




Speech By
James Lister

MEMBER FOR SOUTHERN DOWNS

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SMALL BUSINESS COMMISSIONER BILL

 **Mr LISTER** (Southern Downs—LNP) (4.40 pm): I, too, rise to make a contribution on the Small Business Commissioner Bill 2021. I will say at the outset that I have great regard for the minister and for the chair of the committee, but I will not allow that to prevent me from disagreeing with them on some of the matters that they raised in the course of their contributions.

As members heard in the excellent contribution by the shadow minister, we have concerns about whether this Small Business Commissioner really has the tools and the independence necessary to be able to do a great job. I think extraneous noise about what previous governments did three terms ago, or whether a certain process which is supposed to serve the public interest was followed or not in terms of the opportunity to speak with the Small Business Commissioner in person at the time, indicates that the government is seeking refuge in process and seeking to conceal from the public potentially unwelcome advice from somebody who knows all about the role—and that, of course, is the current temporary commissioner, Maree Adshead.

The opposition members of the committee were particularly concerned that the Small Business Commissioner would not have the power to compel state government departments to cooperate with inquiries or to initiate investigations in its own right. When we add to that doubts about the independence the commissioner will be able to exercise because of their command chain to the government, I think that is a real missed opportunity in terms of being able to give the small businesses of this state excellent representation in an avenue with which to redress grievances not only with franchise heads and so forth but also with the state government, which has a lot of interaction with small business. Some of the small businesses around the place, when asked about the relevance of a small business commissioner, really wanted to know, 'Is that where I can go to have a grievance with the state government recognised or dealt with?' In my experience, there is a desire for that in the small business community.

When we talk about independence, I note that the minister used examples from the federal government and other state governments and even said that the submitters did not indicate that they wished to see more independence on the part of the Small Business Commissioner. However, that was before we had this integrity scandal over the last few months. I think it is very noteworthy that the system for other officers with the title of commissioner with that kind of role, who are supposed to have independence and freedom of action to say things which may be distasteful to the government of the day, has failed.

In my view—and I think the view of a growing number of Queenslanders—the arrangements of employment for some of these officers do not give them the certainty that they can be truly independent. It is quite obvious that the state archivist was forced out because he was doing his job too well. What is to stop that example extending to other government employees, like the commissioner? Will they be prevented from doing their job well, from bringing unpalatable truths to the state government?

I think it is all about information. We have seen other examples where officers are reporting to ministers rather than to the parliament. There are opportunities for the executive of the day, for political reasons, to alter the reports that are passed through and released. That is the kind of interference,

which is quite topical at the moment, that I think makes an excellent case for ensuring the Small Business Commissioner does have freedom of action and can operate unfettered by fears that they will be terminated because the advice they have offered or the activities they have undertaken in the service of small business has irritated the government.

One of the things I have noticed, particularly in the COVID period, is that small business, as the shadow minister has said, has borne the brunt of the COVID disaster that has befallen the world. My electorate and the electorate of Currumbin are perhaps the most exposed to the difficulties of crossing borders, and that has impacted families, communities and small businesses particularly. Many of the impacts on small business in my electorate were imposed as a result of government decisions—government decisions on which I as the local member and, I believe, the member for Currumbin were not consulted. On occasions that could be because there was not enough time and an urgent decision was required, but that was not always the case.

It seems to me that the government does have the ability to impact heavily on small business in terms of decisions it makes and its everyday administration. Small businesses and primary producers complain to me about heavy-handed red tape and about decisions that are absurd or do not appear to be intended by the regulations they are working under, particularly environmental things. An example is the Department of Transport and Main Roads taking too long to approve an overmass or an overwidth permit for someone who needs to move a bulldozer. These things cost business; they cost jobs. I would like to see that the Small Business Commissioner was empowered to hold the blowtorch to the feet of the government to make sure that when small business is disadvantaged by government there is a 'cop on the beat' to do something about that. When we talk about integrity and—

Mr Kelly: How much integrity do you have when you stand up here and make accusations that you have no proof of? How does that—

Mr LISTER: I take that interjection.

Mr Kelly interjected.

