



Australian Government



Australian  
**Small Business** and  
**Family Enterprise**  
Ombudsman

# Quarterly Report

Q4, 2023 (1 October to 31 December 2023)

Australian Small Business and  
Family Enterprise Ombudsman

# Message from the Ombudsman



**With an already ‘full plate’ of obligations and concerns that accompany the big responsibility of owning and running a business, one of the biggest fears a small business has is that they will be the target of a cyber-attack.**

**The latest chilling report from the Australian Cyber Security Centre is that a cyber-attack happens every six minutes and when a small business is hit, on average they suffer a financial loss of \$46,000.**

Nefarious cyber criminals can wreak havoc for a small business and the number of scams and the size of the losses for small and family businesses is growing.

When a criminal impersonates a small business, it not only costs the business money but also its customers and the damage to the brand can lead to a loss of consumer trust and confidence and the ability to operate. Too often, it can be an enterprise-ending event for a small business.

During Quarter 4, 2023 it was extremely pleasing to see that our strong advocacy for greater sector-wide support has been heard, with the Australian Government announcing the type of concierge-style support we have advocated for to assist small business to be as prepared and able to respond as they can be. This support provides a free check on their readiness and then advice on actual practical steps that can be taken to further strengthen their business.

And in the event of an attack, there will be one-to-one support to help a small business rebound and recover.

Small and family businesses are sadly a preferred target for some of the scammers and cyber-criminals and these new programs worth \$18 million will give small business

greater confidence they are not alone.

It was also pleasing that the banking sector responded to our call for the urgent need for a ‘confirmation of payee’ scheme to be introduced in Australia by announcing a \$100 million upgrade to confirm who money is being paid to by matching names with BSB and account numbers.

This overdue change, already in place in the UK for some time, will particularly benefit small businesses who too often fall victim to the invoice substitution scam where criminals have been able to switch BSB and account numbers to steal money.

While we welcome that move by the banks, we are highly critical of the closure of branches and removal of automatic teller machines, particularly in regional areas.

Some 30% of small and family businesses are based in regional Australia and rely on having a close and trusted relationship with their bank but when the bank leaves town it can have a detrimental effect on the small business. Over the past two years alone, 219 branches have closed, and 565 ATMs have been removed in regional Australia.

During the quarter I appeared before as Senate inquiry to call on the banks to do better by their customers. We are highly critical of their so-called consultation with communities. There is no opportunity for a community to really influence the decision or perhaps shift business to the last bank in town to encourage it to stay.

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***Too often, (a scam or cyber-attack) can be an enterprise-ending event for a small business.***

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Really banks are doing nothing more than a driver putting on the indicator light to change lanes after it’s already moved - and it’s insulting to its small and family business customers.

Banks should provide individualised support for small business customers, including adequate and durable alternative access arrangements. At the very least, they

# Message from the Ombudsman

should keep ‘folks in the field’ with local knowledge so existing banking relationships, and small businesses seeking finance, are supported, and given fair treatment. I know many would rather the banker visit their farm or business and learn more about how they operate.

The banks should also do more to switch on least-cost routing – a move that would lower the fees and charges paid by small business merchants on electronic transactions. This simple step could help ease some of the cost-of-living pressures on consumers and business by \$1 billion across the economy if it were fully implemented.

The roll out of least-cost routing technology and support for activation by the major banks, despite repeated urgings to act, has been woeful. Despite reassuring words, the National Australia Bank has remarkably only turned the system on for 15% of its merchants and the other major banks offer it to well under half their customers.

We released a research paper that backs the case to mandate a system called lesser-cost routing now with a move to least-cost routing as soon as possible so the fee charged to small businesses is always the lowest fee available.

Like the banks, telecommunications are an essential service and we saw just how vital it is for small businesses when Optus suffered its outage during the quarter. The response by Optus was inadequate and we strongly rejected their suggestion that the loss for a small business was \$2 a day. This is what Optus charges for their services, not what the consequences and loss of that service has cost small businesses in lost income and customers.

One of the best parts of this job is to regularly meet with small and family businesses and the inspiring women and men who are filled with the entrepreneurial spirit, drive, and optimism to starting and running their own business.

