

Parliamentary Joint Committee on Corporations and Financial Services

ANSWERS TO QUESTIONS ON NOTICE

Oversight of the Australian Securities and Investments Commission, the Takeovers Panel and the Corporations Legislation No. 1 of the 46th Parliament

Agency: Australian Small Business and Family Enterprise Ombudsman

Question No:

Topic: Dispute Reporting

Reference: Spoken p.9 (18 June 2021)

Senator: Paul Scarr

Question:

Senator SCARR: I'm a new member to this committee, and I'm interested in your dispute resolution role in particular. Do you present any records or analysis of general characteristics of parties to disputes and types of disputes? And what number of disputes are actually resolved through your mediation process, given that you don't have a determinative process?

Mr Billson: Yes, we do track and report on that. We tend not to name the parties.

Senator SCARR: No, no.

Mr Billson: However, in the legislation, there is a power to name the parties. If someone is not engaging in the mediation processes in good faith, there is the power for me to say, 'This company is just behaving like a peanut in this process,' and hopefully that would bring about change. So yes is the answer. I'm actually asking for an enhancement of our data analytics capability—I think it was touched on before you arrived, Senator—so we can pull out better insights about the nature of and trends in disputes and have those as early warning indicators that there's something not quite right.

Senator SCARR: Are there any trends you've observed over the last few years with respect to what you're seeing through the dispute resolution processes?

Mr Billson: I might invite Dr Latham as he's been there for—

Dr Latham: You can see our data is reported quarterly. It's actually on our website as well, and we can give the committee that link so you can see it, going right back to the start of our office.

Answer:

Below is the link to the quarterly reports completed by my Office. The reports provide the number of disputes coming through our Assistance team, a breakdown for types of disputes and an indication of the number of disputes resolved through mediation.

- <https://www.asbfeo.gov.au/about/quarterly-reports>