

South Australia

Statutes Amendment (Small Business Commission) Bill 2023

A BILL FOR

An Act to amend the *Small Business Commissioner Act 2011*; the *Retail and Commercial Leases Act 1995*; the *Fair Trading Act 1987*; the *Farm Debt Mediation Act 2018*; the *Late Payment of Government Debts (Interest) Act 2013* and the *Work Health and Safety Act 2012*.

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Schedule 1—Transitional provision

Part 1—Transitional provision

1 Transitional provision

The Parliament of South Australia enacts as follows:

Part 1—Preliminary**1—Short title**

This Act may be cited as the *Statutes Amendment (Small Business Commission) Bill 2023*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Small Business Commissioner Act 2011***3—Amendment of long title**

Long title—delete the long title and substitute:

An Act to establish the Small Business Commission; to provide for the functions and powers of the Commission; and for other purposes.

4—Insertion of heading

Before section 1 insert:

Part 1—Preliminary**5—Amendment of section 1—Short title**

Section 1—delete "*Commissioner*" and substitute:

Commission

6—Amendment of section 3—Interpretation

(1) Section 3, before the definition of *Commissioner* insert:

Commission means the Small Business Commission established under section 3A;

(2) Section 3, after the definition of *Deputy* insert:

government agency means any of the following:

- (a) a person who holds an office established by an Act;
- (b) an administrative unit;
- (c) a council established under the *Local Government Act 1999*;
- (e) any incorporated or unincorporated body—

- (i) established for a public purpose by an Act; or
- (ii) established for a public purpose under an Act (other than an Act providing for the incorporation of companies or associations, co-operatives, societies or other voluntary organisations); or
- (iii) established or subject to control or direction by the Governor, a Minister of the Crown or any instrumentality or agency of the Crown or a council (whether or not established by or under an Act); or

- (f) an entity prescribed by the regulations to be a government agency to which this Act applies,

but does not include an entity excluded from the ambit of this definition by the regulations;

7—Insertion of heading

After section 3 insert:

Part 2—Small Business Commission

8—Insertion of section 3A

Before section 4 insert:

3A—Establishment of Commission

- (1) The *Small Business Commission* is established.
- (2) The Commission is to be constituted by the Commissioner, and is an agency of the Crown.

9—Amendment of section 4—Small Business Commissioner

Section 4(2)—delete "and is an agency of the Crown"

10—Insertion of section 4A

After section 4 insert:

4A—Objects of Commission

The objects of the Commission are—

- (a) to deal with issues concerning the small business sector in an independent manner; and
- (b) to promote a fair operating environment in which small businesses can thrive; and
- (c) to provide a central point of contact for small businesses to make complaints about their dealings with other businesses and about their dealings with government agencies; and
- (d) to facilitate the timely and cost-effective resolution of disputes involving small businesses through appropriate forms of alternative dispute resolution.

11—Amendment of section 5—Functions

(1) Section 5, heading—after "Functions" insert:

of Commission

(2) Section 5(1)—Delete subsection (1) and substitute:

(1) The functions of the Commission are—

- (a) to facilitate the resolution of disputes involving small businesses through alternative dispute resolution; and
- (b) to support small business owners in their dealings with other businesses or government agencies through the provision of general advice and assistance; and
- (c) to assist small businesses in their interactions with government agencies; and
- (d) to identify issues and trends in the small business sector, and where appropriate, provide recommendations to the Minister, government agencies or industry bodies; and
- (e) to make representations or take any action on behalf of small businesses, either on the Commission's own initiative or at the request of a small business; and
- (f) to monitor, investigate and advise the Minister about—
 - (i) non-compliance with industry codes that may adversely affect small businesses; and
 - (ii) non-compliance with an applicable industry code of conduct declared under section 28I of the *Fair Trading Act 1987* that may adversely affect small businesses; and
 - (iii) market practices that may adversely affect small businesses; and
- (g) to report to the Minister on any aspect of the Commission's functions at the request of the Minister or on the Commission's own initiative; and
- (h) to take any other action considered appropriate by the Commission for the purpose of facilitating and encouraging the fair treatment of small businesses; and
- (i) any other functions conferred on the Commission by or under this or any other Act.