Meeting with businesses and regulators in the Northern Territory, I heard of the devastating impact on an invoice substitution scam. A grazer leased land from a landholder and paid \$60,000 annually for this use, the largest payment and receipt for the parties. Neither could afford the loss of funds as scammers replaced legitimate banking details with another account between the invoice being sent and received.

For October Business Month in Darwin, we hosted a policy forum to hear small business concerns about issues impacting their ability to do business in the region. We also joined with other government agencies including the Tax office, ASIC, the Fair Work Ombudsman,

AusIndustry and AFCA in a forum about government support available to assist small businesses owners.

I was also pleased to speak at a Small Business Breakfast event at Parliament House in Canberra in mid-October organised by Senator David Pocock, Senator Maria Kovacic and Allegra Spender MP with much robust discussion around productivity, procurement, and priorities for small and family businesses. It was attended by the Minister for Small Business Julie Collins and Shadow Minister Sussan Ley and was another excellent opportunity meet with small business owners, policymakers, and stakeholders.

Our major policy work during the quarter was finalising our inquiry to examine the impact of reforms to Commonwealth Procurement Rules on small business. The inquiry generated great interest and the final report has been provided to the Australian Government and we look forward to its release and the Government’s response to the positive and practical actions that have been recommended after much research and consultation.

It has been a tough year for small and family businesses coping with cost-of-living pressures not just on themselves but their customers.

We will continue to advocate for right-sized policy solutions and best practices to energise enterprise and put wind in the sails of our small business community which provides one-third of Australia’s GDP, jobs for 5.1 million people and employs 42% of all apprentices and trainees in training.

We can’t guarantee that every small business will succeed but it is our mission to provide all the help we can for those who want to start, grow, or transform a business, and that no business fails because the owners didn’t know about something that might have helped.



**The Hon. Bruce Billson**

**Australian Small Business and Family Enterprise Ombudsman**

# Key Activities

## Assistance

- Contacted for information and/or advice 1,382 times.
- Helped small businesses and family enterprises across a range of payment, contracts, franchising, and digital platform matters.
- Employed a dedicated case manager to help small businesses in 66 digital platform disputes, an increase from 54 in Quarter 3, 2023.

## Advocacy

- Completed the ASBFEO Procurement Inquiry into the 1 July 2022 changes to Commonwealth Procurement Rules and implementation of the Buy Australian Plan.
- Published an internal research paper supporting the Australian Government's Strategic Plan for Australia's Payments System, highlighting that least-cost routing allows businesses to select the lowest cost payment network for contactless dual-network debit card transactions.
- Appeared before the Senate Rural and Regional Affairs and Transport References Committee regarding its inquiry into bank closures in regional Australia.
- Completed submissions for the:
  - review of the National Freight and Supply Chain Strategy
  - personal insolvency reform
  - Government's response to the Whittaker Review of the Personal Property Securities Act
  - Commonwealth Government COVID-19 Response Inquiry
  - Treasury Laws Amendment (Measures for Consultation) Bill 2023: ACCC designated complaints function.
- Presented at the National Self-Employment Association conference.
- Participated in consultations with the Attorney-General's Department on Privacy Act reform and the Competition Review Taskforce on regulating mergers and acquisitions.

## Outreach

- The Ombudsman delivered 13 presentations, participated in 11 webinars, forums, and roundtables, including the Federal Regulatory Agencies Group and the Small Business Commissioners meetings. Presentations were delivered across a wide range of audiences including the Maribyrnong Small Business Breakfast, the ICA Conference, the Intuit *Get Connected* Conference, and the Glen Eira Small Business Expo.
- Promoted the Tax Concierge Service and Assistance function at events attended by small and family businesses, including the SXSW 2023 festival in Sydney, Northern Territory October Business Month event in Darwin, the Glen Eira Business Support Expo in Melbourne, the Accounting Business Expo in Sydney, and the IPA National Congress in Sydney.
- Released three newsletters and a variety of communications materials in an integrated communications approach to ensure engagement of the small business community on key advocacy issues including the Commonwealth Procurement Inquiry Issues Paper works on personal information protections, least-cost routing, and regional banking closures.



