




Speech By  
**Brent Mickelberg**

**MEMBER FOR BUDERIM**

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Record of Proceedings, 17 November 2021

## **JUSTICE LEGISLATION (COVID-19 EMERGENCY RESPONSE—PERMANENCY) AMENDMENT BILL**

 **Mr MICKELBERG** (Buderim—LNP) (4.51 pm): I rise to contribute to the debate in relation to the Justice Legislation (COVID-19 Emergency Response—Permanency) Amendment Bill, a bill which seeks to make permanent some regulatory changes in areas such as the execution of documents, domestic and family violence reforms, changes to the Liquor Act and in relation to retail and commercial leases, all of which have been temporary up to this point but are to be made permanent.

In my contribution today I would like to address the effect that the provisions contained in this bill will have on Queensland's small and family businesses. I think all members would accept that the regulatory burden that Queensland businesses have had to deal with is significant and has increased over the passage of time. Many of those regulations perform important functions and protect Queenslanders from adverse outcomes; however, many do not. Additionally, many regulations are excessively onerous and have not kept pace with changes in technology and best practice. I acknowledge that all levels of government have imposed—and continue to impose—more and more regulation that small businesses must comply with, each piece of which means they spend less time delivering the products and services their business exists to deliver to the Queensland community. With all that said, it is good to see a bill that seeks to streamline a small number of regulations that will make life a bit easier for Queensland's small and family businesses.

The reforms contained in this bill in relation to the execution of documents make sense and will make the process less complex than has traditionally been the case. Provisions to facilitate documents being signed electronically or witnessed over audiovisual link are well overdue. As the Queensland Law Society stated in its submission, these initiatives will result in 'increased access to justice, increased certainty and reliability as well as time and cost savings'. Having tried to complete a house purchase when deployed for an extended period overseas, I have experienced firsthand some of the challenges that exist when Queenslanders do not have access to the public infrastructure that many of us take for granted. Had the document execution reforms contained in this bill existed in 2013, my life would have been a lot easier. I want to lend my support to these changes so that others do not have the same experience unnecessarily in the future.

The reforms in relation to retail shop leases and other commercial leases have also facilitated better outcomes for Queensland's small and family businesses. In establishing good-faith principles under which lessees and lessors are required to negotiate, these changes have supported the work of the Small Business Commissioner in mediating tenancy disputes for businesses across the state, so we support these provisions.

The amendments to the Liquor Act seek to provide a permanent ability for licensed restaurants which hold a subsidiary on-premises licence to be authorised to sell 1½ litres of wine with a takeaway meal or as a part of the delivery of a takeaway meal. I note that there was a number of submitters to the bill who were concerned with this provision. I acknowledge the legitimate concerns expressed by hoteliers and members in this place, including the members for Southern Downs, Traeger and others.

More generous provisions have existed for many months and they have not resulted in marked adverse outcomes for Queensland pubs and bottle shops. The committee heard evidence that the majority of restaurants purchase their liquor from local hotels and bottle shops, which is not unexpected given the volumes that most restaurants and cafes sell. It is my view that providing consumers the choice to purchase wine from a licensed premises with a takeaway meal is reasonable and in line with community expectation. In its evidence the CCIQ stated in relation to the bill—

... we support the intent behind making the liquor licence reforms permanent. To re-emphasise, we believe that is business friendly because it reduces the cost and complexity of doing business for sectors affected by COVID-19. Permanency adds certainty and adds clarity for future reference.

I support recommendation 5 contained in the committee report of the Labor controlled State Development and Regional Industries Committee which suggested that the Attorney-General amend the bill to extend the provision to wine, beer, cider or premixed drinks rather than just be limited to wine as contained in the bill. I acknowledge that the Attorney-General has said that the suggestion will be considered in the future, but for me it is a nonsense to limit the provision only to wine, as many speakers already observed. The fact that committee members from both the LNP and Labor came to this conclusion lends weight to the fact that there is little basis for these changes to apply only to the sale of takeaway wine.

Many submitters to the bill expressed reservations with the fact that the bill reduces the amount of liquor that can be sold from 2.25 litres to 1.5 litres, effectively reducing the amount of wine that can be sold from three bottles to two. I note that independent brewers, Restaurant & Catering Australia and the CCIQ, amongst others, were all opposed to this reduction, while the QHA and Clubs Queensland supported the change. Presumably the rationale behind this change is to reduce the potential impact on sales of wine from bottle shops and pubs, because I would suggest that any public health benefit from such a reduction is tenuous at best. The CCIQ addressed this issue in testimony to the committee when a representative stated—

... we must also ensure this amendment bill does not unintentionally stifle competition. We would not want to have a sector protected at the expense of a different sector that wants to sell liquor under what are clearly pretty rigorous conditions. Let us not stifle competition. I think that is one unintended consequence we would like to bring to the table.

While the past 18 months have been particularly challenging for small and family businesses across the state, one of the positive outcomes is that there has been a greater focus on reducing the complexity of doing business. This has partly been a response to the fact that businesses have needed all the help they could get, partly because consumer behaviour has changed and partly because, since such temporary regulatory changes have been made, it has quickly become obvious that adverse outcomes have not resulted.

Governments at all levels need to do more to reduce the burden of regulation, which stifles productivity and unnecessarily limits the efficient allocation of resources. In conclusion, I will be supporting these changes because they are a small first step towards achieving that objective.