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17 July 2015

Ms Sophie Dunstone  
Committee Secretary  
Legal and Constitutional Affairs Legislation Committee  
By email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

Dear Ms Dunstone

**Proposed Australian Small Business and Family Enterprise Ombudsman (ASBFEO)**

Thank you for the opportunity to comment on the *Australian Small Business and Family Enterprise Ombudsman Bill 2015*.

The Energy & Water Ombudsman NSW (EWON) investigates and resolves complaints from customers of electricity and gas providers in NSW, and some water providers. EWON's dispute resolution service is independent, fair and impartial.

As a member of the Australian and New Zealand Ombudsman Association (ANZOA), I strongly endorse the views expressed in the ANZOA submission to the Legal and Constitutional Affairs Legislation Committee (the Committee).

The ASBFEO's primary function is to advocate for small businesses and family enterprises. This advocacy role is a very positive initiative and should strengthen the small business / family enterprise sector.

The primary function of an Ombudsman is dispute resolution and an Ombudsman is required to be impartial to, and independent of, parties to a dispute. Therefore I do not believe that the ASBFEO performs an Ombudsman role within its secondary dispute resolution function or fulfils the essential requirements of impartiality and independence.

I urge the Committee to reconsider the name of the ASBFEO and replace it with one that accurately describes its role and functions, such as ASBFE Advocate or Commissioner.

If you would like to discuss this matter further, please contact me or Emma Keene, General Manager Policy and Community Engagement on 02 8218 5250.

Yours sincerely

**Janine Young**  
**Energy & Water Ombudsman NSW**