

SUMMARY OF SUBMISSIONS

A total of 53 submissions were received in response to the Small Business and Family Enterprise Ombudsman (SBFEO) discussion paper.

Concierge for dispute resolution

Stakeholders generally welcomed the dispute resolution function as a valuable measure for smaller businesses.

Stakeholders provided a range of views on the specific disputes that the SBFEO could address through its own alternative dispute resolution service. Small business disputes between Commonwealth government agencies, business-to-business, international and interstate, as well as the national mandatory industry codes, were amongst the suggestions for coverage under the SBFEO's own alternative dispute resolution service. However, submissions provided a range of views on the precise mix of disputes to be covered by the SBFEO's own alternative dispute resolution service.

A number of stakeholders raised the concern of jurisdictional overlap and duplication of the SBFEO's dispute resolution function with the existing range of services on offer. These concerns were predominantly raised by agencies that would be expected to have close interaction with any dispute resolution framework operated by the SBFEO.

A number of submissions proposed combining in-house and outsourced mediation services. The fee structure was generally recommended to be free or low-cost. Other submissions emphasised the importance of speed of response rather than scope of service. Broad powers were generally recommended for the SBFEO to investigate, mediate, enforce or refer a dispute to the appropriate agency. Similarly stakeholders proposed conferred powers should be substantive enough for the SBFEO to be perceived as a valuable service to the small business community.

Commonwealth-wide advocate

The majority of stakeholders were supportive of the SBFEO as an advocate of small business interests and concerns, particularly to the Government. However, a diverse range of views were put forward with regard to how the SBFEO's advocacy function should operate.

One stakeholder suggested that investigations undertaken by the SBFEO should be limited to matters within jurisdiction to avoid unnecessary duplication, whereas another suggested that confidentiality should be built into the SBFEO's framework to allow representative industry bodies to openly bring forward issues for resolution/advocacy. Collaboration with industry peak associations and the States and Territories was a notable theme raised by stakeholders as a means to share information and gain a broad understanding of small business matters.

There was some stakeholder concern on the need for the SBFEO to be independent in its dispute resolution which may conflict with the advocacy function.

Contributor to Commonwealth laws and regulations

General support was received for the SBFEO's role in independently informing the Government on initiatives, legislation, regulations and propositions which directly affect small business. In particular, several stakeholders noted the important role of the SBFEO supporting the Government's red tape agenda by investigating regulatory imposts on small business and recommending practical solutions. However, some stakeholders expressed concern that this function may conflict with systematic reviews conducted by other agencies.

Single entry-point

While only a handful of stakeholders commented on the single-entry point, all were supportive. A number of stakeholders emphasised the importance of a delivery channel (i.e. website or support line) that is user friendly for small businesses. Website and telephone hotlines were cited most frequently as suitable access points for dispute resolution support. Several suggestions were made on the design of the website. Notably, a 'links rather than reproduce' approach was recommended to connect to original sources of information and avoid duplication. Equally, advice contained on the website should be succinct and tailored to the needs of smaller businesses.

Some submissions also focused on the extent of information to be provided through the single entry-point. In particular, some stakeholders stressed that the focus of the single entry-point should only be on Commonwealth-level material and services.

Title

There were mixed reactions to the SBFEO title. Approximately one fifth of submissions were directly opposed to the 'ombudsman' term in the title. For example, some stakeholders argued that the ombudsman title is not suited to the proposed role of the SBFEO and will create confusion and false expectations. There was also a small degree of contention with the term 'family enterprise' which may introduce yet another definition of small business where there are already a number of definitions utilised by the Government. However, for the most part, submissions generally made no comment on the title.

Governance

A number of submissions recommended that the SBFEO report directly to Parliament and the Minister for Small Business on small business matters. To complement reporting responsibilities, some stakeholders suggested a panel/board arrangement or advisory committee to sit above the SBFEO and identify critical matters for small business and family enterprises.

Method of appointment

An overwhelming majority of stakeholders recommended a statutory appointment to enforce independence of the role, with most supporting a five-year appointment term.