(3) Section 5(2)—delete "Commissioner" and substitute:

Commission

(4) Section 5—after subsection (2) insert:

- (3) The Commission has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

12—Amendment of section 6—Ministerial direction

Section 6—delete "Commissioner" wherever occurring and substitute in each case:
Commission

13—Amendment of section 7—Terms and conditions of appointment

5 Section 7, heading—after "appointment" insert:
 of Commissioner

14—Amendment of section 8—Deputy and Acting Commissioner

 Section 8(2)(b)—delete "Commissioner" wherever occurring and substitute in each case:
10 Commission

15—Insertion of section 8A

After section 8 insert:

8A—Functions of Commissioner

- 15 (1) The Commissioner has all the functions and powers of the Commission.
- (2) All acts and things done by the Commissioner in the name of or on behalf of the Commission are taken to have been done by the Commission.

16—Amendment of section 10—Staff etc

- 20 (1) Section 10(1)—delete "Commissioner's" and substitute:
 Commission's
- (2) Section 10—delete "the Commissioner" wherever occurring and substitute in each case:
 the Commission
- 25 (3) Section 10(1)—before paragraph (a) insert:
 (a1) the Deputy and any acting Commissioner appointed under section 8;
 and

17—Amendment of section 11—Delegation

- 30 (1) Section 11(1)—delete "Commissioner" and substitute:
 Commission
- (2) Section 11(2)—delete subsection (2)

18—Amendment of section 12—Power to require information

- (1) Section 12(1)—delete "Commissioner's" and substitute:
 Commission's

- (2) Section 12(1)—delete "Commissioner" wherever occurring and substitute in each case:

Commission

- (3) Section 12(1)—after "post" insert:

or email

- (4) Section 12(2)—after the penalty provision insert:

Expiation fee: \$1 200.

19—Insertion of heading

After section 12 insert:

Part 3—Dispute resolution

20—Insertion of sections 12A, 12B, 12C, 12D and 12E

After section 12 insert:

Division 1—Preliminary

12A—Interpretation

In this Part—

designated alternative dispute resolution process—see section 12D(1).

Division 2—General

12B—Alternative dispute resolution

- (1) In the performance of its functions relating to the resolution of disputes through alternative dispute resolution, the Commission may determine the form of alternative dispute resolution to be used.
- (2) The Commission may charge fees and expenses for performing its alternative dispute resolution functions.

12C—Commission may refuse to deal with dispute

In the performance of its functions relating to the resolution of disputes, the Commission may refuse to deal with a dispute if—

- (a) the dispute does not involve a small business; or
- (b) the dispute is, in the opinion of the Commission, trivial, vexatious or does not arise or has not been made in good faith; or
- (c) the dispute is unlikely to be resolved through alternative dispute resolution; or
- (d) there is another government agency or person that the Commission is satisfied is better suited to deal with the dispute.

Division 3—Designated alternative dispute resolution**12D—Notice of designated alternative dispute resolution**

- 5 (1) In the performance of its functions relating to the resolution of disputes through alternative dispute resolution, the Commission may determine that a dispute will be dealt with through alternative dispute resolution under this Division (a *designated alternative dispute resolution process*).
- 10 (2) If the Commission makes a determination under subsection (1), the Commission must give each party to the dispute written notice of the determination.
- (3) A party may, by notice given to the Commission within 10 business days of receiving a notice under subsection (2), refuse to participate in the designated alternative dispute resolution process.
- 15 (4) If the Commission receives a notice under subsection (3), the Commission must, by notice given to each party to the dispute within 3 business days of receipt of the notice, determine—
- (a) to discontinue the designated alternative dispute resolution process; or
- 20 (b) to proceed with the designated alternative dispute resolution process.

12E—Commission may require attendance at alternative dispute resolution processes and production of documents

- 25 (1) For the purposes of a designated alternative dispute resolution process conducted under this Act, the Commission may, by notice in writing, require any person—
- (a) to attend a meeting at a time and place specified in the notice; or
- 30 (b) to produce, at a time and place specified in the notice, to the Commission any document or thing described in the notice that is in the custody or under the control of the person, and that the Commission determines would benefit the resolution of the dispute.
- (2) A person who, without reasonable excuse, refuses or fails to comply with a requirement in a notice under this section is guilty of an offence.
- 35

Maximum penalty: \$20 000.

Expiation fee: \$1 200.

