Position



Stirling Business Association Inc



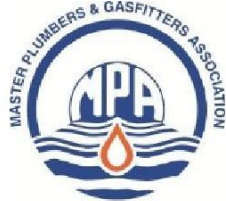
KALAMUNDA CHAMBER
OF COMMERCE



Master Ladies
Hairdressers
Association



Restaurant
& Catering



Combined Small Business Alliance of WA Inc.

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More CoSBA Members -

Not all are listed as some members prefer not to be listed in confidence.

*Western Australia's
Voice for Small Business*



*The aim of CoSBA is to further and protect
the interests, needs and aspirations of
Small Business owners.*

Revised Nov 2015

Combined Small Business Alliance of WA Inc. (CoSBA) - Profile

CoSBA, had its genesis in the early 1990s as the Combined Business Association, which in 1998 changed its name to the Combined Small Business Association, in order to more accurately reflect its objectives.

In March 2002 CoSBA merged with the Small Business Alliance, which now makes us the single largest peak Small Business organisation in WA with a membership comprised of business associations, local chambers of commerce, industry associations and other incorporated organisations that exist to support and assist the needs and aspirations of Small Business.

As a peak body, CoSBA acts as a representative and united voice for and on behalf of Small Business organisations, in so doing, we actively represent the interests of our Affiliates, and Small Business in general, by lobbying Governments and in being represented on a number of forums and bodies.

In our standing in the representation of Small Business we enjoy a close working relationship with the Small Business Development Corporation (SBDC). CoSBA made strong representations for the WA Small Business Commissioner’s role within the SBDC and are recognised as the peak Small Business organisation in Western Australia.

Aim of the Association

The aim of the association is to further and protect the interests, needs and aspirations of Small Business owners, operators and organisations.

Objectives of the Association Include:

To represent members in a co-ordinated approach at all levels of government - Local, State and Federal, in a non-political and non-sectarian manner.

To represent members at organisations, conferences, seminars, locally, statewide and nationally.

To encourage and participate in membership of similar business Associations. To conduct dialogue with other business organisations and associations.

To promote and foster business alliances with the following objectives:

- to promote reciprocal trade;
- to exchange business knowledge between members;
- to promote member business and social contacts on a regular basis;
- to act as a representative body in matters of interest to members, in a non-political, non- sectarian manner.

CoSBA Website: www.cosba.com.au

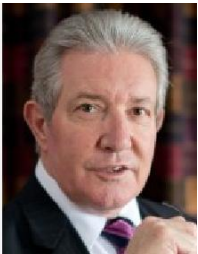


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Superannuation

CoSBA believes providing for an employees retirement nest egg should not be the sole responsibility of employer but should be a shared obligation between the employer and the employee.

CoSBA believes that in addition to this, the employee will take an added interest in their retirement planning if they too have a stake in the savings commitment.

For any increase in compulsory superannuation, CoSBA believes a 3% contribution from the employee should be introduced in stages with the Employer contribution capped at 9%.

We believe a 3% contribution from employees should be introduced in stages over a five year period to minimise any impact upon contributors. This would bring the total superannuation contribution to 12%.

CoSBA believes that employment cost pressures and international competition are impacting Small Business. This measure would assist in making the Small Business sector more competitive which would in turn lead to the creation of additional employment opportunities and the protection of existing jobs.

Proposed Implementation Model and Timeframe

Employer % Contribution	Employee % Contribution from Salary	Year	Total % Annual Super
9.5	0.5	1	10
9.25	0.75	2	10
9	1	3	10
9	2	4	11
9	3	5	12

Government Support

CoSBA calls on Governments to:

Appoint a Small Business Minister to Cabinet supported by a Parliamentary Secretary and a Small Business Ombudsman or Commissioner.

The Small Business Ombudsman/ Commissioner’s role should include, but not be limited to:

- Providing a low cost Small Business dispute settlement agency (per the Victorian model);
- Providing government with an “internal advocate” for Small Business by gathering data, facilitating consultation and most importantly provide a pre approval process to avoid potential new or changed policies that have the potential for a deleterious impact on Small Business;
- Providing a reference point for bureaucrats to gain informed (and confidential) feedback on their proposal and decisions that will affect Small Business;
- Providing a single point of reference to enable Small Business to communicate effectively with government;
- Accepting the reciprocal role of ensuring that government policies are effectively and efficiently communicated to the Small Business community where the majority of private sector employees work.