## Key Activities

- Also used this communications approach to call for more support for small businesses due to the Optus outage, applaud new cyber security support announcement by the government and the banking/finance sector and ensure the small business community were made aware of the Northern Territory October Business Month events we hosted in Darwin.
- Chaired two National Small Business Communications and Media Network meetings and assisted in the delivery of the Federal Regulator Agency Group Outreach Group meetings with collaborations planned for 2024.
- Planned and entered into agreements for eight outreach events in 2024, predominately located in regional areas. These events include several collaborations with other departments and agencies, for a combined government experience for the small business sector.



In celebration of October Business Month, the Ombudsman participated in a panel discussion focusing on what Australian Government support is available for small and family businesses. The panel featured members from the Australian Securities & Investments Commission (ASIC), the Australian Financial Complaints Authority (AFCA), AusIndustry, the Australian Taxation Office (ATO) and the Fair Work Ombudsman.

# Small business conditions

Cash-flow has always been critical for small business' survival, but difficult conditions are amplifying this. Higher interest rates have particularly affected small businesses, as they tend to have variable-rate loans. Ongoing cost pressures and softening demand continue to threaten profitability. Two out of five micro and small companies (43%) are non-profitable<sup>1</sup>. Businesses facing challenges to their profitability are drawing on their cash buffers to keep their business afloat<sup>2</sup>.

The 1,382 requests for help from small and family businesses in Quarter 4, 2023 reflect these challenging conditions and inherent power imbalances. The most common types of disputes in this quarter, were:

- Payment disputes (40%)
- Contract disputes (15%)
- Disputes with digital platforms (6%)
- Franchise disputes (6%).

For small and family business owners, their identities are also interwoven into their business and the stakes are so much higher than just a job. Many people have invested a lifetime – and put their family home on the line to build up their business. Nearly half of outstanding small business debts are secured by residential property<sup>3</sup>. Delaying timely payments to small business puts extreme pressure on all aspects of their lives. For example, a sub-contractor in the construction industry contacted us as he had not been paid for months and was homeless. We provided information and resources to assist with these difficult personal circumstances as well as the business dispute resolution process.

Power imbalances all too often make it difficult for a small business to pursue timely payment for their services. For example, a small business owner contacted us for help as a government department was three months late to pay their invoices, despite payment being requested multiple times. After the small business owner escalated these requests to senior personnel, he was told his services were no longer required and terminated immediately. We provided information on the dispute resolution process and assisted him with writing a letter of demand. This is a critical step in the dispute process and can produce results quickly and effectively.

Requests for help from self-employed business owners who were being pressured to compromise their safety increased in Quarter 4, 2023. An independent contractor contacted the ASBFEO for assistance as he was terminated after raising concerns about inappropriate safety measures for storage and manual handling of stock. Body stressing is one of the most common causes of workplace injuries<sup>4</sup>. We provided information on contracts and dispute resolution process.

The ASBFEO received several requests from small business owners seeking assistance with ensuring the work health and safety of their employees. These included a real estate agent who contacted us for information about ensuring safety during open house inspections and a small business in the mining industry seeking information on managing an employee with mental health challenges. We referred these matters to the relevant agencies as our legislation requires us to respond to requests from small and family businesses without duplicating the functions of other Commonwealth, State or Territory agencies. The legislation provides that we may work cooperatively with other government agencies if it is more convenient and effective to do so and allows us to assist small and family business owners access alternative dispute resolution processes.

Over one fifth (22%) of Australia's small business owners speak a language other than English at home<sup>5</sup>. Requests for help from small and family business owners who spoke a language other than English doubled to 115 requests over Quarter 4, 2023. These were predominately payment disputes, most commonly in the construction industry.

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<sup>1</sup> Australian Taxation Office, *Taxation Statistics 2020-21*, Accessed 8 June 2023.

<sup>2</sup> Reserve Bank of Australia (RBA), *Financial Stability Review, October 2023*, Accessed 5 January 2024.

<sup>3</sup> RBA, Statistical Table D14, *Lending to Business – Business Finance Outstanding by Business Size and Interest Rate Type*, Accessed 5 January 2024.

<sup>4</sup> Safe Work Australia, *Australian Work Health and Safety Strategy, 2023 – 2033*, Page 7, Accessed 5 January 2024.

