



Australian Government



Australian
**Small Business and
Family Enterprise**
Ombudsman

18 March 2019

Committee Secretary
Senate Economics Legislation Committee
PO box 6100
Parliament House
CANBERRA ACT 2600

By email: economics.sen@aph.gov.au

Dear Committee Secretary

TREASURY LAWS AMENDMENT (COMBATTING ILLEGAL PHOENIXING) BILL 2019

We support the overall direction of the proposed amendments to combat illegal phoenix activity. However, it will be critical for regulators to ensure that small business victims of illegal phoenixing are properly protected by:

1. Regulators providing clear avenues to report suspected illegal phoenixing; and
2. Regulators taking timely action to investigate and redress impacts of illegal phoenixing.

Alongside the Bill, we note that the proposed Director Identification Number (DIN) is a critical element to help combat illegal phoenix activity and, on that front, care will need to be taken to ensure that small business directors can have any errors corrected in a timely way.

Lastly, we recommend that a review of this measure be undertaken after one year of operation. In particular, attention be given to effectiveness in terms of reduction of illegal phoenixing and, where there still is phoenixing, redress to victims.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact [REDACTED] on [REDACTED] or at [REDACTED].

Yours sincerely

[REDACTED]

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Australian Small Business and Family Enterprise Ombudsman

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