CoSBA calls on Governments to:

Provide funding and support for Small Business representative organisations to facilitate the conduct of their secretariats.



CoSBA Policy Outline

Primary Consideration

In the 1997 report “More Time For Business”, the Federal Government’s response to the 1996 “Bell Report” (Time For Business), the then Prime Minister, John Howard, in his Foreword stated, in part:

“Small Business is the engine room of the Australian economy, a vital source of enterprise, innovation and jobs.

Small Business is based on the self-reliance, initiative and vision of men and women with a commitment to hard work and the preparedness to take a risk to achieve their goals and ambitions. Small Business is integral to the decentralised network of family, workplaces and community which is the most effective guarantor of freedom and choice.

Too often in the past, government has been a burden for Small Business. Government has appeared unable or unwilling to understand the special needs of Small Business and unaware of the impact of decisions on them.”

In developing the laws, Governments must demonstrate a willingness to understand the special needs of Small Business, not to burden Small Business with laws that unnecessarily bind Small Business in Red Tape, costs and legalistic processes, and be fully aware of the impact of their decisions on small businesses.

CoSBA calls upon Governments to:

- Give primary consideration to the needs and aspirations of Small Business with 20 or less fulltime equivalent employees (FTE);
- Treat Small Business as having special needs and not expect them to have the same skills, knowledge, resources and capacity of big business;
- In the drafting of Legislation a process be instituted that it be mandatory that draft legislation presented to cabinet be accompanied by a Small Business specific impact statement;
- In the drafting of Regulations a process be instituted that it be mandatory that draft Regulations be accompanied by a Small Business specific impact statement;
- Create a level playing field so that Small Business is not unfairly disadvantaged in commercial transactions in competition with larger businesses;
- Provide support to Small Business owners who are in crisis or who are ready to grow; and
- In harmonising between State and Federal laws primary consideration be given to the needs and aspirations of Small Business with 20 or less fulltime equivalent employees.



CoSBA Advocates for

- Removal of employers involvement in the collection of superannuation funds for their employees, this can be achieved by better use of the taxation system;
- A dedicated Small Business Minister in State and Federal cabinets;
- Small Business impact statements to be part and parcel of all legislation and regulations that affect small businesses;
- State and Federal dedicated Small Business Ombudsman or Small Business Commissioner. This is to ensure a fair go for Small Business and provide a person to whom a Small Business owner can go to when they believe they have been treated unfairly;
- A workplace relations system that acknowledges that small businesses are operated by individuals who do not possess the same ability and understanding as specialists engaged by large companies;
- Small Business owners to have the same protection from unfair contracts and unscrupulous behaviour by big business as provided to the consumer;
- Workplace health and safety laws and regulations taking into consideration that small businesses are operated by individuals who do not possess the same ability and understanding as specialists engaged by large companies;
- The implementation of 'Buy Local' policies that operate to give Small Business a fair go in government procurement;
- Focusing on developing and maintaining fairness on the internet for small businesses.

Small Business Definition

CoSBA calls on Governments to:

- Establish a standard and uniform definition for small business.
- The definition be established through the COAG process and apply universally to all States, Territories and the Federal Government jurisdictions.
- The definition be applied for all purposes, for example, but not limited to: taxation, statistics, industrial relations, financial, occupational health and safety, etc.
- The definition process incorporate a checklist of criteria in order to establish whether a business is a small business, that would include, but not be limited to, criteria such as: capital investment in the business, nett value of the business, annual turnover, number of employees, etc.
- The process provides for a review process by an independent arbitrator (for example a Small Business Commissioner) for instances where an authority or agency in applying the criteria deems a business not to be a small business.



Payroll Taxation

CoSBA calls upon the Federal Government to:

Offset previous years taxed profits into loss years. Averaging of the tax on small businesses.