<sup>5</sup> Based on ABS, *Census of Population and Housing, 2021*, TableBuilder.



## Small business conditions

A small business in the construction industry asked for our assistance as they were owed \$1,000 by another business, who was ignoring their requests for payment. After receiving our assistance, the other business paid the invoice in full. The small business said, 'I thank each and every one of you who has helped me.'

In some instances, these small business owners are being asked to compromise their own and others' safety. For example, a truck driver who spoke a language other than English contacted us for assistance. His hirer was refusing to pay outstanding invoices after he refused a job because he was not licensed or trained to use the relevant transport vehicle. We provided information on the dispute resolution process.

Corporate insolvencies remain high, particularly in the construction industry<sup>6</sup> and small and family businesses often bear the brunt. For example, an independent contractor in the construction industry contacted us for assistance as he was owed around \$120,000. Our team investigated and found that the hirer had entered external administration. We provided information on dispute resolution and the process for creditors in insolvencies, which he appreciated as a way forward.



The Ombudsman addressing the audience at the Parliamentary Friends of Small Business Breakfast, held at Parliament House. The event was co-hosted by Senator David Pocock, Senator for the ACT, Allegra Spender MP, Member for Wentworth and Senator Maria Kovacic, Senator for NSW.

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<sup>6</sup> Australian Securities and Investments Commission, *Australian insolvency statistics*, Accessed 5 January 2024.



# Assistance: Supporting Small and Family Businesses

## Industry Codes: Franchising, Horticulture, Oil, Dairy

We provided franchise participants with information relating to the use of the mandatory dispute resolution process under the Franchising Code of Conduct. We also arranged alternative dispute resolution (ADR) processes and appointed independent ADR practitioners to disputes when requested. This included:

- responding to 77 enquiries from franchising participants
- actively case managing 27 franchise disputes, 26 being initiated by franchisees.

We provided dairy participants with information relating to the use of the mandatory dispute resolution process under the Dairy Code of Conduct. We also arranged ADR processes and appointed independent ADR practitioners to disputes when requested. This included:

- responding to four enquiries from dairy participants
- actively case managing one dairy dispute.

We continued providing a list of produce assessors to support the Horticulture Code of Conduct and responded to one request for information about the Oil Code of Conduct.

## Small Business Tax Concierge Service

Our Tax Concierge Service (TCS) continued providing small businesses with information and assistance relating to a range of taxation matters. We received:

- Seven requests for assistance from small businesses seeking assistance with Australian Taxation Office (ATO) negative decision letters received, a decrease from 16 requests last quarter
- Four additional enquiries about the TCS, a decrease from 15 last quarter.

The TCS worked with the small businesses and the ATO, allowing their issue to be readdressed or referred to independent tax lawyers for subsidised advice about appealing the decision.



The Ombudsman (right), participated in a panel discussion facilitated by Andrew Klein (left) with Professor George Tanewski, Director and Research Lead, IPA-Deakin SME Research Centre (centre) and Anne Nalder, CEO and Founder, Small Business Association of Australia (on screen). The panel discussed what the next 100 years holds for small business.