12F—Power to issue certificates

- (1) The Commission must certify the outcome of a designated alternative dispute resolution process within 21 business days of the day on which the Commission gave written notice of its determination under section 12D(2), or, in exceptional circumstances, such longer period as the Commission determines.
- (2) A certificate issued under subsection (1) must include the names of the parties to the dispute and the nature of the dispute.
- (3) A certificate issued under subsection (1) must certify—
- (a) whether or not the dispute was resolved; and
 - (b) if relevant, whether 1 or more of the parties to the dispute refused or failed, in the opinion of the Commission, to meaningfully participate and the reasons (if any) for that refusal or failure.
- (4) A certificate issued under subsection (1) may be admitted in evidence in proceedings before a court or tribunal.
- (5) The Commission is not required to give a party to the dispute an opportunity to be heard or make submissions to the Commission before issuing a certificate under subsection (1).

Division 4—Enforcement**12G—Result of alternative dispute resolution may be enforced**

- (1) If an agreement reached as a result of alternative dispute resolution is recorded in a written instrument and signed by both the Commission and the parties to the agreement then—
- (a) a copy of the instrument must be given to each party; and
 - (b) in the event that a party to the agreement fails to carry out the party's obligations under the agreement—the Commission or the other party may apply to the Magistrates Court for an order enforcing the terms of the agreement.
- (2) An application to the Magistrates Court under subsection (1) is a minor statutory proceeding for the purposes of the *Magistrates Court Act 1991*.

21—Insertion of heading

Before section 13 insert:

Part 4—Miscellaneous**22—Amendment of section 13—Confidentiality**

Section 13(1)(b)—delete "Commissioner" and substitute:
Commission

23—Amendment of section 14—Regulations

Section 14(2)—delete "Commissioner" and substitute:

Commission

Part 3—Amendment of *Retail and Commercial Leases Act 1995*

24—Amendment of section 3—Interpretation

(1) Section 3(1)—after the definition of *accounting period* insert:

alternative dispute resolution includes preliminary assistance in dispute resolution such as the giving of advice to ensure that—

- (a) the parties to the dispute are fully aware of their rights and obligations; and
- (b) there is full and open communication between the parties about the dispute;

(2) Section 3(1)—after the definition of *collateral agreement* insert:

Commission means the Small Business Commission established under section 3A of the *Small Business Commission Act 2011*

(3) Section 3(1), definition of *mediation*—delete the definition

25—Amendment of section 7—Administration of Act

Section 7—delete "Commissioner" and substitute:

Commission

26—Amendment of section 9—Commissioner's functions

(1) Section 9, heading—delete "Commissioner's" and substitute:

Commission's

(2) Section 9—delete "Commissioner" wherever occurring and substitute in each case:

Commission

27—Amendment of section 11—Copy of lease to be provided to prospective lessee

Section 11(2)—delete "Commissioner" and substitute:

Commission

28—Amendment of section 19—Security bond

Section 19(5)(b)—delete "Commissioner" and substitute:

Commission

29—Amendment of section 20—Repayment of security

(1) Section 20—delete "Commissioner" wherever occurring and substitute in each case:

Commission

- (2) Section 20(5)—delete "Commissioner's" and substitute:

Commission's

30—Amendment of section 20H—Failure to comply with rules

- (1) Section 20H—delete "Commissioner" wherever occurring and substitute in each case:

Commission

- (2) Section 20H(1)(a)—delete "mediation of the dispute" and substitute:

alternative dispute resolution

- (3) Section 20H(2)(a)—delete paragraph (a) and substitute:

- (a) the Commission (or a person appointed by the Commission to conduct alternative dispute resolution) will attempt to resolve the dispute by alternative dispute resolution.

- (4) Section 20H(2)(b)—delete "conciliation" and substitute:

alternative dispute resolution

- (5) Section 20H—after subsection (2) insert:

- (2a) The Commission may determine the form of alternative dispute resolution to be used for the purposes of subsection (2)(a).

