



Australian Government



Australian  
**Small Business and  
Family Enterprise**  
Ombudsman

26 March 2021

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

*via email: legcon.sen@aph.gov.au*

Dear Sir/Madam

**National Emergency Declaration Act review**

The 2019-20 bushfire season had a major impact on small business and was a reckoning for Australia's natural disaster response capabilities. It is critical that Australia learns from the experience and builds our capabilities for the next disaster, such as the floods in New South Wales.

One important lesson was that the bureaucracy in government grants and loans increased small business owners' distress and confusion at an already difficult time. The Small Business Bushfire Financial Counselling Support Line has advised us that 49% of callers in the period ending 30 June 2020 sought assistance with accessing grants and loans. These callers were businesses discovering that they needed to fill out multiple-page forms, provide documents they had lost in the fires, and navigate complex eligibility criteria. As time passed these requirements were shortened and relaxed. However, small business needs easy to fulfil compliance requirements from the start in order to survive and recover from a disaster.

The National Emergency Declaration Act has the potential to improve the situation for small businesses. The powers conferred under Part 3 of the Act to modify administrative requirements during an emergency should be used to allow small businesses access to recovery services as soon as possible during the crisis. However, the use of Part 3 of the Act must be planned in advance of the emergency to ensure vital quick access to support for small business. Only by pre-planning support measures, including how administrative requirements should be modified, can the Act can be used to its full potential to benefit small business.

To ensure ongoing effectiveness, we also recommend that all reports created under Section 17 of the Act explicitly report on the impact on small business to ensure that any unintended consequences are opportunities to learn.

Yours sincerely ( ) n

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

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