



Speech By
Robert Skelton

MEMBER FOR NICKLIN

Record of Proceedings, 15 March 2022

SMALL BUSINESS COMMISSIONER BILL

 **Mr SKELTON** (Nicklin—ALP) (4.53 pm): I rise in support of the Small Business Commissioner Bill 2021. Before I go on I would like to thank all of our small businesses during these challenging times. I know many businesses have helped out charity groups and many businesses have stayed open so that people could get their essential services and supplies. I thank all those businesses in my region and across our a great state, and indeed the country, as we struggle with this weather event.

The establishment of a permanent Small Business Commissioner in Queensland supports our state's over 450,000 small businesses. The main objectives of the proposed bill are to enhance the operating environment for small business in Queensland and to reduce the time and cost associated with resolving disputes involving small businesses. The permanent establishment of a Small Business Commissioner and a supporting office are also key initiatives under the Big Plans for Small Businesses Strategy. The Small Business Commissioner Bill 2021 will give effect to the government's commitments. The bill provides a legislative basis for the commissioner's dispute resolution functions relating to retail shop leasing disputes under the Retail Shop Leases Act and to other small business leasing and franchising disputes on an opt-in basis.

We know that dispute resolution can be costly and stressful for small business owners. Prior to the temporary commissioner being appointed, in the past Queensland's small businesses had to negotiate multiple pathways in the dispute resolution process. The government has consulted with Queensland small businesses, with jurisdictions that have existing small business commissioners and with key industry stakeholders in determining the permanent commissioner model. Consultation was conducted with over 2,500 small business owners and industry representatives across Queensland through the Small Business Roadshow. I thank the minister for hosting those in our region. The roadshow included a series of face-to-face and virtual forums and an online survey on the Business Queensland website. The message received from small business and industry is clear: small businesses want one-on-one support that is easy to access. Consultation with other small business commissioners included those in Victoria, New South Wales, South Australia and Western Australia, as well as with the Australian Small Business and Family Enterprise Ombudsman. This was undertaken in March and April 2021 to help inform the permanent commissioner model.

Consultation with a large range of peak bodies occurred from late May to mid-June 2021 and helped inform the permanent commissioner model. Key industry stakeholders contacted in relation to the proposed role and functions of a permanent commissioner consisted of Chamber of Commerce and Industry Queensland; Australian Industry Group; Queensland Hotels Association; National Retailers Association Limited; Franchise Council of Australia; Restaurant and Catering Industry Association; the Pharmacy Guild of Australia, Queensland Branch; Master Builders Australia; Master Grocers Australia; Queensland Social Enterprise Council; Queensland Law Society; Institute of Public Accountants Limited; Australian Retailers Association; Chartered Accountants Australia and New Zealand; and Certified Practising Accountants Australia. As you have just heard, there was a rather extensive consultation list.

Key policy issues raised with stakeholders included the functions and role of the commissioner, the scope of disputes within the commissioner's remit, mediation fees and the definition of small business. Other issues contemplated during consultation included the permanent commissioner's powers and the importance of the permanent commissioner's independence. Stakeholders were unanimous in their support for the permanent establishment of the commissioner and were generally supportive of the elements of the proposed approach, noting comments in the following area: through the permanent commissioner's office, Queensland small businesses will have a clearly identifiable single point of contact in Queensland to provide advice and assistance to help them understand their options in a dispute. One of these options will be mediation for retail shop leasing, other small business leasing and franchising disputes. The commissioner's office will also be able to provide initial advice and information to small businesses about any type of dispute and connect them to relevant assistance and support. Queensland's small businesses will have a permanent, one-stop shop for tailored small business advice here in Queensland.

The temporary commissioner's office has fielded thousands of requests for assistance and has helped to successfully navigate tenants and landlords through leasing disputes. Under permanent arrangements, tenants and landlords in retail shop leases will have a clear and easy process for connecting and finding solutions before progressing to the Queensland Civil and Administrative Tribunal or the courts if required. Where parties to a small business dispute about things other than small business leasing or franchising want to try mediation then that will also be offered by the commissioner, in addition to a range of informal resolution options to resolve disputes.

The bill will allow the Queensland government to permanently establish the Small Business Commissioner role to deliver small business engagement and support, including advocacy and dispute resolution support. The bill also provides for other important aspects relating to the Small Business Commissioner, including a ministerial statement of expectations, ministerial directions, reporting requirements, terms of office and arrangements where a vacancy occurs. The commissioner will also work with the Office of Productivity and Red Tape Reduction to continue to deliver small business regulatory reform in Queensland.

Having a permanent Small Business Commissioner brings Queensland into step with every other mainland state in Australia and has been a terrific initiative by the Palaszczuk Labor government. I thank the minister, the department and all of the stakeholders that made a contribution towards the establishment of this role. I also thank the committee secretariat and Hansard for doing what they do in taking all the submissions and so on. They are amazing. We will continue to listen to the over 450,000 small businesses that make Queensland the place to do business. With that in mind, I commend the bill to the House.