# Assistance: Supporting Small and Family Businesses

## Infoline statistics and contacts broken down from across Australia

**1,081**  
calls to our contact centre

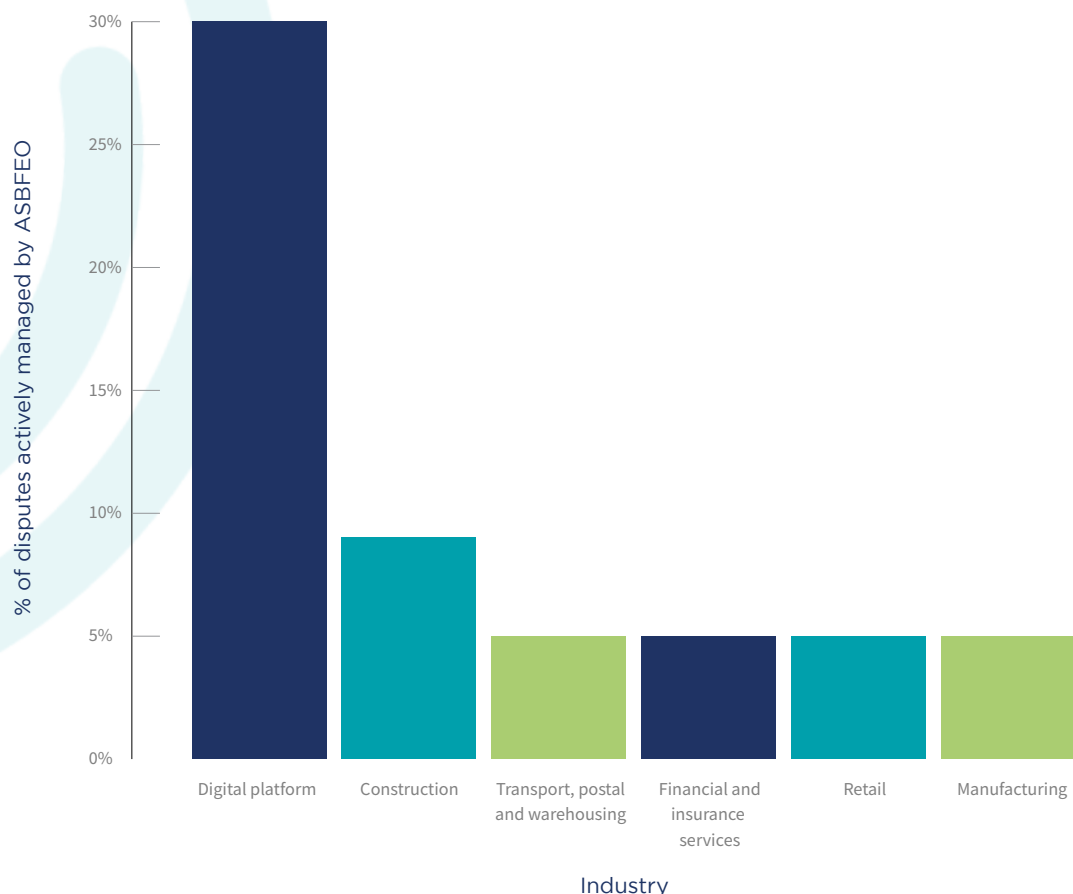
**301**  
cases that we actively managed

**1,382**  
total requests for assistance

**12,937**  
visits to the ASBFEO assistance website information

Disputes with digital services providers (including digital platforms) remain our most requested type of dispute requiring active case management. They accounted for 81 (30%) disputes where a case manager assisted the small or family business in Quarter 4, 2023<sup>7</sup>. Other top industries for disputes were construction (9%), financial and insurance services (5%) and transport, postal and warehousing (5%).

Chart 1: Top industries of the party the small business is in dispute with, Quarter 4, 2023



**Note:** Calculations are based on cases where industry is known.

**Source:** ASBFEO, 2024.

<sup>7</sup> Percentages are calculated based on cases where industry is known.



# Assistance: Supporting Small and Family Businesses

## Case management outcomes\*

**74%**

required active case management support, including providing information to progress dispute

**21%**

referred to more appropriate agency (usually relevant Small Business Commissioner, or alternative government agency)

**5%**

referred to an Alternative Dispute Resolution practitioner

## How we helped callers to our infoline

**78%**

given information and directed to ASBFEO's Dispute Support Tool and web form (for relevant steps to resolve their dispute) or another website

**8%**

referred to ASBFEO case management

**14%**

referred to another party such as a State Small Business Commissioner

\* Totals may not add up due to rounding.



The Ombudsman (far-right) participated in a panel at the Glen Eira City Council Small Business Expo. The panel discussion was hosted by (from left to right) journalist, Emily Rice; Jack Hayes, Regional Manager, AusIndustry; Dr Gan, a local dentist and Small Business of the Year Winner and; Ruth Lewis, Principal and Founder, Technology Foresight.

## How we've helped - case studies

### DEBT COLLECTORS FOR FRANCHISING DISPUTE

A Franchisee contacted the ASBFEO in distress due to a long running dispute with their Franchisor. After their franchise agreement was terminated, the Franchisor continued to demand around \$10,000 in payments. The Franchisor had even engaged debt a debt collection agency.

