

Our ref: EWOQ/15/0041



8 April 2015

Manager, Small Business Ombudsman and Programmes Unit
Small Business, Competition and Consumer Policy Division
The Treasury
Langton Crescent
PARKES ACT 2600
By email: small.business@treasury.gov.au

Re: Exposure draft: Australian Small Business and Family Enterprise Ombudsman Bill 2015

I refer to the Commonwealth government's proposal to establish an Australian Small Business and Family Enterprise Ombudsman (SBO).

I am presently the Energy and Water Ombudsman Queensland. My office is an independent and impartial dispute resolution service for small energy and water customers who cannot resolve their dispute with their energy or water retailer/distributor.

Prior to my appointment I was the Deputy Queensland Parliamentary Ombudsman. Consequently, I have nearly 8 years' experience working at senior levels in Ombudsman offices and I am a member of the Australian and New Zealand Ombudsman Association.

The proposed role of SBO is not that of an Ombudsman and I am strongly opposed to the use of that term.

An Ombudsman is required to be impartial, that is, not for one side of a dispute or the other. Given that the SBO is an advocate for small business and family enterprise the person is clearly not impartial.

An Ombudsman is also required to be independent. The SBO will not be independent given that the office holder must comply with the directions of the Minister. There are other aspects of the role which also compromise the SBO's independence, including the method of appointing SBO staff (staff are to be made available by the Secretary of the Department rather than appointed by the SBO) and the Minister's power to decline to publish the SBO's reports (the decision to publish should be solely that of the Ombudsman).

I urge government to reconsider the use of the term in the legislation and replace it with one which more accurately and appropriately reflects the role and functions of the new office.

Should you wish to discuss this with please do not hesitate to contact me on Ph (07) 3087 9452 or forbes.smith@ewoq.com.au

Yours sincerely

A handwritten signature in blue ink that reads "Forbes Smith". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Forbes Smith
Energy and Water Ombudsman