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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Australian Small Business and Family
Enterprise Ombudsman (Consequential
and Transitional Provisions) Bill 2015**

No. , 2015

(Treasury)

**A Bill for an Act to amend laws, and deal with
transitional matters, in connection with the
*Australian Small Business and Family Enterprise
Ombudsman Act 2015*, and for related purposes**

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**A Bill for an Act to amend laws, and deal with
transitional matters, in connection with the
*Australian Small Business and Family Enterprise
Ombudsman Act 2015*, and for related purposes**

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Australian Small Business and Family Enterprise Ombudsman (Consequential and Transitional Provisions) Act 2015*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedule 1	Immediately after the commencement of sections 3 to 96 of the <i>Australian Small Business and Family Enterprise Ombudsman Act 2015</i> .	
3. Schedule 2	The day this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Consequential amendments

Ombudsman Act 1976

1 After section 6D

Insert:

6E Transfer of complaints to the Australian Small Business and Family Enterprise Ombudsman

- (1) If:
 - (a) the Ombudsman forms the opinion that:
 - (i) a complaint could have been made to the Australian Small Business and Family Enterprise Ombudsman (the *ASBFE Ombudsman*); and
 - (ii) the complaint could be more conveniently or effectively dealt with by the ASBFE Ombudsman; and
 - (b) under the *Australian Small Business and Family Enterprise Ombudsman Act 2015*, the ASBFE Ombudsman has the power to deal with the complaint;the Ombudsman may decide not to investigate the complaint, or not to investigate the complaint further, and to transfer the complaint to the ASBFE Ombudsman.
- (2) The Ombudsman must not make a decision under subsection (1) unless:
 - (a) the Ombudsman has consulted with the ASBFE Ombudsman about whether it would be more convenient or effective for the ASBFE Ombudsman to deal with the complaint; or
 - (b) the Ombudsman has consulted with the ASBFE Ombudsman about whether it would be more convenient or effective for the ASBFE Ombudsman to deal with a particular class of complaints, and the complaint is one of that class.
- (3) If the Ombudsman makes a decision under subsection (1), the Ombudsman must:
 - (a) transfer the complaint to the ASBFE Ombudsman as soon as is reasonably practicable; and

- (b) give the ASBFE Ombudsman any information or documents relating to the complaint that are in the possession, or under the control, of the Ombudsman; and
 - (c) as soon as is reasonably practicable, give the complainant written notice that the complaint has been transferred to the ASBFE Ombudsman.
- (4) The *Australian Small Business and Family Enterprise Ombudsman Act 2015* applies to the complaint, once transferred, as if a request for assistance had been made to the ASBFE Ombudsman under that Act on the day on which the complaint is transferred.
- (5) If a complaint is transferred to the ASBFE Ombudsman under this section, the complaint is taken to be a formal request for assistance made to the ASBFE Ombudsman under the *Australian Small Business and Family Enterprise Ombudsman Act 2015*.

Schedule 2—Transitional provisions

1 Disclosure, collection and use of information and documents held by the Australian Small Business Commissioner

Information and documents relevant to the advocacy function

- (1) The Australian Small Business Commissioner may disclose information and documents obtained by the Commissioner in the performance of the Commissioner's advocacy functions to the Australian Small Business and Family Enterprise Ombudsman for the purposes of the Ombudsman performing the Ombudsman's advocacy function.
- (2) The Ombudsman may collect and use the information or documents for the purposes of performing the Ombudsman's advocacy function.

Information and documents relevant to the assistance function

- (3) If a request for assistance to the Australian Small Business Commissioner has not finally been dealt with by the Commissioner before the commencement of this item, the Commissioner may disclose information and documents relevant to the request to the Australian Small Business and Family Enterprise Ombudsman for the purposes of the Ombudsman performing the Ombudsman's assistance function.
- (4) The Ombudsman may collect and use the information or documents for the purposes of performing the Ombudsman's assistance function.