




Speech By
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MEMBER FOR NINDERRY

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SMALL BUSINESS COMMISSIONER BILL

 **Mr PURDIE** (Ninderry—LNP) (4.24 pm): I rise to speak on the Small Business Commissioner Bill 2021, which aims to give effect to the permanency of a Queensland small business commissioner and a supporting office in order to provide tailored support for small businesses in Queensland, reduce the time and costs associated with dispute resolution involving leasing and franchise issues, provide initial advice and information to small businesses about any type of dispute, and connect them to assistance and support.

As part of Queensland's approach to implementing the national cabinet's national code, the Queensland COVID-19 Emergency Response Act 2020 made provisions for a temporary small business commissioner to be established. The temporary commissioner was appointed to deliver advocacy and dispute resolution functions for Queensland small businesses, including assisting small businesses to reach an informal resolution for disputes relating to leases and administering a mediation process prescribed by regulation for responding to the COVID-19 emergency in relation to small business tenancy disputes.

According to the Minister for Employment and Small Business and Minister for Training and Skills Development, during 2020 and 2021 the temporary Office of the Small Business Commissioner has carried out over 4½ thousand activities for small business, including inquiries, disputes, outreach and advocacy activities.

While there is a clear purpose for these functions to be performed and for which I am confident many businesses felt grateful, the tangible support required by small businesses since the pandemic began, and a need that will remain for months during the aftermath, extends far beyond the realm. In fact, in Queensland thousands of small and family businesses have been consistently screaming out for a government support package that would help them simply keep their doors open. If Victoria, the home of the most locked down city in the world, can come up with a \$200 million small business investment package to roll out next month then surely the Queensland government could come up with a better voucher scheme.

Sadly, the COVID-19 pandemic has taught us many things, the most unfortunate of which is to be fearful of things that we previously took for granted—fearful of infection, fearful for our futures and fearful for our jobs, our families, our communities and our economy—and forever cognisant of the alarming risk to our very existence. This Labor government continues to pass the buck. They are always blaming someone else or something else for a problem for which they refuse to take responsibility. Most recently, they were blaming supply chain interruptions when, in many cases, small businesses could have stepped in to meet demand if they had been adequately supported. Big supermarkets and their staff were buffered, but not small business that had no fat bottom lines nor a plentiful workforce to call upon. It was clear in all jurisdictions, here and around the world, that without support from governments small businesses would fail and, sadly, many did and continue to do so.

The harsh reality is that neither the Small Business Commissioner nor the minister have given the sector what they have been asking for time and time again—what they need the most in order to survive. It is little wonder that business confidence in Queensland is at an all-time low. Queensland is home to more than 438,000 small businesses, which are at the core of every industry sector. For over 20 years the Chamber of Commerce and Industry Queensland has been measuring Queensland business confidence and expectations through its pulse survey. It is unchallenged in terms of being the most authoritative, timely and comprehensive snapshot of Queensland business sentiment, providing critical insights into the opinions of business owners across the state. The most recent survey results have been published and the statistics paint a bleak picture. The results show that business confidence is down 16.7 per cent, which is the lowest rate since September 2020. Sales and revenue are down 6.9 per cent on the last quarter and are still falling. Concerningly, 63 per cent of business staff reported being impacted by poor mental health, demonstrating the severe toll that a lack of certainty and support from the Queensland government in the form of stimulus has taken.

What we are certain of is that revenue has been slashed, keeping business owners awake at night and their staff lining up for Centrelink, despite two years of fighting for their livelihoods in the trenches. Small businesses in my electorate have shared with me how a desperate lack of hope is exhausting them and the absence of a support package from the state government leaves them with a sense of desperation and crippling uncertainty. It is not just about the bottom line; it is about their staff and families as they struggle to live with the devastating impacts of COVID.

While there are merits and general support for the existence of a permanent small business commissioner, it is important not to be misled by what is essentially a very narrow role that is not designed or equipped to provide the kinds of support necessary to keep small business afloat. The government must provide that support in other forms, yet refuses to do so. When introducing the bill, the minister stated that one of its main objectives is to enhance the operating environment for small business in Queensland. I fail to see how the bill will achieve that because, quite simply, the operational environment is defined by a business's ability to operate at all.

The Queensland Treasurer has repeatedly ignored the pleas of small and family business owners for support. This government was dragged kicking and screaming to the rescue table late last year, long after other states had delivered life support to their struggling sectors. While other states were dishing out payroll schemes, commercial rent relief and hardship grants, Queensland's Premier told Queenslanders to stay at home to stop the spread of the virus, sounding the death knell for many local small businesses.

As published by the ABC last week, the Australian Retailers Association reports that January of this year has been the toughest month for retailers. A Sunshine Coast mortgage broker says that small businesses are applying for loans at record levels this quarter. One local business owner said that he sold his car in an attempt to pay the rent for his shop. The Australian Retailers Association also says that many small retailers and cafes are having to refinance their home in order to keep their operations alive as a direct result of reduced foot traffic. My colleague the shadow minister for small and family business, Brent Mickelberg, told of heartbreaking stories in Central Queensland. In Rockhampton alone almost 300 small businesses had closed, with small business owners spending tens of thousands of dollars of their life savings to keep their business afloat. This crisis will affect generations to come.

The Hon. Bruce Billson, Australian Small Business and Family Ombudsman, has noted that the commissioner should have power to publicise when a party does not follow recommendations to enter a dispute resolution process. It appears clear from the outset that this bill does not provide the commissioner with sufficient powers to properly serve the interests of small businesses in Queensland. An independent small business commissioner empowered to conduct investigations, report to parliament and publicly advocate for and defend small businesses in Queensland is essential. This bill falls well short of these expectations. It does not contain an obligation to act in good faith, which exists in the current framework—a clause that has been urged for inclusion by mediators to ensure that parties to mediation engage in a constructive manner. It also misses valuable opportunities to bring further protections for small businesses to deal with business-to-business disputes, for example payment disputes involving a small and large business.

The independence of the commissioner is non-existent, as the bill provides for the minister to give the commissioner a written direction about a matter and a written statement about the minister's expectations for the performance of the commissioner's functions. This ministerial direction, clause 17, conveys a potential for the role to be highly dependent on government and subject to operational instructions and should be omitted. A number of submitters noted that the ministerial direction power might be used to guide the commissioner away from subject matter that might be awkward or difficult for the government of the day.

In summary, small businesses are collectively the biggest employer in Queensland and a powerhouse of our economy. Overwhelmingly, their owners are mums and dads who work very hard. They have taken a chance to invest, without guaranteed outcomes, in order to employ themselves and their staff and to create and supply the goods and services that Queensland needs. Importantly, the tax revenue derived from these businesses, their owners and their employees pays a large proportion of the cost of government services, infrastructure and social security measures in our state and nation. The LNP understands this, which is why our shadow minister will be moving sensible amendments to this bill. We are committed to giving small businesses a voice. We want the Small Business Commissioner to have the resources, powers and independence necessary to make the Queensland government treat small businesses fairly and to listen to and respond to their concerns. I support the bill with the amendments to be moved by the shadow minister.