



Speech by


**Jann Stuckey**

**MEMBER FOR CURRUMBIN**

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## **BUSINESS NAMES (COMMONWEALTH POWERS) BILL**

 **Mrs STUCKEY** (Currumbin—LNP) (5.31 pm): I rise to join this debate on the Business Names (Commonwealth Powers) Bill in my capacity as shadow minister for tourism, manufacturing and small business. This bill was introduced by the Attorney-General, the Minister for Local Government and Special Minister of State on 21 August this year and was referred to the Legal Affairs, Police, Corrective Services and Emergency Services Committee for examination and report. The committee handed down its report on 4 October, recommending that the bill be passed with a couple of amendments. I would like to place on the *Hansard* record that I am a co-director of a small business based a few metres inside the Queensland and New South Wales border.

The objectives of the bill are to refer legislative power to the Commonwealth parliament to enable it to legislate for the registration and regulation of business names; repeal existing Queensland business names legislation; facilitate the migration of business names registration data to the Australian government—namely, the Australian Securities and Investments Commission—and provide transitional and consequential amendment provisions. We have heard from the honourable member for Kawana, the shadow Attorney-General, who gave in his usual manner a very thorough and well-articulated debate on this bill. The honourable member highlighted the concerns that the LNP has with aspects of this legislation because, after all, we understand on this side of the House what makes small business tick.

This bill will allow businesses to register their business names nationally and online from any jurisdiction and facilitates an agreement by the Council of Australian Governments, or COAG. The Queensland Chamber of Commerce and Industry through the Australian Chamber of Commerce and Industry provided input into the Australian business number and business names registration project that was run by the office of small business in the department of industry, tourism and resources back in 2007. A brief summary of this representation was that the chamber and members were supportive of the initiative given the reduction in regulatory compliance burden associated with businesses operating in more than one state. Accordingly, CCIQ is supportive of the Business Names (Commonwealth Powers) Bill 2011.

The intent of the bill is generally supported by businesses across the state. Notwithstanding that, this legislation was four years in the making. Business commentators have noted that it is simply not good enough that two tiers of Labor governments have taken this long to get their act together and provide a streamlined system to assist the business community which has taken hit after hit from an economic downturn and a long-term Labor government obsessed with taxing them to the hilt. Then, after taking all this time, the government decided to push this bill through in a hurry.

In their submission to the committee, the Queensland Law Society offered their overall support for a national business name register but did raise a number of issues. One such issue is the lack of certainty surrounding duplicated business names on the national register—a problem that will no doubt affect many businesses across the nation. For ‘nearly identical names’ and ‘undesirable names’ the Queensland Law Society states—

Our concern arising from this issue is that there will be instances where the same business names are registered in different states prior to the commencement of the national system and the law is not clear around what happens when the data is transferred to the national system.

I understand that the nearly identical or the identical names issue has been addressed as businesses will bear the state they reside in listed after their business name.

The Queensland government boasts about its support for small business through the GFC and the recent natural disasters. But, as the shadow minister for small business, I am hearing the opposite from frustrated and struggling small business owners as I travel across our great state—many of whom are at a loss, with nowhere to turn for assistance. The LNP is circulating a small business questionnaire to encourage businesses in all industries to tell it what red tape and regulations they find are inhibiting them the most. Unlike Labor, Campbell Newman and the LNP are open to consultation and we want to hear firsthand from the people who have to live with the legislation and regulations that governments impose on them. We acknowledge the need for some regulation, but 87,000 pages or so—10 per cent more than any other Australian state—is just not on.

At a time when small businesses are being squeezed dry by this government with costs for basic items soaring—electricity, fuel, car registration, a waste levy and the carbon tax—being able to save money through the registration of a business name offers some comfort in an otherwise tough climate. A quick search of the government's grant and financial assistance directory does not inspire much hope among the business community that Labor is supportive of them or understands the enormous difficulties they face to survive. The stalled response by the Bligh government to provide any assistance to businesses directly impacted by the January floods was shameful, but to ignore those indirectly affected was downright despicable and a true reflection of how this government has treated our small sector for the last decade and beyond.

In the 2009-10 financial year, 1,894 companies entered into external administration compared to 1,806 in the 2008-09 financial year. These are companies with business names. For the 10 months to April 2011, 1,532 companies have entered into external administration. These figures relate to all business sizes, not only small business. Small business numbers—defined by the ABS as having between zero to 19 employees—by Queensland region at June 2007 totalled 56,919. But in 2009 that figure had fallen to 56,385, which would indicate a loss of over 400 businesses and goodness knows how many jobs during that period.

According to the Attorney-General's second reading speech, approximately 40,574 new business names are registered in Queensland annually. The register presently holds approximately 261,000 business names in total. Current registration costs for Queensland businesses are \$133.60 for one year and \$255.60 for three years. Not surprisingly, Queensland's registration cost is the most expensive of any state or territory in Australia. This Labor government has a predictable habit of gouging small businesses and drowning them in regulations, whereas Campbell Newman and the LNP have made a solid commitment to cutting red tape.

Under the new national system, the cost will be \$30 for one year and \$70 for three years—a considerable reduction that will surely be welcomed by every business in our state. However, as my LNP colleague the shadow Attorney-General has warned, you are foolish to trust federal Labor. Just look at their track record and broken promises. The carbon tax is a perfect example of blatant untruths peddled by a Prime Minister desperate to win power. There is a very real possibility that the Commonwealth government will increase business registration costs to an unlimited amount in the future, which would deliver yet another kick in the guts to already burdened business owners.

Generally speaking, the provisions of this bill will be welcome news for businesses operating in cross-border jurisdictions including in my own electorate, which is home to the border towns of Coolangatta and the Tweed, as well as businesses operating across multiple states in Australia. Under the new legislation, such businesses will no longer need to register their business name in each state and have to meet the costs of additional registration—if we are to trust the federal government does not raise these fees.

I look forward to hearing the reply from the minister in regard to concerns that were outlined by the LNP and particularly those raised by the shadow Attorney-General, the honourable member for Kawana. As I have said before, the LNP understands what makes small business tick. Labor, on the other hand, has choked them. Small business is the backbone of our economy. Under Campbell Newman and the LNP we will nurture and assist these small businesses in our great state, not choke them and gouge them further.