31—Amendment of section 20K—Certified exclusionary clause

Section 20K—delete "Commissioner" wherever occurring and substitute in each case:

Commission

32—Amendment of section 51—Confidentiality of turnover information

- (1) Section 51(c)—delete "a mediation or valuation" and substitute:

alternative dispute resolution or a valuation

33—Substitution of heading to Part 9 Division 1

Heading to Part 9 Division 1—delete the heading and substitute:

Division 1—Alternative dispute resolution—general

34—Amendment of section 63—Responsibility of the Commissioner to arrange for mediation of disputes

- (1) Section 63, heading—delete "Commissioner to arrange for mediation of disputes" and substitute:

Commission to arrange for alternative dispute resolution

- (2) Section 63—delete "Commissioner" and substitute:

Commission

(3) Section 63—after its present contents as amended by this section (now to be designated as subsection (1)) insert:

(2) In carrying out its responsibility under subsection (1), the Commission may determine the form of alternative dispute resolution to be used.

(3) The Commission may refuse to deal with a dispute if—

(a) the dispute does not arise from, or relate to, a retail shop lease; or

(b) the dispute does not relate to any other matter relevant to the occupation of premises, or to business conducted at the premises, the subject of a retail shop lease; or

(c) the dispute is, in the opinion of the Commission, trivial, vexatious or does not arise or has not been made in good faith; or

(d) the dispute is unlikely to be resolved through alternative dispute resolution; or

(e) there is another government agency or person that the Commission is satisfied is better suited to deal with the dispute.

(4) The Commission may charge fees and expenses for carrying out its alternative dispute resolution responsibility under subsection (1).

35—Substitution of section 64

Delete section 64 and substitute:

64—Statements made during alternative dispute resolution

Evidence of admissions or statements made in the course of alternative dispute resolution under this Part is not admissible in evidence before a court.

36—Insertion of heading

Before section 65 insert:

Division 1A—Court referred alternative dispute resolution

37—Amendment of section 65—Stay of proceedings

(1) Section 65—delete "mediation" wherever occurring and substitute in each case: alternative dispute resolution

(2) Section 65(1)—delete "Commissioner" and substitute:

Commission

38—Repeal of section 66

Section 66—delete the section

39—Insertion of Part 9 Division 1B

Part 9—before Division 2 insert:

Division 1B—Designated alternative dispute resolution**66—Notice of designated alternative dispute resolution**

- 5 (1) The Commission may determine that a dispute of a kind referred to
in section 63 will be dealt with through alternative dispute resolution
under this Division (a *designated alternative dispute resolution*
process).
- 10 (2) If the Commission makes a determination under subsection (1), the
Commission must give each party to the dispute written notice of the
determination.
- (3) A party may, by notice given to the Commission within 10 business
days of receiving a notice under subsection (2), refuse to participate
in the designated alternative dispute resolution process.
- 15 (4) If the Commission receives a notice under subsection (3), the
Commission must, by notice given to each party to the dispute within
3 business days of receipt of the notice, determine—
- (a) to discontinue the designated alternative dispute resolution
process; or
- 20 (b) to proceed with the designated alternative dispute resolution
process.

**66A—Commission may require attendance at alternative
dispute resolution processes and production of documents**

- 25 (1) For the purposes of a designated alternative dispute resolution
process conducted under this Act, the Commission may, by notice in
writing, require any person—
- (a) to attend a meeting at a time and place specified in the
notice; or
- 30 (b) to produce, at a time and place specified in the notice, to the
Commission any document or thing described in the notice
that is in the custody or under the control of the person, and
that the Commission determines would benefit the
resolution of the dispute.
- 35 (2) A person who, without reasonable excuse, refuses or fails to comply
with a requirement in a notice under this section is guilty of an
offence.

Maximum penalty: \$20 000.

Expiation fee: \$1 200.

66B—Power to issue certificates

- (1) The Commission must certify the outcome of a designated alternative dispute resolution process within 21 business days of the day on which the Commission gave written notice of its determination under section 66(2), or, in exceptional circumstances, such longer period as the Commission determines.
- (2) A certificate issued under subsection (1) must include the names of the parties to the dispute and the nature of the dispute.
- (3) A certificate issued under subsection (1) must certify—
- (a) whether or not the dispute was resolved; and
 - (b) if relevant, whether 1 or more of the parties to the dispute refused or failed, in the opinion of the Commission, to meaningfully participate and the reasons (if any) for that refusal or failure.
- (4) A certificate issued under subsection (1) may be admitted in evidence in proceedings before a court or tribunal.
- (5) The Commission is not required to give a party to the dispute an opportunity to be heard or make submissions to the Commission before issuing a certificate under subsection (1).

