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Small Business and Family Enterprise Ombudsman – Response to discussion paper

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Please find the response from COSBOA to the Governments discussion paper on Small Business and Family Enterprise Ombudsman role. We understand that the broad outline of the key responsibilities of the Ombudsman to be a:

- concierge for dispute resolution;
- Commonwealth-wide advocate for small businesses and family enterprises;
- contributor to the development of small business friendly Commonwealth laws and regulations; and
- single entry-point agency through which Commonwealth assistance and information regarding small business can be accessed.

Our comments and views are stated below:

- The content available on government websites is generally fine but all information websites become cluttered and need refreshing over time. COSBOA is supportive of the single entry point helping to do this.
- The single entry point should be somewhere that industry associations can refer members and others seeking specific help, including in dire situations.
- The Ombudsman doesn't need to be responsible for handling all issues with Government as many agencies have their own appropriate processes. What is important is the speed of response – the Ombudsman must be able to act quickly in the cases they do handle to resolve matters as soon as possible.
- The Ombudsman should continue the work of the Australian Small Business Commissioner in promoting the benefits of joining industry associations and of seeking out professional

development. COSBOA would be supportive of the Ombudsman using industry associations to deliver professional development services.

- The Ombudsman should have a role in assessing regulator performance against a framework agreed to by government and industry such as that suggested by PM&C. The Ombudsman should have the flexibility to 'roam' and to focus attention on 'hot spots' of regulator performance.
- The management of underperformance by a future Ombudsman should be considered in developing the formal processes for appointments and dismissals.
- Powers for the Ombudsman to name and shame big businesses continuing with unfair practices is necessary and appropriate.
- COSBOA is supportive of the Ombudsman being able to make recommendations resulting from investigations and to be able to discuss competing or other relevant considerations with the appropriate area of government in doing so.
- The Ombudsman may be aware of many issues requiring further investigation. The Ombudsman should, in this case, be able to prioritise the issues and allocate issues to other areas of government to look further into.
- The Ombudsman does have a role to advocate on issues relating to business-to-business interactions where there is a detrimental effect on the economy.
- Where the Ombudsman publishes best practice guides, this should be done in collaboration with the state small business commissioners.
- The Ombudsman should have powers to compel information in investigations as this is often the only way to get hold of the data crucial to determining if there is an issue and how wide-spread it may be.
- COSBOA is supportive of powers for the Ombudsman to follow-up on recommendations accepted by government to see if these recommendations have been implemented if the problem has been successfully addressed.

Thank you for this opportunity and i can be contacted at ceo@cosboa.org.au or 0433 644 097 for further information.



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