

~~I know there is an enormous sense of relief at having the hall completely restored, particularly as the hall pays homage to those local men and women who made the ultimate sacrifice in the service of their country. The rebuilt hall will be able to sustain another severe cyclone; it will also be able to be used as an evacuation centre and to direct local area emergency activities.~~

~~I congratulate the Cairns Regional Council, the Queensland branch of the RSL and the Babinda community for their tireless efforts on this project. Scores of Babinda residents have photos of time spent at harvest festival balls, debutante balls and other events. Now that tradition can continue and a whole new generation will make their own memories in years to come. This facility is a fitting way to remember the power of nature, the heroes who came to the community's rescue and the resilience of the people of Babinda. Generosity of spirit built the first hall. Nature tore it down. It is fitting that that same spirit of community was responsible for building it again.~~

### ~~Calliope Conveyance Bus Committee~~

~~**Mrs CUNNINGHAM** (Gladstone—Ind) (12.02 pm): The Calliope Conveyance Bus Committee has been providing a bus service for Calliope high school students to attend Tannum Sands State High School for seven years. The service is totally funded by the parents of each student. The committee hires a bus from Buslink Gladstone at a cost of \$280 a day, with approximately 32 students using this service over the week. Some students only use the service on certain days of the week, depending on their timetable with school and their NRG program.~~

~~The committee's situation at this point in time is grim, as the committee is currently running at a loss of \$50 per day. With the funds that have been accrued, the committee will get through until early in the second semester. Currently, the committee charges each student \$10 per day for travel, but it realistically needs to charge each student \$13.50 to cover the costs. For each student who pulls out of the service, the cost will rise by 50c per day. This would become unaffordable for many families as the cost would be \$67.50 per week or more if a family had two children attending the high school. The committee had a meeting on 2 March and many families said that if the price went up to \$13.50 a day they would have to take their children out of Tannum and send them to Gladstone State High School.~~

~~The committee acknowledges that this is a school of choice decision, and it is happy to provide the cost of transport but it is looking for a subsidy. The Tannum Sands State High School is 4.1 kilometres further from Calliope State School than Gladstone State High School. There is a bus that collects children along the Ten Chain. The committee would like some recognition and would like the potential cost of sending the students to Gladstone State High School apportioned to the committee so as to be able to defray some of the costs of transporting these 32 students and one would hope that number would increase to Tannum Sands State High School. I will be writing to the minister in relation to this matter.~~

~~**Mr DEPUTY SPEAKER** (Mr O'Brien): The time for private members' statements has expired.~~

## **PROPERTY AGENTS AND MOTOR DEALERS AND OTHER LEGISLATION AMENDMENT BILL**

### **First Reading**

**Hon. PJ LAWLOR** (Southport—ALP) (Minister for Tourism and Fair Trading) (12.05 pm): I present a bill for an act to amend the Property Agents and Motor Dealers Act 2000, the Body Corporate and Community Management Act 1997 and the Property Agents and Motor Dealers Regulation 2001 for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

*Tabled paper:* Property Agents and Motor Dealers and Other Legislation Amendment Bill.

*Tabled paper:* Property Agents and Motor Dealers and Other Legislation Amendment Bill, explanatory notes.

### **Second Reading**

**Hon. PJ LAWLOR** (Southport—ALP) (Minister for Tourism and Fair Trading) (12.05 pm): I move—

That the bill be now read a second time.

The primary reason for this bill is to make changes to the Property Agents and Motor Dealers Act 2000 and the Body Corporate and Community Management Act 1997 that this government has agreed to following a review of the Property Agents and Motor Dealers Act 2000 by the former Service Delivery

and Performance Commission. This bill makes a number of amendments, particularly to chapter 11 of the Property Agents and Motor Dealers Act 2000. I shall refer to that act as PAMDA from here on for ease of reference. The amendments to PAMDA are to clarify and simplify the processes for the presentation and delivery of proposed residential property contracts when a real estate agent or seller gives the proposed contract to the buyer.

The present provisions of chapter 11 of PAMDA allow buyers to avoid contracts for even minor or technical breaches or noncompliance with the requirements of the chapter relating to the delivery of proposed contracts. In the current act, this can be as minor a breach as faxing pages in the wrong order inadvertently.

Chapter 11 of PAMDA is being amended to remove prescriptive requirements for presentation and delivery of proposed residential property contracts to potential buyers. However, this is being done without losing the important consumer protection afforded by the warning statement. The information in the warning statement includes the application of a cooling-off period and a strong encouragement to the purchaser to seek both independent legal advice on the proposed contract and an independent valuation on the property to be purchased.

The seller, or their agent, will be required to give a clear statement to the buyer, either in writing or verbally, directing the buyer to the warning statement and the proposed relevant contract. The buyer must sign the warning statement before the contract is signed, acknowledging that they have read and understood the information contained in the warning statement. Under the amendments to PAMDA, it will be an offence for a seller to not attach a warning statement to a proposed contract and will attract a maximum penalty of 200 units.

Under the bill, the buyer has the right to terminate a contract if the seller or their agent failed to give a clear statement to the buyer directing their attention to the warning statement and proposed contract at the time of giving the proposed relevant contract to the buyer. The bill deems that if the warning statement is not attached to the proposed contract then a clear statement has not been given. The buyer has 90 days, or up to the date of settlement, whichever comes sooner, to exercise their right to terminate under these provisions. However, if the buyer has signed the warning statement they are considered to have had their attention drawn to it and therefore no longer have a right to terminate for a failure to give a clear statement.

Provisions for a cooling-off period and ensuring the independence of lawyers acting for buyers are unchanged. The bill also retains the termination right during the cooling-off period.

Transitional provisions are included in the bill to deal with existing contracts which will not have settled at the time of commencement of the bill. The transitional provisions also establish that buyers with preamendment contracts which have not settled at commencement have the same rights for termination as postcommencement buyers. That is, the buyer may only terminate after commencement of the bill if the seller or seller's agent has failed to draw the buyer's attention to the warning statement, or information sheet if for a unit sale, and contract documents and this right exists up until settlement of the contract, capped at a 90-day maximum. Preamendment rights to terminate for so-called technical breaches, for example a failure to observe the prescriptive order of delivery of the documents, will cease on commencement. What this achieves is a balancing of rights more equitably between buyers and sellers. Sellers are now provided with more certainty and buyers still have sufficient time for termination.

The bill consequently makes parallel amendments to the Body Corporate and Community Management Act 1997 as they relate to the requirement to provide an information sheet about body corporate matters to potential buyers, to reflect the changes in chapter 11 of PAMDA.

017 The bill also makes other amendments to PAMDA to implement Service Delivery and Performance Commission recommendations agreed to by the government which introduce red-tape reduction measures. The amendments remove the requirement for an applicant for a resident letting agent's licence to have obtained body corporate approval at the time of application, allowing them to apply for and receive advice of their eligibility and suitability for the licence before committing to purchasing a letting rights agreement. The bill removes requirements for a motor dealer to provide proof of local authority approval for the business premises. The bill removes the requirement for a registered employee to notify their employer's name to the chief executive. The bill also removes the requirement for licensees to give each employee an employment authority. Finally, the bill removes the requirement for notification of an intention to open a trust account while retaining the requirement to notify details of the account once opened.

The provisions of the bill will commence on 1 October 2010, irrespective of when the bill is finally passed, providing ample time for all parties to familiarise themselves with these changes and, if necessary, seek advice on their particular circumstances. I commend the Bill to the House.

Debate, on motion of Mr Stevens, adjourned.