



Australian Government



Australian
**Small Business and
Family Enterprise**
Ombudsman

30 April 2021

Ms Sandra Roussel
Assistant Secretary, Regulatory Policy Branch
Department of the Prime Minister and Cabinet
1 National Circuit
Barton ACT 2600
via email: deregulation@pmc.gov.au

Dear Ms Roussel

Regulator best practice and performance

Thank you for the opportunity to comment on the Draft Regulator Performance Guide. The Australian Small Business and Family Enterprise Ombudsman's Office is always keen to discuss issues of regulator best practice and to engage with regulators on how to best interact with small businesses and to strive toward right sized regulation for smaller business respondents.

We look forward to the incorporation of the new principles into regulator practice, which we believe will strengthen small business confidence in regulators.

We support the proposed principles for regulators. However, we believe the guide could be further improved to support the best practice regulation of Australian small businesses by including some small business pointers, principally to ensure that regulators do not view small businesses as mini-big businesses. As such, pointers like the following could be added:

- 1. Continuous improvement and building trust:** actively considering the difference in the proportionate size and nature of regulatory impact on small, medium, and large businesses.
- 2. Risk-based and data driven:** using enterprise size as a data point when developing a proportional risk-based approach to regulation.
- 3. Collaboration and engagement:** incorporating engagement with small businesses and their representative bodies, including our Office, into all stakeholder engagement processes.

We also recommend that regulators be required to report on their metric development consultation in their performance reporting to ensure that there is visibility of reporting metrics. Our Office would be pleased to assist regulators to develop small business specific metrics. To that end, the guide should encourage regulators to maintain metrics for several years to allow analysis of the impact of regulator practice over time.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Ms Jac Frater on 02 6213 7434 or at jac.frater@asbfeo.gov.au.

Yours sincerely

The Hon. Bruce Billson
Australian Small Business and Family Enterprise Ombudsman

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