

**FOCUS QUESTIONS:**

- 1) We feel Ombudsman's mediation services should primarily deal with disputes under industry codes of conduct.
- 2) Based on our experiences and 19 years of history, proposed Ombudsman should have sufficient tools to effectively deal with dispute like ours. We are concerned in any proposed legislation changes, proposed Ombudsman should have power to examine and resolve dispute like ours on a fair and equitable outcome.
- 3) Any legislative considerations should incorporate current Consumer Act as part of dispute resolution services.
- 4) Focus question Chapter 3
  - (i) Taking actions for the purpose of facilitating, encouraging the fair treatment of small businesses and resolving disputes in their dealings with other businesses.
  - (ii) Having a strong and effective legislative framework which encompasses fair dealings and treatment as outlined in the Consumer Act, will encourage and enhance business behaviour, which in turn will assist large businesses in having a stable, sustainable and equitable profitable business models.
  - (iii) Ombudsman should be conferred power to investigate allegations of practises in private sectors that are negatively effecting small businesses.
- 5) Focus question Chapter 4
  - (i) Implement systems of civil dispute resolutions, constraining costs and promoting access to justice arrangements.
  - (ii) The proposed Ombudsman could be given powers to:
    - \* investigate unsuccessful dispute resolution and on application of parties direct parties to attend mediation.
    - \* answer questions as required.
    - \* on request of parties in dispute to attend dispute resolution meetings.
    - \* impose penalty for non-compliance.
    - \* application of appropriate tools as conferred by legislation to resolve disputes on an equitable basis.
- 6) Focus question Chapter 5
  - (i) On the matter of single entry point, delivery channel most appropriate would be a website and hotline.
  - (ii) Clearly defined dispute resolution support.
  - (iii) Links to other range of small business issues and services linked to Government websites.
- 7) Focus question Chapter 6
 

On the matter of appointment:

  - (i) Any method of appointment of the proposed Ombudsman must not be influenced by any self interest groups and/or paid agencies to influence the appointment.

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(ii) Public Service appointment with well documented modus operandi framework on all the relevant small business issues and specifically effective and equitable dispute resolution outcomes based on fair treatment and justice.

We would be happy to elaborate and/or provide any documentation should it be required.

Submitted by: Australia Marketing Pty Limited  
Mr Kirit Ruparelia  
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