40—Amendment of section 67—Power to intervene

Section 67—delete "Commissioner" wherever occurring and substitute in each case:
Commission

41—Insertion of section 68A

After section 68 insert:

68A—Result of alternative dispute resolution may be enforced

- (1) If an agreement reached as a result of alternative dispute resolution is recorded in a written instrument and signed by both the Commission and the parties to the agreement then—
- (a) a copy of the instrument must be given to each party; and
 - (b) in the event that a party to the agreement fails to carry out the party's obligations under the agreement—the Commission or the other party may apply to the Magistrates Court for an order enforcing the terms of the agreement.
- (2) An application to the Magistrates Court under subsection (1) is a minor statutory proceeding for the purposes of the *Magistrates Court Act 1991*.

42—Amendment of section 70—The Fund

Section 70—delete "Commissioner" wherever occurring and substitute in each case:
Commission

43—Amendment of section 72—Accounts and Audit

Section 72(1)—delete "Commissioner" and substitute:
Commission

44—Amendment of section 76—Abandoned goods

Section 76(6)(b)—delete "Commissioner" and substitute:
Commission

45—Amendment of section 77—Exemptions

Section 77(2)—delete "Commissioner" and substitute:
Commission

46—Amendment of section 78—Annual reports

Section 78(1)—delete "Commissioner" and substitute:
Commission

47—Amendment of section 80—Regulations

Section 80(2)(b)—delete "Commissioner" and substitute:
Commission

Part 4—Amendment of *Fair Trading Act 1987***48—Amendment of long title**

Long title—delete "Small Business Commissioner" and substitute:
Small Business Commission

49—Amendment of section 3—Interpretation

- (1) Section 3(1), definition of *related Act*, (a)—delete "Small Business Commissioner" and substitute:

Small Business Commission

- (2) Section 3(1)—after the definition of *related Act* insert:

Small Business Commission means the Small Business Commission established by section 3A of the *Small Business Commission Act 2011*

50—Amendment of section 4B—Administration of Act

- (1) Section 4B(2)—delete "Commissioner" and substitute:

Commission

- (2) Section 4B(2)(a)—delete "*Small Business Commissioner Act 2011*" and substitute:

Small Business Commission Act 2011

- (3) Section 4B(2)(b)—delete "Commissioner" and substitute:

Commission

- (4) Section 4B(3)—delete "Commissioner" and substitute:

Commission

- (5) Section 4B(5)—delete "Commissioner" first and second occurring and substitute in each case:

5 Commission

- (6) Section 4B(5)—delete "*Small Business Commissioner Act 2011*" and substitute:

Small Business Commission Act 2011

51—Amendment of section 16—Meaning of generic terms used in Australian Consumer Law

- 10 Section 16, definition of *regulator*, (b)—delete "Commissioner" wherever occurring and substitute in each case:

Commission

52—Amendment of section 28F—Regulations relating to industry codes

- (1) Section 28F(1)(a)—delete "Small Business Commissioner" and substitute:

15 Small Business Commission

- (2) Section 28F(2)(b)—delete "Commissioner" first occurring and substitute:

Commission

- (3) Section 28F(2)(b)—delete "*Small Business Commissioner Act 2011*" and substitute:

Small Business Commission Act 2011

- 20 (4) Section 28F(4)—delete "*Small Business Commissioner Act 2011*" and substitute:

Small Business Commission Act 2011

- (5) Section 28F(4)—delete "Commissioner" second occurring and substitute in each case:

Commission

53—Amendment of section 28J—Compliance with applicable code of conduct

- 25 (1) Section 28J(2)—delete "Commissioner" first occurring and substitute:

Commission

- (2) Section 28J(2)—delete "*Small Business Commissioner Act 2011*" and substitute:

Small Business Commission Act 2011

- (3) Section 28J(2)(a)—delete "Commissioner" and substitute:

30 Commission

- (4) Section 28J(3)—delete "Commissioner" and substitute:

Commission

54—Amendment of section 28L—Regulations

Section 28L—delete "*Small Business Commissioner Act 2011*" wherever occurring and substitute in each case:

Small Business Commission Act 2011

55—Amendment of section 46—Interpretation

- (1) Section 46, definition of **Commissioner**—delete "Commissioner" and substitute:

Responsible authority

- (2) Section 46, definition of **Commissioner**, (b)—delete "Commissioner" and substitute:

Commission

- (3) Section 46, definition of **Minister**, (b)—delete "*Small Business Commissioner Act 2011*" and substitute:

Small Business Commission Act 2011

56—Amendment of section 47—Conduct of legal proceedings on behalf of consumers

Section 47—delete "Commissioner" wherever occurring and substitute in each case:

Responsible authority

57—Amendment of section 48—Public warning statements

Section 48—delete "Commissioner" wherever occurring and substitute in each case:

Responsible authority

58—Amendment of section 49—Immunity from liability

Section 49(3)—delete "Commissioner" and substitute:

Responsible authority

59—Amendment of section 76—Authorised officers

- (1) Section 76(3)—delete "*Small Business Commissioner Act 2011*" and substitute:

Small Business Commission Act 2011

- (2) Section 76(3)—delete "Commissioner" second and third occurring and substitute in each case:

Commission

60—Amendment of section 78A—Use and inspection of books or documents produced or seized

Section 78A—delete "Commissioner" wherever occurring and substitute in each case:

Responsible authority

61—Amendment of section 79—Assurances

Section 79—delete "Commissioner" wherever occurring and substitute in each case:

Responsible authority

62—Amendment of section 80—Registration of deeds of assurance

Section 80—delete "Commissioner" wherever occurring and substitute in each case:
Responsible authority

63—Amendment of section 81—Offence

5 Section 81—delete "Commissioner" wherever occurring and substitute in each case:
Responsible authority

64—Amendment of section 82—Enforcement orders

Section 82—delete "Commissioner" wherever occurring and substitute in each case:
Responsible authority

10 **65—Amendment of section 83—Injunctions**

Section 83—delete "Commissioner" wherever occurring and substitute in each case:
Responsible authority

66—Amendment of section 85—Orders for compensation

15 Section 85(2)(b)—delete "Commissioner" and substitute:
Responsible authority

67—Amendment of section 86—Sequestration orders

Section 86(1)(b)—delete "Commissioner" and substitute:
Responsible authority

68—Amendment of section 86B—Civil penalties

20 Section 86B—delete "Commissioner" wherever occurring and substitute in each case:
Responsible authority

69—Amendment of section 86D—Civil expiation notices

Section 86D—delete "Commissioner" wherever occurring and substitute in each case:
Responsible authority

25 **70—Amendment of section 86E—Late payment**

Section 86E—delete "Commissioner" and substitute:
Responsible authority

71—Amendment of section 86H—Withdrawal of civil expiation notices

30 Section 86H—delete "Commissioner" wherever occurring and substitute in each case:
Responsible authority

72—Amendment of section 91—Evidentiary provisions

Section 91—delete "Commissioner" wherever occurring and substitute in each case:
Responsible authority

73—Amendment of section 96A—Confidentiality

Section 96A(1)(b)—delete "Small Business Commissioner" and substitute:
Small Business Commission

74—Amendment of section 96B—Delegation by Minister responsible for administration of Small Business Commissioner Act

- (1) Section 96B, heading—delete "Commissioner" and substitute:
Commission
- (2) Section 96B(1)—delete "*Small Business Commissioner Act 2011*" and substitute:
Small Business Commission Act 2011

75—Amendment of section 97—Regulations

- (1) Section 97(2)(b)—delete "Commissioner" and substitute:
Small Business Commission, the Commissioner for Consumer Affairs
- (2) Section 97(3a)(b)—delete "*Small Business Commissioner Act 2011*" and substitute:
Small Business Commission Act 2011

Part 5—Amendment of *Farm Debt Mediation Act 2018***76—Amendment of section 4—Interpretation**

- (1) Section 4(1), definition of **Commissioner**—delete the definition and substitute:
Commission means the Small Business Commission established under section 3A of the *Small Business Commission Act 2011*

- (2) Section 4(1), definition of **mediator**—delete "Commissioner" and substitute:
Commission

- (3) Section 4(1), definition of **Small Business Commissioner**—delete the definition

77—Amendment of section 8—Notice of availability of mediation to be given

Section 8(2)(d)—delete "Commissioner" and substitute:
Commission

78—Amendment of section 9—Farmer may request mediation

Section 9—delete "Commissioner" wherever occurring and substitute in each case:
Commission