Payroll Taxation - Outline

Following the 2008 world financial meltdown, the Barnett government acknowledged that Payroll Tax was hurting Small Business and made a one off reduction to assist. At the time it was most appreciated by struggling small businesses. The benefit was retention of staff during the downturn.

CoSBA recognises that the government has raised the threshold by \$50,000 last year and again this year (2014).

With ever rising payroll, Small Business continues to be caught in the Payroll Tax net and the grouping of companies is a further disincentive.

Small Business owners find they are trapped by the tax when their independent entities or companies annual wages are grouped by the State Taxation office.

As businesses grow and get closer to the tax threshold, they assess if they can afford to employ more staff. It becomes a

Calculating Payroll Tax (2014-2015)

Annual Wages Tax Payable

\$0-800,000 Nil
>\$800,000 5.5%

Wages Example Tax Payable

\$1,000,000 \$11,000 \$2,000,000
\$66,000 \$3,000,000 \$121,000

Currently, where there is more than one company in a group under the same stakeholders, the State taxation office combines all those wages and applies the tax accordingly.

Land Tax

CoSBA calls upon Government to:

- Recognise and acknowledge that Land Tax is an impost on Small Business;
- Recognise that the cost of this is passed on by the land owner costing business thousands of dollars annually;
- To lessen the impact of Land tax on Small Business.

Payroll Tax continued...

consideration when another 5.5% overhead will have to be paid every month on top of the already significant costs such as superannuation, workers compensation, land tax, rent, rates, insurance etc. etc.

CoSBA calls upon the State Government to:

- Acknowledge the significant imposition that Payroll Tax causes Small Business finances, to reposition the tax to an amount between \$5 million and \$10 million and indexed annually against the WA CPI;
- Acknowledge that taxation on employment is counterproductive and causes significant strain on a Small Business, inhibiting their ability to expand;
- Recognise and acknowledge that there are significant costs on Small Business at Local Government, State Government and Federal Government levels. That Payroll Tax and the myriad of other overheads are making Australian companies less competitive in the world market;
- Undertake a review to remedy and seek the fair removal of grouping companies for the purpose of calculating Payroll Tax.

Fair Trading - Market Dominance

- f. Vary the price payable under the contract without the right of the other party to terminate the contract;
- g. Unilaterally vary the characteristics of the goods or services to be supplied under the contract;
- h. Unilaterally determine whether the contract has been breached or to interpret its meaning;
- i. Limit one party's vicarious liability for its agents;
- j. Permit one party to assign the contract to the other party's detriment without their consent;
- k. Limit one party's right to sue the other party;
- l. Limit the evidence one party can adduce in legal proceedings in respect to the contract;
- m. Impose the evidential burden on one party in legal proceedings in respect to the contract.

5. Policy Position

There is a sound rationale for proscribing unfair contract terms that cause detriment to small business people, the self-employed and independent contractors. Fairness in contracts is a valued ethical principle, recognised in long-standing common law and in broad statutes against unconscionable conduct.

'Unfair' terms appear to be widespread in contracts and there is growing evidence of the exploitation of self-employed people.

Self-employed people can be exposed to avoidable risk if they do not carefully read the contracts that are put in front of them by large companies or government instrumentalities. What are often long and complex contracts may use particular terms that are against the self-employed person's interests.

Existing national laws for dealing with unfair contract terms are slow, costly and uncertain in their application. Various industry codes and some State laws bar unfair or unjust contract terms, and there is a risk that more fragmented and inconsistent approaches to the problem are impending. A clear, nationally consistent approach is needed and would provide significant benefits.

In the many countries that have enacted laws against unfair contract terms, there is little evidence of significant business compliance costs or adverse unintended commercial consequences. Some businesses have supported such regulation.

The proper design of any policy should include clear definitions of unfair terms, guidelines about their use, and a focus on dealing with terms that cause detriment.

CoSBA is committed to working with government instrumentalities and corporations to ensure that their contracts are fair.

(Adopted from and with the permission of the Independent Contractors Australia)

Climate Change - Carbon Dioxide Tax

Given that the Small Business sector is diverse, it therefore follows, with respect to climate change and the carbon dioxide tax debate that Small Business people are like everyone else - there are believers, there are deniers and many are confused.