After hearing about the situation, the ASBFEO wrote to the Franchisor, who then agreed to waive the payments, and the issue was quickly resolved.



### TERMINATION LEADS TO FRANCHISING DISPUTE

A Franchisee received a Notice of Termination from their Franchisor.

They responded by issuing a Notice of Dispute, raising concerns they would suffer significant and irreparable damages if the Franchisor improperly terminated their agreement.

When the Franchisee reached out to the ASBFEO for assistance, we arranged for both parties to attend an alternative dispute resolution process under the Franchise Code of Conduct. The parties attended Mediation and a settlement agreement resolved the situation.

### CHRISTMAS PRESENT FOR SMALL BUSINESS

A small business owner's Facebook account was disabled after being hacked. Their business suffered, as did the business owner's livelihood and their mental health.

The small business owner asked the ASBFEO for help. We worked with META to restore their account access. We also provided tips to help keep their account secure in the future.

The small business owner was overjoyed to have their account restored, especially in time for them to do their pre-Christmas promotion!

### DRIVER UNABLE TO ACCESS PAYMENTS



An Uber driver was having ongoing troubles with transferring payments from Uber to his own bank account. These issues continued over time and meant that he was unable to access his payments.

The Uber driver was suffering financially, so called the ASBFEO for assistance. We worked with Uber to rectify the issue, ensuring payments could be transferred. The Uber driver was relieved to receive all outstanding payments.



## How we've helped - case studies

### TERMINATION FEE WAIVED FOR SMALL BUSINESS

Due to financial stress, a small business was forced to release all its staff. They also sought to terminate a long-term commercial relationship with a service provider.

Terminating their contract with the service provider meant they would have to pay a termination fee. The small business felt the termination fee was unfair due to their circumstances, so they contacted the ASBFEO.

We were able to assist in this matter as an impartial third-party and liaised with the service provider. After reviewing the matter, the service provider decided to take the long commercial relationship with the small business into account. They agreed to terminate the contract and waive the termination fee.



From left to right: The Ombudsman with Carey Trundle, Director - Community Engagement, Fair Work Ombudsman; Joseph Longo, Chair, Australian Securities & Investments Commission (ASIC); Tricia Stroud, Registrar, Office of the Registrar of Indigenous Corporations; Lieutenant Colonel Eileen-Joan Hall, Command Cultural Adviser to the Regional Force Surveillance and; Duncan Poulson, Northern Territory Regional Commissioner, ASIC.

## ASBFEO Procurement Inquiry completed

The Minister for Finance, Senator the Hon Katy Gallagher, asked the ASBFEO to review the effects of the 1 July 2022 changes to Commonwealth Procurement Rules on small businesses and to recommend improvements in February 2023. We were also instructed to consider the implementation of the Buy Australian Plan.

The ASBFEO consulted widely, produced an issues paper, received 45 written submissions, and surveyed more than 100 procuring officers. We distilled the insights, frustrations and counsel of small business owners, officials, policymakers, and experts from both the public and private sectors. Many stakeholders provided feedback on condition of confidentiality.

We handed copies of the final report of the ASBFEO Procurement Inquiry to the Minister for Finance, the Hon Katy Gallagher MP, and the Minister for Housing, Minister for Homelessness and Minister for Small Business, the Hon Julie Collins MP, on 14 December 2023.

The final report included targeted recommendations to:

- remove complications in procurement
- maximise opportunities for small businesses to compete
- enable impartial, timely and consequential reviews of decisions
- build the confidence of officials through increasing competence and improved support
- consistently measure outcomes to achieve policy objectives .

## Major input into policy, inquiries, and legislation

### 2023 Review of the National Freight and Supply Chain Strategy

We made a submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts review of the National Freight and Supply Chain Strategy on 6 October 2023.

This submission affirmed the importance of a well-considered strategy to ensure Australia's supply chains are resilient and adaptable, safeguarding small businesses against unforeseen challenges. We made multiple recommendations to the Australian Government regarding the strategy, including that it should:

- clearly articulate how it interacts with other Australian Government initiatives related to freight and supply chains
- emphasise disaster preparedness and resilience as a critical component of meeting the objective of 'safe, secure, and sustainable operations'
- highlight the critical role of local government in providing transport infrastructure that improves resilience and enhances competition
- concentrate the Australian Government's efforts and report on those projects requiring coordinated action by all jurisdictions
- identify a small number of national, data-driven, and high impact national key performance indicators to monitor implementation over the next five years.

