

## **Explanatory notes: Australian Small Business and Family Enterprise Ombudsman (ASBFEO)**

The MTAA plays a key role developing and reviewing automotive related voluntary and mandatory industry codes of conduct that aim to prevent disputes from occurring. MTAA also plays a key role in supporting industry dispute resolution mechanisms such as the Code Administration Committee (CAC).

The automotive industry is large and diverse with many automotive firms involved in business arrangements with other firms. Although mostly successful, sometimes business arrangements sour. For example, parties to a franchising arrangement have a dispute over unfair contractual arrangements. Another example may be that your business purchased non genuine parts from an automotive parts supplier who claims they are genuine and refuses to refund your money.

The office of the Australian Small Business and Family Enterprise Ombudsman (ASBFEO) responds to requests for assistance from operators of small businesses and family enterprises who may be in dispute with parties such as clients, other businesses or Commonwealth Government agencies. ASBFEO provides general information on how to resolve disputes (including initial assistance, pre-mediation activities), facilitates discussions between disputing parties, and provides access to external alternative dispute resolution services or refers you to another Commonwealth, State or Territory agency who can more appropriately deal with your matter.

For example, for a dispute between a smash repairer and a motor insurance company, ASBFEO may direct the parties involved to the industry lead mediation process administered by the Code Administrative Committee (CAC). CAC is responsible for administering Motor Vehicle Insurance and Repair Industry Code of Conduct. MTAA played a key role developing the code and forming CAC.

If there is no alternative mediation process ASBFEO may undertake the mediation process themselves.

As an advocate for small business and family enterprises ASBFEO also:

- Conduct inquiries and research.
- Work with other arms of government.
- Contribute to other inquiries.
- Promote good business practice.

To access ASBFEO information about industry dispute resolution (including lodging a dispute on-line) please click on the following link: <http://www.asbfeo.gov.au/resolving-disputes>

To access the ASBFEO website please click on the following link: <http://www.asbfeo.gov.au>

MTAA urges members to bring to the attention of their MTAA state representative any issue and dispute that is negatively impacting their business. MTAA brings this information to the attention of government so that laws and regulations can be amended to better protect the rights of automotive businesses members.