What we are sure of is that Small Business people will suffer if implementation and management of any process does not include consideration of our needs. Whatever the government decides there will be an impact on every Small Business owner in Australia. These additional costs have to be passed on and in turn will increase the cost of living on every Australian. Accordingly,

CoSBA calls upon Governments to:

- Give primary consideration to the carbon dioxide tax impact on small businesses;
- Ensure that Small Business is comprehensively consulted on all issues and processes concerning climate change and the carbon dioxide tax;
- Ensure that small businesses are not hit twice with increased costs, once at home and once at the workplace;
- Ensure that consideration is made for Small Business shops and commercial premises, and those who use large amounts of power, for example hair dressers and dry cleaners;
- Ensure that red tape and compliance is not designed to meet how it can be administered by big business but rather for the needs of Small Business;
- Ensure that government bureaucrats do not impose any Red Tape and compliance requirements not intended by Government;
- Develop ways and means to alleviate any extra costs to Small Business and ensure that if costs have to be passed onto consumers that big business are not given a chance to gouge Small Business, and that they do not use this as an opportunity to increase their market share at the expense of Small Business and the expense of choice for consumers;
- Pay full compensation to Small Business for any training/implementation/ongoing costs imposed by government for any requirements to fulfil compliance regimes.

Occupational Safety and Health

CoSBA calls on Governments to:

- Give primary consideration to the adverse affect on Small Business with the implementation of onerous Regulations, that acknowledges small businesses are operated by individuals who do not possess the same ability and understanding as specialists engaged by large companies;
- Facilitate cooperation between State and Federal jurisdictions by mutual dual appointments and exchange of administrative support;
- Consolidate the regulations and regulation making powers in relation to each jurisdiction.



Government Red Tape

CoSBA calls upon Governments to:



- Give primary consideration to the adverse affect on Small Business with the passing of Laws and the implementation of Regulations;
- Government policies and bureaucratic Red Tape should fit the need. Their application should relate to the size and operation of the class of business to which they will apply;
- The preparation/review of the Small Business specific impact statements to include representation from Small Business;
- In developing Regulations, government should aim to achieve efficiency by recognising that uniform regulations can impose very different burdens on different classes of businesses;
- Permanent regulation review committees be established, comprising of representation from Governments and Small Business, to review the impact of laws and Regulations upon Small Business;
- Gather data on time taken to undertake government demanded Red Tape;
- The Auditor General be required to provide analysis of any Red Tape imposition on Small Business and provide meaningful detail in their annual report compared year by year;
- Remove the burden of requiring Small Business to be the collectors of PAYG, GST and Occupational Superannuation.

Industrial Relations General

The following is an outline of CoSBA's policy concerning industrial relations in both the State and Federal jurisdictions.

Primary Consideration

Taking into consideration CoSBA's Policy Outline introduction,

CoSBA calls upon Governments to:

- Give primary consideration to the needs and aspirations of Small Business with 20 or less fulltime equivalent employees (FTE);
- Provide for individual workplace agreements or enterprise agreements, underpinned with a 'no disadvantage' provision;
- Provide protection against union control of workplaces;
- All claims brought by an employee, howsoever represented, be subject to mandatory cost free mediation without exception in keeping with the process set out in the Small Business and Retail Shop Legislation Amendment Bill 2011 and the Victorian model;
- All claims brought by an employee, howsoever represented, be subject to the jurisdiction of the relevant industrial relations tribunal and referral to superior courts be prohibited without exception;
- Unfair dismissal laws, exempt Small Business with 20 or less fulltime equivalent employees;
- Frivolous and vexatious claims not be the subject of a separate application, and be dealt with under the application that is the subject of the frivolous and/or vexatious claim, and they be heard contemporaneously with the subject of the application for which it is brought. And, provide broader capacity for the tribunal to order costs;

- Tribunals be required to give full meaning and weight to acting according to equity, good conscience, and the substantial merits of the case without regard to technicalities or legal forms and not being bound by any rules of evidence, but may inform itself on any matter in such a way as it thinks just;
- Abolition of industry awards, to be replaced by a Small Business award and statutory minimum conditions of employment that provide for maximum flexibility for small businesses with 20 or less fulltime equivalent employees;
- Repeal in total Division 3—Workplace rights (the "adverse action" provisions) of the Fair Work Act.
- In harmonising between State and Federal laws primary consideration be given to the needs and aspirations of Small Business with 20 or less fulltime equivalent employees;
- Facilitate cooperation between State and Federal jurisdictions by mutual dual appointments and exchange of administrative/registry support;
- Consolidate the regulations and regulation making powers in relation to each jurisdiction.



