# EXPLANATORY STATEMENT

## Issued by authority of the Minister for Small Business

*Australian Small Business and Family Enterprise Ombudsman Act 2015*

*Australian Small Business and Family Enterprise Ombudsman Rules 2016*

Section 96 of the *Australian Small Business and Family Enterprise Ombudsman Act 2015* (the Act) provides that the Minister may make rules prescribing matters required or permitted by the Act or necessary or convenient to its operation.

The Australian Small Business and Family Enterprise Ombudsman Rules 2016 (the Rules) prescribe the remuneration to be paid to witnesses who attend a hearing in accordance with a summons under the *Australian Small Business and Family Enterprise Act 2015* (the Act), the entities to be recognised as agencies under the Act, and the entities to which the Australian Small Business and Family Enterprise Ombudsman (the Ombudsman) may disclose information.

The Act establishes the Ombudsman, who will provide Commonwealth-wide assistance and advocacy for Australian small businesses and family enterprises.

The bodies prescribed under subsections 8(1)(d), 8(2)(e), 86(1)(g) and 86(1)(h) of the Act will be able to receive matters and information from the Ombudsman.

Witnesses who appear at a hearing in accordance with a summons under section 48(1) of the Act will be remunerated $50 per day.

The Act does not specify any conditions that need to be met before the power to make the Rules may be exercised.

The lists of agencies were developed in consultation with relevant Commonwealth, state and territory stakeholders.

A public consultation period on the Rules was held from 9 February 2016 to 24 February 2016. No submissions were received.

The Rules will commence on the day that the Act commences.

### Statement of Compatibility with Human Rights

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

*Australian Small Business and Family Enterprise Ombudsman Rules 2016*

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011.*

#### Overview of the Legislative Instrument

The Rules prescribe the remuneration to be paid to witnesses who attend a hearing in accordance with a summons under the Act and the entities to which the Ombudsman may refer matters and disclose information.

#### Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.