## Personal insolvency reform

The Attorney-General's Department released proposed reforms to the *Bankruptcy Act 1966* for consultation on 1 September 2023. We made a submission on 6 October 2023, supporting the proposed reforms to:

- increase the bankruptcy threshold from \$10,000 to \$20,000
- increase the period for a debtor to respond to a bankruptcy notice from 21 to 28 days
- reduce the period for which a discharged bankrupt is recorded on the National Personal Insolvency Index from a lifetime public listing to 7 years
- amend the Bankruptcy Act so that entering into a debt agreement or having the debt agreement accepted by creditors is no longer considered an 'act of bankruptcy.'

## Review of the Personal Property Securities Act

The Attorney-General announced the Australian Government's response to the final report of the 2015 statutory review of the *Personal Property Securities Act 2009* (the Whittaker Review) on 22 September 2023. The government proposed to accept 345 of the 394 recommendations made by the review (in full or in part).

We made a submission to the Attorney-General's Department on 30 November 2023, supporting the government's comprehensive reform package, including amendments to the Personal Properties Securities Act (PPSA) and new Personal Property Securities Regulations. We made five recommendations to:

- simplify the Personal Property Securities Register (the Register)
- improve the disclosure of registration of a financing statement
- raise awareness and understanding of the PPSA and Register among small businesses
- support timely and affordable dispute resolution processes
- support the 24-month transition period from the date of commencement of the Personal Properties Securities Amendment (Framework Reform) Bill.

## Substantiating the case for least-cost routing

Least-cost routing ensures that when a customer makes a contactless dual-network debit card transaction, it will be routed through the most affordable option for the merchant.

In November 2023, the ASBFEO published an internal research paper with the objective of developing policy solutions to reduce transaction costs for small businesses and family enterprises. This research highlighted:

- low awareness among merchants and consumers of how debit-card payments are facilitated
- a large opportunity cost for small business (\$800 million per annum according to CMSPI)
- inconsistent use of payments terminology between government and the banking sector
- poor transparency of merchant fee structures
- inconsistent application of surcharging rules for merchants to cover the cost of consumers' chosen payment method
- multiple government reviews and inquiries have recommended that the Payments System Board should take regulatory action to progress the implementation of least-cost routing.

This research supports the government's Strategic Plan for Australia's Payments System, which highlights that least-cost routing allows businesses to select the lowest cost payment network for debit transactions.



## Bank closures in regional Australia

The ASBFEO addressed the Senate Rural and Regional Affairs and Transport References Committee regarding its inquiry into bank closures in regional Australia on 1 December 2023.

We emphasised that when a regional branch closes or the automated teller machine is removed:

- small business banking relationships are lost
- access to cash and deposit services are diminished
- bank customers must commute to other centres for service or engage with metropolitan based bankers, who may not understand the investment potential or operational challenges of regional small business customers.

The ASBFEO called for:

- individualised support for small business customers
- a genuine opportunity for stakeholders to influence the Bank Closure Impact Assessment process and conclusions
- consideration of adequacy and durability of proposed alternative access arrangements
- a deeper consideration of what is 'local' in a non-urban context
- the maintenance of local market expertise to support the full suite of small business banking requirements
- a requirement for banks (when they close a branch) to support the retention and convenient availability of small business and agribusiness bankers (with local market knowledge) in the community to ensure that existing banking relationships are maintained and small businesses seeking finance receive fair treatment.

## Commonwealth Government COVID-19 Response Inquiry

The Department of Prime Minister and Cabinet created an independent panel (the panel) to review and report on the Government's response to the COVID-19 pandemic with a view to improving Australia's preparedness for future pandemics.

