

~~in regard to not just their reporting requirements but the things that they are required to take into account in the calculations that they do, one cannot avoid the conclusion that every person in Queensland should be aware of, that every person in South East Queensland more particularly should be aware of, and that is that it is the state Labor government that has sat on the government benches in this parliament for the last 12 months that is wholly and solely responsible for those water price increases just as they are wholly and solely responsible for the power price increases which together are causing a crisis for so many Queensland families in respect to their cost of living.~~

~~As I said, the shadow Treasurer and the member for Clayfield will deal with the issue in more detail but in the remaining time I wanted to move on to the other major part of the bill that deals with the amendments to the Wild Rivers Act. The provisions in the Wild Rivers Act and the provisions in this bill that seek to amend the Wild Rivers Act seek to allow the declaration of the rivers in the Ayr Basin as wild rivers. This wild rivers legislation has also had a long history in this parliament. I wanted to again say at the start of the consideration of the amendments in this bill, as I have said many times and something that is self-evident to everybody who has followed this wild rivers saga for a number of years, that the wild rivers legislation has nothing to do with rivers. The wild rivers legislation has nothing to do with any river anywhere. The wild rivers legislation has nothing to do with protecting anything. It has nothing to do with protecting anything. It has nothing to do with protecting any environmental values anywhere. The wild rivers legislation is about political cynicism. It is a political piece of legislation.~~

~~Government members interjected.~~

~~Mr SEENEY: It is now and it always has been and it always will be. It is all about politics. It is all about political preferences. It is all about cynical political deals and it is all about~~

~~Madam DEPUTY SPEAKER (Ms O'Neill): Order! Member for Callide, would the House come to order. There is only a moment to go, control yourselves.~~

~~Mr SEENEY: As I was saying, the wild rivers legislation has nothing to do with rivers. It has nothing to do with environmental values. It has nothing to do with protecting anything; all it has to do with is political deals to get political incompetents re-elected to this parliament. That is what it has been about from day one. Many of the political incompetents who sit on that side of the House know full well~~

~~Mr DEPUTY SPEAKER: Member for Callide, order! It is one o'clock. The House will resume at 2.30. You have three minutes to go.~~

~~Sitting suspended from 1.00 pm to 2.30 pm.~~

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

022

PROPERTY AGENTS BILL

First Reading

Hon. PJ LAWLOR (Southport—ALP) (Minister for Tourism and Fair Trading) (2.30 pm): I present a bill for an act to comprehensively provide for the regulation of the activities, licensing and conduct of property agents and their employees and to protect consumers against particular undesirable practices, and to make minor and consequential amendments of the Body Corporate and Community Management Act 1997, the Building Act 1975, the Building Units and Group Titles Act 1980, the Integrated Resort Development Act 1987, the Land Sales Act 1984, the Legal Profession Act 2007, the Personal Property Securities (Ancillary Provisions) Act 2010, the Retirement Villages Act 1999, the Sanctuary Cove Resort Act 1985, the Second-hand Dealers and Pawnbrokers Act 2003 and the South Bank Corporation Act 1989 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 Bill.

Tabled paper: Property Agents Bill, explanatory notes.

Second Reading

Hon. PJ LAWLOR (Southport—ALP) (Minister for Tourism and Fair Trading) (2.30 pm): I move—

That the bill be now read a second time.

It gives me great pleasure to introduce the Property Agents Bill 2010. This is the first of four bills I am introducing, which represent the culmination of reforms stemming from the 2008 review of the Property Agents and Motor Dealers Act 2000, known as PAMDA, by the former Service Delivery and Performance Commission, or SDPC. The primary purpose of the review was reducing compliance costs

for the industries regulated under PAMDA, while still maintaining consumer protection. This suite of legislation will repeal PAMDA and introduce a new legislative regime implementing the recommended reforms resulting from the SDPC review.

Members will remember that the first part of the SDPC recommended reforms, contained in the Property Agents and Motor Dealers and Other Legislation Bill 2010, were recently passed and commenced on 1 October 2010. Those reforms, which were supported by the property industry, implemented the SDPC recommendation to simplify chapter 11 of PAMDA in relation to residential property sales and the giving of residential property contracts. Now, this separation of PAMDA into three industry-specific bills and the Agents Financial Administration Bill implements the major reform recommendation of the SDPC.

PAMDA currently provides for the licensing and regulation of real estate agents, resident letting agents, pastoral houses, property developers, motor dealers, auctioneers and commercial agents. It is an act that regulates agents involved in the most significant financial transactions most consumers will engage in, such as the purchase of a house or car. At its core, the act is concerned with protecting the rights and interests of consumers in these transactions, but it is also concerned with appropriately regulating the conduct and probity of licensees in those transactions without overly burdening industry. This is a tricky balance to get right, particularly in industry sectors that are as dynamic as real estate, and we acknowledge that legislation needs to be reviewed and updated as the marketplace evolves and changes.

The industries currently regulated under PAMDA are to be regulated separately under three industry-specific bills. These industries are: property agents, property auctioneers and resident letting agents; motor dealers and chattel auctioneers; and commercial agents, who include debt collectors and process servers.

Industry stakeholders provided feedback during the SDPC review that a split of PAMDA into industry-specific acts was warranted. Therefore, the bills to implement the SDPC recommended reform have industry-wide support.

The bills maintain the substance and legislative intent of the current regulatory regime. However, now they also provide each of the regulated industries with a regulatory focus targeted to the specific activities of each industry. This means future legislative reforms can be more responsive to marketplace changes and facilitate the government's commitment to further regulatory simplification.

