

**From:** Small Business [<mailto:Small.Business@treasury.gov.au>]

**Sent:** Wednesday, 10 June 2015 1:49 PM

**To:** Admin

**Subject:** Attention: Mr Richard Dudley [SEC=UNCLASSIFIED]

Dear Mr Dudley

### **Australian Small Business and Family Enterprise Ombudsman**

Thank you for your recent involvement in the consultation process concerning the establishment of the Australian Small Business and Family Enterprise Ombudsman (the Ombudsman). We appreciate your taking the time to provide a submission.

As a result of the consultation process, the exposure draft legislation was amended. The main changes are outlined below.

References to alternative dispute resolution processes were included to allow the Ombudsman to recommend more than one of the ADR processes listed under the definition in section 4.

Section 8 extended the definition of agency to a body prescribed by the Minister. This will allow relevant bodies, such as industry-created ombudsmen, to be included for the purposes of this definition.

Sections 69, 70 and 75 were amended so that part of a request for assistance can be transferred to another agency.

Section 71 includes insertions to allow the Ombudsman to recommend that a dispute resolution process be conducted by a person drawn from the published list.

Section 75 was changed to remove the requirement for the Ombudsman to make inquiries for the purpose of consulting with the Commonwealth Ombudsman. This requirement was unnecessary as under section 16 of the Bill, the proposed Ombudsman must work co-operatively with other agencies of the Commonwealth, the States and the Territories.

A clause allowing the Ombudsman to impose conditions relating to the disclosure of protected information was removed from section 86. It was considered impractical to have other parties abide by conditions imposed by the Ombudsman, as it would not be possible to monitor.

You may be aware that the legislation was introduced in the House of Representatives on 3 June 2015. The Australian Small Business and Family Enterprise Ombudsman Bill (2015) is accompanied by the Australian Small Business and Family Enterprise Ombudsman (Consequential and Transitional Provisions) Bill (2015), the latter of which amends the *Ombudsman Act* (1976) and outlines transitional arrangements. The full texts of the Bills are available on the Parliament of Australia website ([www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation](http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation)).

Unless we hear otherwise from you, your submission will be made available to the public on Treasury's website soon. Please indicate to us whether you wish for all, or part, of your submission to remain confidential before close of business, Thursday 11 June.

Thank you again for taking the time to contribute to the legislative process for the Australian Small Business and Family Enterprise Ombudsman.

Yours sincerely

Anne Scott  
Principal Advisor

Small Business Competition Consumer Policy Division