

~~administering skills and workforce development strategies. However, these activities will be informed, and well informed I believe, by Skills Queensland.~~

~~I turn now to the College of Teachers legislation. The bill amends provisions relating to teachers who are convicted of disqualifying offences. Currently, the college must cancel the registration of an approved teacher convicted of a disqualifying offence after 1 January 2006 who is sentenced to imprisonment. That teacher then becomes an excluded person and cannot apply for teacher registration. The teacher cannot appeal the decision to cancel registration.~~

~~However, where in a limited number of cases a teacher surrenders their registration before they were convicted of a disqualifying offence and sentenced to an imprisonment order, the person is currently able to reapply to the Queensland College of Teachers for registration. The bill will address this by amending the definition of excluded person to include persons who previously held teacher registration or permission to teach who are convicted of a disqualifying offence after 1 January 2006 and sentenced to an imprisonment order. This means that, even if the person surrendered their registration prior to their conviction for a disqualifying offence, they will be excluded from ever again applying for teacher registration.~~

~~The bill will also ensure that the college is notified of the outcome of all investigations started by employing authorities involving an allegation of harm caused or likely to be caused to a child because of the conduct of a teacher. Currently, the employing authority is required to notify the college when it commences this type of investigation and then notify the college if the teacher is dismissed after the investigation or resigns during or after the investigation.~~

~~However, the employing authority is not strictly required to notify the college of the outcome of every commenced investigation for example, if the investigation does not result in the teacher's dismissal or resignation. This bill amends the act to clarify that, if an employing authority is required to notify the college that an investigation has commenced, it must also then notify the college of the outcome of that investigation. This will ensure that the college is kept well informed about all investigations and can instigate its own investigation or take disciplinary action against the teacher if appropriate.~~

~~The bill also amends the act to make minor and technical consequential amendments arising out of the amendments to the act in the Criminal History Screening Legislation Amendment Act 2010. The amendments are supported by the three education sectors. I commend the bill to the House.~~

~~Debate, on motion of Mr Nicholls, adjourned.~~

FAIR TRADING (AUSTRALIAN CONSUMER LAW) AMENDMENT BILL

First Reading

Hon. PJ LAWLOR (Southport—ALP) (Minister for Tourism and Fair Trading) (12.42 pm): I present a bill for an act to amend the Fair Trading Act 1989 to apply the Australian Consumer Law of the Commonwealth as a law of Queensland and for other particular purposes, to make consequential amendments to the acts stated in the schedule, and to amend the Security Providers Act 1993 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: Fair Trading (Australian Consumer Law) Amendment Bill.

Tabled paper: Fair Trading (Australian Consumer Law) Amendment Bill, explanatory notes.

Second Reading

Hon. PJ LAWLOR (Southport—ALP) (Minister for Tourism and Fair Trading) (12.43 pm): I move—

That the bill be now read a second time.

In 2008, the Productivity Commission published a comprehensive review of Australia's consumer policy framework. This review found that Australia had a sound consumer policy and product safety system but highlighted areas in which regulation could be substantially improved.

The shape of the current consumer policy reforms were agreed in broad terms by COAG in October 2008, and further defined through a national cooperative process engaging the Ministerial Council on Consumer Affairs and officials groups from all jurisdictions. The resulting Australian Consumer Law, or ACL, represents the most significant overhaul of Australia's consumer laws in 25 years.

The ACL is founded on a well-established core of consumer provisions from the Trade Practices Act 1974. In addition, the ACL captures best practice approaches to consumer protection by drawing on some of the beneficial consumer provisions that have been independently developed by the states and territories. The ACL will provide to all Australians, consumers and businesses alike, the benefits of a national product safety system. Finally, the ACL adopts some aspects of consumer protection entirely new to Australian consumer law, such as the consumer guarantees system.

In a practical sense, the bill applies the ACL as Queensland law through amendments to the Fair Trading Act 1989 and consequential amendments to related acts. The Commonwealth Trade Practices Act will be renamed the Competition and Consumer Act—a name which is much more accessible and reflects the focus of Australia's main law which regulates markets.

The implementation of the ACL is a key element of COAG's seamless national economy reform agenda. Under the terms of the National Partnership Agreement to Deliver a Seamless National Economy, the Commonwealth and all states and territories have agreed to apply the ACL by 1 January 2011. From 1 January, Queensland and Australian consumers will enjoy the benefits of consistent rights wherever they live, and Queensland businesses will obtain greater efficiencies through a single, simplified national law. The ACL will cover a greater range of consumer transactions and provide a broader range of protections than currently provided through the existing Fair Trading Act.

Key features of the ACL include new unfair contract terms provisions, which will allow consumers to challenge potentially unfair terms in contracts and allow the courts to declare unfair terms of contracts to be void. The new consumer guarantees will replace the system of statutory implied conditions and warranties, which is generally not well understood by either consumers or businesses. The consumer guarantees provisions will provide consumers with clearer guidance about their rights to redress when problems occur. They will also make business obligations clearer.

The ACL's unsolicited consumer agreement provisions are largely based upon the Bligh government's family friendly trading hours as a best practice provision. The law contains express supplier obligations about the way in which consumers are approached and about the making of agreements, including permitted visiting hours, disclosing the purpose and identity of the supplier, and duties imposed on suppliers to leave premises on request and inform a consumer of their rights to terminate the agreement.

The law prohibits misleading or deceptive conduct and includes provisions prohibiting people who are operating in trade or commerce from engaging in unconscionable conduct towards consumers or businesses. These prohibitions will operate on the same basis as those currently in the Trade Practices Act.

