

SMALL BUSINESS COMMISSIONER BILL 2021

*Submission to the Education, Employment
and Training Committee*

October 2021

Introduction

The Chamber of Commerce and Industry Queensland (‘CCIQ’) welcomes the opportunity to make a submission to the Education, Employment and Training Committee on the Small Business Commissioner Bill 2021 (‘the Bill’). CCIQ acknowledges the importance of this piece of legislation and the introduction of a permanent role for the Queensland Small Business Commissioner (‘QSBC’).

CCIQ is Queensland’s peak industry representative organisation for small and medium-sized enterprises (‘SMEs’). We represent over 448,000 Queensland SMEs who employ over 66% of Queenslanders working in the private sector. CCIQ works with a regional chamber network across Queensland to develop and advocate for policies that are in the best interest of Queensland businesses, the Queensland economy, and the Queensland community.

CCIQ has been active in discussions on the Bill and has had discussions with the Small Business Commissioner on what we believe the function, scope and role of the position is.

Sentiment from Consultation

CCIQ is appreciative of the proactive approach that was taken to consult with us and other peak bodies on the Bill prior to its introduction into parliament. During these discussions it was our view that:

1. The QSBC has been a valuable resource for businesses particularly in response to COVID related matters. CCIQ congratulates the office of the QSBC for the contribution of significant support provided to Queensland businesses throughout the COVID-19 pandemic. Continuation of this support is a great asset.
2. In establishing permanent functions and powers of the QSBC, CCIQ asserts that advice from the office of the QSBC is not and should not be a proxy as the voice of small business in the development of government strategy and policy. Rather, there remains a critical role for consultation with business and the peak bodies who represent their interests.

Role of the Small Business Commissioner

The QSBC and supporting office were introduced as a temporary measure in response to the COVID-19 pandemic to provide expanded advocacy functions and dispute resolution support for small businesses, including mediation for commercial leasing disputes. The role of the QSBC is to advocate, enable and empower small businesses to improve productivity and help drive economic growth in Queensland.

These objects largely reflect the mission and vision of industry bodies like CCIQ to ensure that Queensland’s operating conditions are the best to do business in Australia.

Functions of the Commissioner

CCIQ questions the scope of the commissioner’s functions, in particular under s6(e):

To advocate on behalf of small businesses to—

- (i) the State, the Commonwealth, another State or a local government; or
- (ii) any other entity involved in administering a matter relevant to small businesses

CCIQ asserts that the functions of the office of the QSBC should appropriately remain as:

- an advocate of small business within and across government,
- (for the purpose of) progressing regulatory reform functions, policy and strategy development on areas impacting business,
- providing information and advisory services related to government programs, grants and engagement including dispute resolution services.

The business sector in Queensland has well established industry stakeholder groups representing the interests of business. The greatest opportunity for a QSBC role to achieve its objects is to work with industry groups in progressing policy and strategy across the whole-of-government. As an advocate for business within government this role can complement the work of established industry bodies and associations to progress policy outcomes.

The QSBC should not be a proxy for business interests in the development of government strategies and policy. Rather, there remains a critical role for consultation with business and the industry organisations, peak bodies and chambers of commerce who represent their interests.

The role and functions of the QSBC and the Department of Employment, Small Business and Training will require more clarity and coordination, particularly when engaging with industry to remove any duplicative processes, information sharing and consultations.

Mediation Fees

No or low fees should be charged. There is a need to provide cost-effective mediation services so that small businesses have an avenue to resolve these disputes without excessive time or cost burdens. CCIQ agrees that vexatious claims should be limited and if charging a small fee will help that we will support this. Limiting vexatious claims ensures this service will not be inundated with unsubstantiated claims, which could result in long wait times for a dispute to be heard.

Small Business Definition

CCIQ asserts that there is little value in excluding businesses which may sit outside of the definition of small business, such as up to 20 employees. Therefore, we believe that the commissioner should have the discretion to allow for a more flexible definition that takes into consideration the structure, scope, and size of the business. This will allow businesses the ability to access the small business commissioner's services.

The Exchanging of Information

Under the Bill the commissioner may enter into agreements with a relevant agency for the purpose of sharing information. This includes confidential information so long as it is in performance of a function under this Act.

It is important that the Small Business Commissioner informs businesses who disclose sensitive or confidential information that they are able to share this information with other government agencies. This information should always require consent from businesses as disclosure of their business may lead to adverse consequences.

Where we see greater potential for this role

The role of Small Business Commissioner could be expanded to include the following functions that could better assist small businesses in Queensland.

During COVID-19, Queensland saw a strong need for a Cross-Border Commissioner with many issues hitting our border towns. Having the Small Business Commissioner also deal with small business border issues would promote better economic conditions for towns that live near the borders of New South Wales, South Australia, and the Northern Territory.

The Cross-Border Commissioner advocates on issues impacting cross-border communities, businesses, and organisations. This would allow for equitable access and opportunities, and seamless service delivery across local, state, and federal governments for businesses in these communities.

Conclusion

CCIQ would like to thank the Education, Employment and Training Committee for the opportunity to make a submission on the Small Business Commissioner Bill 2021. If there are any questions in relation to the submission, please contact Luisa Baucia (Policy Advisor) at lbaucia@cciq.com.au.