Fair Trading - Market Dominance

On 26 July 2011 the Federal Minister for Small Business, Hon Nick Sherry addressing the Small Business Forum said, inter alia:

"It's appropriate we are meeting in the Champions' Room at Sydney Olympic Park this afternoon. My time as your Minister has only served to reinforce my belief that the two million small businesses in Australia house our national economic champions. After all, small businesses are almost 96 per cent of all businesses.

And as we do with our champions in every other sphere of endeavour, the Australian Government will help small businesses to excel, to prosper and be prepared for the future.

Addressing the challenges faced by Small Business is a primary role of governments and a key objective of the Australian Government is helping to create the right economic conditions for business to thrive."

Accordingly,

CoSBA calls on Governments to:

- Give primary consideration to unfair trading practices and market dominance impact on Small Business;
- Ensure that Small Business is fully protected against unfair trading practices, including predatory pricing and the imposition by big business of unfair trading requirements detrimental to small businesses;
- Provide small businesses with cost free avenues of legal redress against unfair trading practices and the imposition by big business of unfair trading requirements;
- Ensure that Small Business is comprehensively consulted on all issues and processes concerning fair trading and market dominance;
- Introduce legislation that places a limit on market domination by large corporations, modelled on antitrust legislation of some states in the USA;
- Introduce legislation that protects small businesses against market domination by large corporations;
- Introduce legislation that provides compensation for small businesses that suffer economic loss due to unfair trading practices and market dominance by large corporations.

Additionally, CoSBA calls on Governments to adopt and enforce laws that are consistent with the following:

Charter of Contractual Fairness 1. The Charter's Goal

Contractual fairness is about achieving balance in contracts.

The terms that make contracts unfair for consumers are the same as those that make contracts unfair for businesses - particularly self-employed people - when they deal with large organizations, whether they are companies or government instrumentalities.

Unfair contract terms are those that disadvantage one party to a contract, but that are not reasonably necessary for the protection of the legitimate interests of the other.

The elements of this Charter of Contractual Fairness seek to create protections from unfair contracts for self-employed people. In March 2010, the Trade Practices Act was amended with support from all political parties to create protections from unfair contracts for consumers. The goal of this charter is to achieve the same protections for small business people, the self-employed and independent contractors.

Government instrumentalities and corporations should aspire to having fairness in their contracts.

2. Definition of 'Unfairness'

A term of a contract is unfair if it:

- Would cause a significant imbalance in the parties' rights and obligations arising under the contract;
- Is not necessary in order to protect the legitimate interests of the party who would be advantaged by the term;
- Would cause financial or other detriment to one party if it were applied or relied on.

3. 'Transparency'

In determining whether a term of a contract is unfair, a court should take into account:

- The contract as a whole;
- The extent to which a term is transparent;
- Any other relevant matters.

For terms to be transparent, they must be expressed in plain language, and be clearly and readily presented to the contracting parties.

4. 'Unfair Terms'

A contract term is unfair if it gives one party but not the other, the ability to:

- a. Avoid or limit the performance of the contract;
- b. Terminate the contract;
- c. Apply penalties against the other party for a breach or termination of the contract;
- d. Vary the terms of the contract;
- e. Renew or not renew the contract;

Cont...