Madam DEPUTY SPEAKER (Mrs Gerber): Order, members! There will be no quarrelling across the chamber. You will put your comments through the chair, member for Greenslopes.

Mr LISTER: I take that interjection from the member for Greenslopes. I think it is just common knowledge, common sense. I think anybody with a degree of curiosity would look at the behaviour of the government in recent times and say it is disgraceful.

Mr Kelly interjected.

Madam DEPUTY SPEAKER: Order, members! Member for Greenslopes, cease your interjections.

Mr LISTER: Whether I am interjected upon or not has no bearing upon that.

Mr Kelly interjected.

Madam DEPUTY SPEAKER: Member for Greenslopes, you are warned under the standing orders.

Mr LISTER: The behaviour of the state government has been appalling in relation to the recent revelations about integrity. I go back to the minister's point—

Ms RICHARDS: Madam Deputy Speaker, I rise to a point of order. I say that the member is straying from the title of the bill and I ask that he be brought back to relevance.

Madam DEPUTY SPEAKER: Member, the long title of the bill is quite broad. It is talking about the Small Business Commissioner. I will give the member for Southern Downs the latitude to explain his train of thought and come back to the long title of the bill.

Mr LISTER: The minister raised the examples of other states and the Commonwealth and how they have a mechanism which does not necessarily report straight into the parliament. I have not seen them recently involved in scandalous revelations about the interference in these statutory—

Ms FARMER: Madam Deputy Speaker, I rise to a point of order. The member is impugning my integrity with his comments and I ask him to withdraw. I take personal offence.

Madam DEPUTY SPEAKER: Member, the minister has taken personal offence. I ask that you withdraw.

Mr LISTER: I withdraw. In respect of the example the minister talked about in other states and jurisdictions, they are not facing integrity scandals where officers of this kind have been bullied by the government and have had their role impeded by direction from their superiors.

Ms FARMER: Madam Deputy Speaker, I rise to a point of order. The member with his continuing comments is impugning my integrity.

Madam DEPUTY SPEAKER: That is not a point of order.

Ms FARMER: I ask him to withdraw. I take personal offence.

Ms Boyd interjected.

Madam DEPUTY SPEAKER: Excuse me! Member for Pine Rivers, you can leave the chamber for passing judgement on the Speaker. I am making a ruling. The office of the Speaker is the office that is being held. Do not impugn the comments of the office of the Speaker. You can leave the chamber for an hour, member for Pine Rivers.

Whereupon the honourable member for Pine Rivers withdrew from the chamber at 4.49 pm.

Madam DEPUTY SPEAKER: Minister, I will now hear your point of order.

Ms FARMER: I take personal offence and I ask the member to withdraw his comments.

Madam DEPUTY SPEAKER: Member for Southern Downs, the minister has taken personal offence. Do you withdraw?

Mr LISTER: I withdraw, and I ask the minister to listen very carefully to what I say. I find it very difficult to conceive how she could possibly be taking personal offence at—

Madam DEPUTY SPEAKER: Member for Southern Downs, I will stop you there. Your withdrawal needs to be unconditional.

Mr LISTER: It was unconditional. I withdraw.

Madam DEPUTY SPEAKER: If you would like to continue your contribution, you have one minute and 55 seconds on the clock.

Mr LISTER: Thank you. I would like to continue. I ask the minister to listen very carefully because I certainly will not be impugning her character. The minister has referred to other states and jurisdictions that have a mechanism which may be similar to this for the reporting of the Small Business Commissioner. However, they have not been involved in integrity scandals where officers of this kind have been bullied by the government, had their freedom of action removed from them and been impeded generally in their work.

Ms FARMER: Madam Deputy Speaker, I rise to a point of order. I take personal offence and I ask the member to withdraw.

Madam DEPUTY SPEAKER: Member for Southern Downs, this is essentially the same personal offence that was taken previously. I would ask that you withdraw your statements. If you have a further contribution to make to the long title of the bill, you have one minute and 29 seconds left on the clock.

