

Overview of the Australian Government commitment to establish a Small Business and Family Enterprise Ombudsman

Overview

The Australian Government has committed to establish a Small Business and Family Enterprise Ombudsman with real power.

Small businesses often find it difficult to know where to go to get assistance. The Government wants to give time poor small businesses the best chance of success by reducing the time spent accessing information and advice, resolving disputes and having their voices heard.

You are invited to have your say on the scope of the Ombudsman's key responsibilities and how to best provide the role with appropriate powers to deliver benefits to small businesses. This paper provides an overview of the key responsibilities of the Ombudsman. A more detailed discussion paper, available on the Treasury website, examines each of these responsibilities in more depth.

Background

The existing Australian Small Business Commissioner provides information, assistance and advocacy of small business interests to the Australian Government. The appointment is non-statutory and is not supported by legislated powers.

The Small Business and Family Enterprise Ombudsman will extend the activities of the Australian Small Business Commissioner to create a more purposeful, empowered and effective role. Providing statutory backing for the Ombudsman will help cement the Ombudsman's impartiality and equip it with the tools to effectively receive and deal with small business concerns and disputes.

In developing the Ombudsman role, it will be important that it addresses gaps at the Commonwealth level and is complementary to, and avoids overlap with, the roles and responsibilities of other ombudsmen, the state small business commissioners and other state and territory government services.

A concierge for dispute resolution

Resolving disputes early can help smaller enterprises improve productivity, preserve important business relationships and avoid expensive litigation.

The Ombudsman will provide its own mediation service, supported by legislated powers. Where appropriate, the Ombudsman will refer small businesses to alternative access to justice measures that exist in other jurisdictions.

There are four types of disputes the Ombudsman's own mediation service could focus on. These include small business disputes with:

- Australian Government agencies;
- international businesses;
- interstate businesses; and also
- disputes under Commonwealth industry codes of conduct.

A Commonwealth-wide advocate

The Ombudsman provides an opportunity to establish a highly regarded, independent advocate who can act as a conduit for, and representative of, issues that small businesses are facing at a national level. This could include concerns from smaller enterprises about their dealings with Australian Government agencies or other businesses.

A contributor to Commonwealth laws and regulations

Government regulations typically have a disproportionately large impact on small businesses — especially very small businesses.

The Ombudsman will help ensure that Commonwealth legislation and regulations are small business friendly, and assist the Australian Government in achieving its broader deregulation agenda.

Single entry-point

The Ombudsman will be a single entry-point to make it easier for small businesses and family enterprises to access Commonwealth Government small business programmes and support. The single entry-point will also provide information to help small businesses manage and avoid disputes.

Have your say

The Treasury welcomes views from all interested parties, especially small businesses, on the Ombudsman role.

The full discussion paper can be downloaded on the Treasury website at www.treasury.gov.au/ConsultationsandReviews/Consultations. You can provide a written submission or a brief comment online. Visit the website for more details.

You can also contact the Treasury directly to discuss the role and your views by either calling (02) 6263 1536 or emailing small.business@treasury.gov.au.

The deadline for receiving comments is **Friday 23 May 2014**.