Trading Hours

CoSBA calls upon Governments to:

Implement trading hours laws so as to give primary consideration to the special needs and aspirations of small businesses, in so doing:

- Protect Small Business from unconscionable conduct by landlords in the imposition of trading hours on small businesses, including overt and covert coercion to comply, in whatsoever form and by howsoever means.
- Adopt provisions that will enforce a requirement upon landlords to exercise a "fair go" in the imposition of trading hours on small business, with power to courts/tribunals and/or Small Business Commissioners to grant remedies for misconduct by landlords;
- Adopt provisions that will enforce an obligation for landlords "to act in good faith" in the imposition of trading hours, with penalties for breaches of the obligation;
- Adopt provisions that will enforce an obligation against "unconscionable conduct" upon lessors in the establishment of trading hours provisions in lease agreements for small businesses, in conformance with the principles set down in the Decision of the High Court of Australia in *Commercial Bank of Australia Ltd v Amadio* (1983) 151 CLR 447, with penalties for breaches of the obligation.

Government Procurement, Buy Local

CoSBA calls on Governments to:

- Conduct purchasing locally, thereby providing the opportunity for local small businesses to participate in Government procurement;
- Ensure a 'Buy Local' policy is fully implemented and adhered to at all times by Government departments and agencies;
- Simplify tender documents and requirements to a standard that will facilitate the participation of Small Business in the procurement process;
- Eliminate the practice of aggregation of contracts.



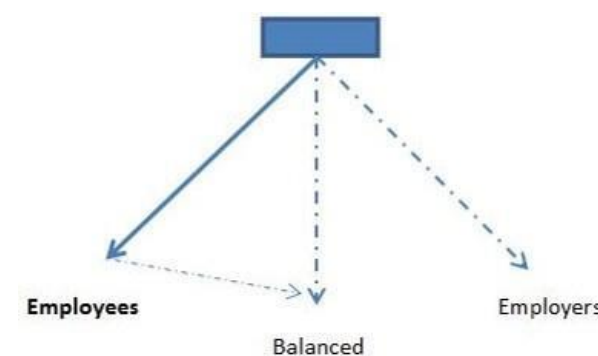
Workers Compensation

CoSBA Supports:

- A Workers Compensation system in which the primary focus is on the injury and the injured worker;
- The current Death Benefits as of 2013, we do not support any increase in the Western Australian death benefits for deceased workers. Workers can elect for purchasing their own insurance above the applied compensation;
- Provisions for older people who wish to continue working. We advocate that, the age be restricted to 70. Payment however for above 65's should be reduced to closer in line with Centerlink benefits;
- Provisions for small business to pay smaller claims on a non-admission of liability basis;
- The proposed Western Australian cross border provisions, as outlined in the proposal discussion paper dated September 2013;
- The re-implementation of a repeat offender register.

CoSBA Believes:

- That the system is currently too far in favour of the employee, and needs to be



balanced between the employee and employer;

- Claims management is a burden on small business with vexatious claims heavily favouring the employee and legal representation;

- That in the case of fraudulent claims, the full amount of claim benefit including any employee legal costs, any associated penalty and associated costs be automatically recovered from the employee and these to be returned to the premium pool of the respective insurer who paid the monies under claim.
- Workcover should implement as a priority fraudulent activities investigations at a high level with significant fine provisions in order to halt the runaway increase in vexatious claims;
- That Employers also have rights in negotiations and that the Law and Workcover needs to recognise those rights;
- Workcover should provide Small Businesses with impartial workers compensation advice;
- 457 Visa workers should provide for their own insurance needs separately from the Employer funded Worker Compensation Insurance;
- Bullying stress claims in the workplace should be removed from Workers Compensation claims;
- Small Businesses should be exempt from the Return to Work Programs (RTWP) and opposes penalties that can be levied for breaches of RTWP programs.
- Penalties that can be levied on a small business for breaches of managing the claims process be removed, and advocates that penalties be levied against employees who do not return to work in order to hinder their claim management process;
- Opposes any widening of the removal of provisions for employers to dismiss an employee whilst on Workers Compensation.

Federal Ombudsman

CoSBA calls on Governments to:

Support in principle the concept of the Small Business and Family Enterprise Ombudsman.