The law will also deliver an improved product safety regime for Queenslanders for consumer goods and product related services. While the Commonwealth government will assume responsibility for implementing permanent bans and safety standards on consumer goods and product related services nationally, states and territories will retain their power to issue interim bans for consumer goods and product related services.

States and territories will also be able to propose permanent bans and new standards if they encounter problems with particular consumer goods and product related services. This new approach will bring more certainty for business and consumers about product safety laws in Australia.

The law also provides for a slightly broader definition of a consumer to that currently in Queensland's Fair Trading Act. It will provide better cover for consumers purchasing goods not typically used for domestic or household purposes and for some business purchases. The ACL also provides regulators with a broader range of enforcement tools, with potentially higher financial penalties compared to those provided by the Fair Trading Act, enabling a range of proportionate responses to breaches of the law.

The Australian Consumer Law will strengthen and broaden consumer protection for all Queenslanders. It introduces reforms that will significantly reduce regulatory complexity for businesses and takes Australia further towards a seamless national economy across an increasingly national marketplace.

The bill will also implement a July 2008 COAG agreement to adopt a nationally consistent approach to the regulation of the private security industry. As part of these reforms, Queensland agreed to introduce mandatory fingerprinting of security providers to improve identity and probity checking. The security industry can be infiltrated by criminal elements, as evidenced through investigations and reports recently completed by the Australian Crime Commission and the New South Wales Independent Commission Against Corruption.

Fingerprinting improves the initial identification of licensees and has an important role to play in improving probity checks because a more thorough criminal history check can be obtained on licence applicants. Ongoing probity, for the duration of a licence, is also improved as fingerprints can be checked against 'latent' prints left at crime scenes.

The amendments will require applicants for a security provider licence to consent to having their fingerprints taken prior to the chief executive issuing a licence. The legislation will also provide for the chief executive to require all current licence holders to be fingerprinted before renewal of their licence.

The amendments aim to minimise the impact on the privacy of security providers while recognising that security providers occupy positions of trust and are responsible for public safety and the protection of property. The act will also be amended to include terrorism offences in the list of disqualifying offences regardless of where such offences are committed.

The introduction of more stringent identity and probity checks will help build a safer community and better harmonise Australia's security provider laws. I commend the bill to the House.

Debate, on motion of Mr Nicholls, adjourned.

021

~~MOTOR ACCIDENT INSURANCE AND OTHER LEGISLATION AMENDMENT BILL~~

~~Second Reading~~

~~Resumed from 5 August (see p. 2519), on motion of Mr Fraser~~

~~That the bill be now read a second time.~~

~~**Mr NICHOLLS** (Clayfield LNP) (12.50 pm): The Motor Accident Insurance and Other Legislation Amendment Bill principally amends three acts. For some of my colleagues, and I am not sure about the Treasurer's side, this piece of legislation takes the eye-glazing award of the year. I will certainly try to make it not quite as bad as it would otherwise seem. I want to deal with three major parts of the legislation in turn. The first relates to the Motor Accident Insurance Act.~~

~~**Mr Fraser:** You want this job.~~

~~**Mr NICHOLLS:** But it would be more exciting if I were doing it.~~

~~**Mr Fraser:** Do your best.~~

~~**Mr NICHOLLS:** I am going to. Just hang on; you are getting a bit previous. The Motor Accident Insurance Act~~

~~**Mr Wilson** interjected.~~

~~**Mr SPEAKER:** Order! The member for the Clayfield has the call.~~

~~**Mr NICHOLLS:** I will get the Minister for Education's note. I did not want to forget that. I have got him.~~

~~The changes to the Motor Accident Insurance Act are designed to implement the announcement made by the Treasurer at budget time to ban commissions and inducements paid to third parties. This, we are told, will save motorists in Queensland the grand total of between \$20 and \$24.~~

~~**Mr Wettenhall:** Every dollar counts.~~

~~**Mr NICHOLLS:** As the member for Barron River says, every dollar counts. That is certainly the case with this government as it scrimps and scrounges for every dollar and increases taxes mercilessly as it tries to find every dollar in order to get some control of its budget which, I can remind the member for Barron River, is going to be in deficit to the tune of \$1.4 billion this year and will be in deficit each and every year over the forward estimates of the budget totalling something like \$6.4 billion. As they tax the people of Queensland more and more, the scrimping and scrounging goes on on the Labor side of this House.~~

~~The Treasurer dressed up this change as some sort of miraculous announcement stemming from a deep seated desire on the part of the parliamentary members of the Australian Labor Party to make motoring more affordable for Queensland motorists. What is more, he dressed it up in all the finery of a budget announcement as if it were some sort of magnanimous gesture that comes at the cost of government revenue almost as though it were a tax cut. The Treasurer and the Labor Party expect that Queensland motorists will thank them and this government for their generosity.~~

~~We know that, despite the Treasurer's efforts to dress it up otherwise, this concession does not come at any cost to the revenue base of Queensland. It is not some form of tax relief able to be met from the abundance and good management of the Queensland exchequer by the Treasurer. We know, Queensland motorists, more importantly, know and Queensland businesses also know that it is another dodge by an increasingly dodgy government. We also know that this Bligh Labor government has not simply abandoned the Queensland motorists; it has actively pursued a policy to drive them into penury and to make motoring almost unaffordable for the average Queenslanders.~~

~~Motor vehicle charges and costs affect nearly all Queenslanders. In our decentralised state with its vast distances, motor vehicle costs and charges take on an added importance. They are not a luxury. Quite simply, Queenslanders have to travel further to work, to play, to get to school, to get to the doctor,~~