79—Amendment of section 10—Creditor may agree to or refuse mediation

Section 10—delete "Commissioner" wherever occurring and substitute in each case:
Commission

80—Amendment of section 12—Application by farmer for issue of prohibition certificate

Section 12—delete "Commissioner" wherever occurring and substitute in each case:

Commission

5 **81—Amendment of section 13—Issue of prohibition certificate**

Section 13—delete "Commissioner" wherever occurring and substitute in each case:

Commission

82—Amendment of section 14—Application by creditor for issue of exemption certificate

10 Section 14—delete "Commissioner" wherever occurring and substitute in each case:

Commission

83—Amendment of section 15—Issue of exemption certificate

Section 15—delete "Commissioner" wherever occurring and substitute in each case:

Commission

15 **84—Amendment of section 17—Duration of exemption certificate**

Section 17(c)—delete "Commissioner" and substitute:

Commission

85—Amendment of section 18—When is a farmer or creditor presumed to have refused to participate in mediation?

20 Section 18—delete "Commissioner" wherever occurring and substitute in each case:

Commission

86—Amendment of heading to Part 3

Heading to Part 3—delete "Commissioner" and substitute:

Commission

25 **87—Amendment of heading to Part 3 Division 1**

Heading to Part 3 Division 1—delete "Commissioner" and substitute:

Commission

88—Amendment of section 19—Administration of Act

Section 19—delete "Commissioner" and substitute:

30 Commission

89—Amendment of section 20—Functions of Commissioner

(1) Section 20, heading—delete "Commissioner" and substitute:

Commission

- (2) Section 20(1)—delete "Commissioner" and substitute:

Commission

- (3) Section 20(1)(e)—delete "Commissioner" first occurring and substitute:

Commission

- 5 (4) Section 20(1)(e)—delete "Commissioner's" and substitute

Commission's

- (5) Section 20(1)(e)—delete "*Small Business Commissioner Act 2011*" and substitute:

Small Business Commission Act 2011

- (6) Section 20(1)(f)—delete "Commissioner" and substitute:

10 Commission

- (7) Section 20(2)—delete "Commissioner" and substitute:

Commission

- (8) Section 20(3)—delete "Commissioner" and substitute:

Commission

15 **90—Amendment of Section 21—Functions of mediators**

Section 21(1)—delete "Commissioner" and substitute:

Commission

91—Amendment of section 22—Commissioner must arrange mediation

- (1) Section 22, heading—delete "Commissioner" and substitute:

20 Commission

- (2) Section 22—delete "Commissioner" wherever occurring and substitute in each case:

Commission

92—Amendment of section 23—Conduct of mediation

Section 23—delete "Commissioner" wherever occurring and substitute in each case:

25 Commission

93—Amendment of section 25—Mediation fees

Section 25—delete "Commissioner" wherever occurring and substitute in each case:

Commission

94—Amendment of section 32—Regulations

30 Section 32(3)(b)—delete "Commissioner" and substitute:

Commission

Part 6—Amendment of *Late Payment of Government Debts (Interest) Act 2013*

95—Amendment of section 7—Disputes

- (1) Section 7(1)—delete "Commissioner (who" and substitute:

Commission (which

- (2) Section 7(2)—delete "Commissioner" and substitute:

Commission

- (3) Section 7(3)—delete "Commissioner" wherever occurring and substitute in each case:

Commission

- (4) Section 7(4)—delete "Commissioner" first and second occurring and substitute in each case:

Commission

- (5) Section 7(4)—delete "*Small Business Commissioner Act 2011*" and substitute:

Small Business Commission Act 2011

- (6) Section 7(4)—delete "Commissioner's" and substitute:

Commission's

- (7) Section 7(5)—delete "Commissioner" wherever occurring and substitute in each case:

Commission

Part 7—Amendment of *Work Health and Safety Act 2012*

96—Amendment of section 274—Approved codes of practice

Section 274(3)(b)—delete "Commissioner" wherever occurring and substitute in each case:

Commission

Schedule 1—Transitional provision

Part 1—Transitional provision

1—Transitional provision

A reference in an instrument under an Act or any other document or instrument, to the Small Business Commissioner will, unless the context otherwise requires, be taken to be a reference to the Small Business Commission.