The creation of a property agent licence will facilitate the transition to the Council of Australian Governments' agreed National Occupational Licensing System for property agents, which is anticipated to commence in July 2012. National licensing for property agents will remove overlapping and inconsistent regulation between jurisdictions and allow property agents to work in any Australian jurisdiction without any additional licensing costs. The Property Agents Bill 2010 has been drafted to ensure that this transition is as seamless as possible.

Consistent with the SDPC's recommendations, the Property Agents Bill will maintain the substance and legislative intention of the current regulatory regime while amalgamating the licensed activities of real estate agents, real estate auctioneers and pastoral houses into a single category of property agent licence, and retaining the resident letting agent licence.

While the Property Agents Bill mostly replicates the provisions in PAMDA, in order to facilitate national licensing for property agents, two licence categories differ from those under PAMDA. Currently, an auctioneer can auction both real property and chattels. It is expected that the proposed national property agent licence will capture both the activities of real estate agents and real property auctioneers. In preparation for this, the property agent licence under the Property Agents Bill permits the licence holder to carry out the activities of real estate agents, and also auction real property. A new licence category to regulate auctioneers of chattels has been established under the Motor Dealers and Chattel Auctioneers Bill 2010.

The bill provides an exemption for property agents to auction chattels where a property agent auctions real property and chattels are also auctioned as part of the one auction event, for example an auction of a house and its contents. This will prevent property agents from needing separate licences for such occasions.

The bill simplifies the legislative framework by removing licensing requirements applying to property developers but retaining conduct requirements for this arm of the property industry. The bill also transitions licensees with pastoral house licences to the new property agent licence. These reforms represent the implementation of other government supported SDPC recommendations.

The three industry-specific bills further reduce regulatory burden on licensees by implementing the SDPC recommendations to remove the requirements for corporations to have a licensee as a director, for principal licensees to display their licences at their registered offices and for licensees, other than commercial agents, to provide photographs with licence applications.

The Property Agents Bill will also correct minor, technical policy issues in PAMDA identified through operational and compliance processes. The bill will also prevent the real estate industry's use of independent contractors and on-hire labour who are not appropriately licensed or qualified, an emerging practice which has encouraged sham working arrangements and unfair working conditions. This is achieved by redefining what constitutes an employee. Codes of practice will be developed to regulate the behaviour of occupations licensed under the bill.

The Queensland Office of Fair Trading, in conjunction with industry, has worked hard to provide forward-looking legislation that gives both business and consumers legislative flexibility and responsiveness, in what is a constantly evolving and dynamic industry. I commend the bill to the House.

Debate, on motion of Mr Stevens, adjourned.

023

~~MOTOR DEALERS AND CHATTEL AUCTIONEERS BILL~~

~~First Reading~~

~~Hon. PJ LAWLOR (Southport ALP) (Minister for Tourism and Fair Trading) (2.30 pm): I present a bill for an act to comprehensively provide for the regulation of the activities, licensing and conduct of motor dealers and chattel auctioneers and their employees, to protect consumers against particular undesirable practices, and to make minor and consequential amendments of the Criminal Organisation Act 2009, the Duties Act 2001, the Forestry Act 1959, the Motor Vehicles and Boats Securities Act 1986, the Police Powers and Responsibilities Act 2000, the Queensland Civil and Administrative Tribunal Act 2009, the Second hand Dealers and Pawnbrokers Act 2003 and the Transport Operations (Road Use Management) Act 1995. 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: Motor Dealers and Chattel Auctioneers Bill.~~

~~Tabled paper: Motor Dealers and Chattel Auctioneers Bill, explanatory notes.~~

~~Second Reading~~

~~Hon. PJ LAWLOR (Southport ALP) (Minister for Tourism and Fair Trading) (2.40 pm): I move—~~

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

~~The introduction of the Motor Dealers and Chattel Auctioneers Bill 2010 is a further example of the Blich government's ongoing commitment to reducing the regulatory burden for business while maintaining effective consumer protection. This bill is the second in the suite of bills giving effect to the SDPC review recommendation.~~

~~The main object of this bill, which reflects that of PAMDA, is to provide a system for licensing and regulating persons as motor dealers and chattel auctioneers, and for regulating persons as registered employees. The bill therefore continues the relevant provisions of PAMDA, but also implements other minor SDPC recommendations that further simplify the regulatory burden without compromising consumer protection.~~

~~The bill also establishes a new chattel auctioneer licence category which essentially continues the licensing and conduct requirements in PAMDA that are relevant to the auctioning of chattels. This new licence is necessary as the government has committed to the continuing regulation of auctioneering in order to protect consumers, and the auctioning of real property is being regulated under the Property Agents Bill.~~

~~Some might wonder why we are putting these two distinct occupations in the one bill. As it happens, the conduct requirements relating to both are quite similar. In addition, the majority of the conduct provisions in PAMDA about chattel auctions refer to used motor vehicles in any case. Despite this, I do wish to iterate the bill clearly distinguishes between the respective conduct requirements for motor dealers and chattel auctioneers.~~

~~Extensive consultation has been conducted by both the SDPC in their review of PAMDA and my department in the development of this bill. The government's commitment to splitting PAMDA has widespread support from both industry and consumer stakeholders. While on the whole PAMDA has served business and consumers well over the past decade, the government recognises the need to continuously review and amend legislation to respond to the changing marketplace. This is why the Blich government has committed to this important reform process that will result in increased industry standards, improved compliance and increased consumer confidence. The Motor Dealers and Chattel~~