Mr LISTER: I withdraw. Where there are examples of interference in offices such as the proposed Small Business Commissioner, the State Archivist, the Integrity Commissioner or others we may not yet know about, it says particularly in an instance where there is a suspicion of that occurring—and I think it is more than a suspicion in the case of this government—

Ms FARMER: Madam Deputy Speaker, I rise to a point of order. I take personal offence and I ask the member to withdraw.

Mr MICKELBERG: Madam Deputy Speaker, I rise to a point of order.

Madam DEPUTY SPEAKER: Pause the clock. I will rule on this point of order and then I will hear your point of order, member for Buderim. I, in listening very carefully to the member for Southern Downs then, did not hear a reference to you, Minister. Do you take personal offence?

Ms FARMER: I do.

Madam DEPUTY SPEAKER: Member for Southern Downs, the minister has taken personal offence. Do you withdraw?

Mr LISTER: I withdraw, and I might—

Madam DEPUTY SPEAKER: Member for Southern Downs, there is another point of order. Member for Buderim, what is your point of order?

Mr MICKELBERG: Madam Deputy Speaker, the minister was not mentioned in the member for Southern Downs' contribution.

Ms Fentiman interjected.

Madam DEPUTY SPEAKER: Pause the clock. I will listen to points of order in silence, members. I have just asked the member for Pine Rivers to leave the chamber for interjecting whilst I am listening to a point of order, and I will do the same for all other members.

Mr MICKELBERG: Thank you, Madam Deputy Speaker. I note that last time it was also the Attorney-General interjecting. My point of order—

Madam DEPUTY SPEAKER: Member for Buderim, just state your point of order without preamble.

Mr MICKELBERG: My point of order is that these points of order from the minister are repetitious. The member for Southern Downs has not mentioned the minister in his contribution. In fact, he referred specifically to the government, not to the minister, and to other jurisdictions. I ask that you rule that point of order is repetitious.

Madam DEPUTY SPEAKER: I will take some advice from the Clerk.

Mr KELLY: Madam Deputy Speaker, I rise to a point of order.

Madam DEPUTY SPEAKER: Member for Greenslopes, I will hear your point of order after I take some advice from the Clerk. Member for Buderim, I have made the ruling and the member for Southern Downs has withdrawn his comment. Member for Greenslopes, what is your point of order?

Mr KELLY: Madam Deputy Speaker, you just made a ruling in relation to that matter and immediately the member for Buderim questioned your ruling. I would suggest the member for Buderim is reflecting on the chair.

Madam DEPUTY SPEAKER: Member for Greenslopes, I respectfully take your point of order, but I disagree. Member for Southern Downs, you have the call. You have one minute and eight seconds left on the clock.

Mr LISTER: I say that this government is embroiled in an integrity scandal. There have been odious revelations about the behaviour in respect of—

Ms RICHARDS: Madam Deputy Speaker, I rise to a point of order. Again it is about relevance. He is straying from the long title of the bill and I ask that he be brought back to relevance.

Mr LISTER: Madam Deputy Speaker, I rise to a point of order before you rule if I may seek your guidance.

Madam DEPUTY SPEAKER: Yes, I will give you an opportunity to do that.

Mr LISTER: Regarding what is relevant or not to the bill, I believe I am providing rebuttal to elements of the minister's second reading speech, if you might consider that, please.

Mr KELLY: Madam Deputy Speaker, I rise to a point of order.

Madam DEPUTY SPEAKER: I will rule on that point of order first, member for Greenslopes. Member for Southern Downs, I will ask that you come back to the long title of the bill.

Mr LISTER: In coming back to the long title of the Small Business Commissioner Bill, I say that the Small Business Commissioner needs to be independent of the government. The reason I say that is because this government, this executive, has been embroiled in odious revelations of what I would call misconduct in terms of bullying, interfering with and obstructing officers such as the State Archivist. We have seen revelations which do not go to the credit of the government in relation to their handling of the Integrity Commissioner.

I think my point is a very good one. If those topical and very recent instances demonstrate that having a reporting chain for those officers through the government provides an opportunity for the government to obscure things, to conceal from the parliament and from the people important information and denies freedom of action to those officers, then this Small Business Commissioner needs to report to the parliament.