We made a submission advising how small businesses had been impacted by policies that responded to the pandemic, and highlighted the need for clear, timely, relevant, and consistent information across all levels of government on 15 December 2023. Further, we urged the panel to consider:

- how the government can engage small businesses with their concerns about supply chain issues
- the ramifications of the complexity, and impact that delayed payment times have on small businesses who depend on consistent cash flow
- increased sharing of data across multiple levels of government ensuring to create the most accurate analysis of impacts and how policy can be crafted to generate the most impactful outcomes.

## ACCC designated complaint's function

Treasury released exposure draft legislation on 6 December 2023, which will require the Australian Competition and Consumer Commission to rank, assess and respond publicly to complaints about significant or systemic market issues that are submitted by designated consumer and small business advocates.

We made a submission to Treasury on 21 December 2023, supporting the exposure draft and recommending that the Australian Government:

- make additional refinements to strengthen the integrity of the designated complainant
- introduce a Federal Small Business and Codes List into the Federal Circuit and Family Court of Australia, to provide small businesses with an affordable and timely means of enforcing their legal rights.

# Advocating on Policy and Legislation

## Submissions

Recipient	Number	Recipient	Number
Attorney-General's Department	2	Department of Prime Minister and Cabinet	2
Department of Infrastructure, Transport, Regional Development, Communications, and the Arts	1	The Treasury	1



The Ombudsman addressing the audience at the Parliamentary Friends of Small Business Breakfast, held at Parliament House.



# Outreach: Communications and Stakeholder Engagement



The Ombudsman appeared on Channel Nine's A Current Affair to discuss digital platforms and copyright, 19 October 2023.

## Ombudsman, small business council slam compo offer

JOSEPH LAM

Article published in The Weekend Australian, by Joseph Lam, 11 November 2023.

## Least-cost system for making payments a win for all

**Bruce Billson**



Op-ed by Bruce Billson, published in The Daily Telegraph, 2 November 2023 and the NT News, 3 November 2023.



The Ombudsman attended the Glen Eira City Council Small Business Expo.

## This must be the last time Optus cuts off small business

**Bruce Billson**



Op-ed by Bruce Billson, published in The Daily Telegraph on 23 November 2023.

## Optus gets slammed over data offer

**OUTAGE** Ombudsman rejects telco's loyalty reward as 'inadequate'

Article published in The Canberra Times, 11 November 2023.



Op-ed by Bruce Billson, published in Convenience World's November 2023 edition.

## Multinationals 'gaming' SME procurement rules: Bruce Billson

Article published on [InnovationAus.com](https://www.innovationaus.com), by Brandon How, 16 October 2023.



From left to right: The Ombudsman, Ken Phillips, Executive Director at Self-Employed Australia, Phillipa Leggo and Scott Leggo of Scott Leggo Gallery and Khushwant Dhanoa, Managing Director of Truefitt & Hill Canberra at the Small Business Breakfast, held at Parliament House, Canberra.

# Outreach: Communications and Stakeholder Engagement



The Ombudsman presenting at the Institute of Public Accountants National Congress 2023.



# Next Steps

## Assistance

- Update website and internal processes for the recent changes in the Dairy Code of Conduct.
- Continue incremental improvements to our policies and practices for assistance casework.
- Prepare for any work arising from the recent Review of the Franchise Code of Conduct.

## Advocacy

- Prepare policy papers for the ESG Symposium in March 2024.
- Make a submission to the Australian Securities and Investment Commission's proposed changes to the Banking Code of Practice .
- Make a submission to the Department of Treasury's Unfair Trading – Consultation Regulation Impact Statement.

## Outreach

- Continue to progress the development of, and delivery the ESG for SMEs Symposium in March 2024.
- Procuring a Research Partner to aid in development of materials for the ESG Symposium.
- Update the ASBFEO Data Portal with new regional statistics, commence requirement gathering to make the portal interactive and implementation of an automatic translation tool for the website.
- Progress 2024 Outreach and Sponsorship program, with collaboration from other government entities.



The ASBFEO team at SXSW 2023 (from left to right): Simon Richards, Director, Information & Assistance; Stephen Grant, Assistant Director, Information & Assistance; Julia Zlabur, Event and Logistics Coordinator; Emily Carter, Senior Social Media & Publications Officer; Amelia Watman, Director, Communications & Media; Melinda Jones, Assistant Director, Communications & Media; and Olivia Pearce, Social Media and Web Officer.



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