- The office of the Ombudsman to be set up as an independent agency (commission) free from control and influence of the Government;
- The harmonisation of States and Federal functions in order that the Ombudsman operate in conjunction with the States' Small Business Commissioners, in particular the referral of power for State Commissioners to deal with dispute resolution of Federal matters. A 'one stop shop' for dispute resolution;
- The responsibilities and powers of the Ombudsman to be along similar lines as for the New South Wales Small Business Commissioner;
- State and Federal industrial relations laws be amended to cede the power for the Ombudsman to deal with dispute resolution of small business industrial relations matters between consenting parties, within the dispute resolution framework of the respective State Commissioners;
- The powers for dispute resolution by the Ombudsman not be limited, and that the powers provide for dispute resolution by the Ombudsman of any matter of dispute concerning a small business;
- The Ombudsman in the performance of its responsibilities and powers act as a watchdog for unfair or unwarranted red tape impost upon Small Business, and to make recommendations to Government for the elimination or reduction of the red tape;
- The Ombudsman to conduct a small business impact review and produce an impact statement for all proposed Laws and Regulations for adverse effects on Small Business.

Training and Development

CoSBA calls on Governments to:

- Acknowledge that whilst the training and development of employees of small businesses is important, of primary consideration must be training and development of the owner operators of small businesses;
- Make training incentives available for employers and enterprise owners where they enrol and complete Cert IV in Small Business Management and other relevant training;
- Implement training for employers that by necessity should include industrial relations and occupational health and safety, human resource management, book-keeping information technology, development of business plans and Small Business marketing and management;
- Actively support and promote choice between "Business Enterprise Centres" and other agencies specifically dedicated to the training, development, to support and assist Small Business and include commercial training organisations;
- Fund Small Business conferences and consultation activities to ensure that the representatives of the Small Business sector are sufficiently resourced to facilitate good policy development and enable the Small Business community to achieve its goals to make the maximum contribution to Australia's economic growth;
- Provide funding for traineeships in front line management.

Franchising

CoSBA calls upon Governments to:

Adopt the submission of Peter Abetz, MP WA, to the Franchising Code Review Secretariat 2013 and also the issues outlined in the article 'smartcompany.com.au/franchising', Michelle Hammond, 11 February 2013.

Implement franchising laws that give primary consideration to the special needs and aspirations of small businesses, in particular:

- Adopt provisions that will enforce a requirement of a "fair go" for small business franchisees, with power to the courts/tribunals, and/or Small Business Commissioners, to grant penalties and/ or remedies for misconduct by franchisors;
- Adopt provisions that will enforce an obligation for franchisors "to act in good faith" in the establishment of franchise agreements, with penalties for breaches of the obligation;
- Adopt provisions that will enforce an obligation upon franchisors prohibiting the practice of "churning" at the end of contracts;
- Adopt provisions that will require franchisors who decline to renew franchise agreements to pay franchisees for the value of goodwill and fair compensation for plant and equipment;
- Adopt provisions that require the parties conform with the requirements of the Independent Contractors Act 2006;
- Adopt provisions that will enforce an obligation against "unconscionable conduct" in the establishment of franchise agreements in conformance with the principles set down in the Decision of the High Court of Australia in Commercial Bank of Australia Ltd v Amadio (1983) 151 CLR 447, with penalties for breaches of the obligation;

Commercial Tenancy

CoSBA calls upon Governments to:

Implement commercial tenancy laws that give primary consideration to the special needs and aspirations of small businesses, in so doing:

- Adopt provisions that will enforce a requirement of a "fair go" for small business tenants, with power to the courts/tribunals, and/or Small Business Commissioners, to grant remedies for misconduct by landlords;
- Adopt provisions that will enforce an obligation for landlords "to act in good faith" in the establishment of tenancy agreements for small business tenants, with penalties for breaches of the obligation;
- Adopt provisions that will enforce an obligation against "unconscionable conduct" in the establishment of tenancy agreements for small business tenants in conformance with the principles set down in the Decision of the High Court of Australia in Commercial Bank of Australia Ltd v Amadio (1983) 151 CLR 447, with penalties for breaches of the obligation;
- Require landlords to lodge a standard one -page lease summary at a publicly accessible site.

Franchising continued...

- Adopt provisions that make it illegal for franchisors to engage in predatory behaviour towards franchisees;
- Prohibit provisions that require franchisees to bear the cost of franchisors legal costs for court actions;
- Adopt provisions that ensure a legal framework for regulating the relationship between the franchisee and the franchisor.

