

~~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.~~

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## MOTOR DEALERS AND CHATTEL AUCTIONEERS BILL

### First Reading

**Hon. PJ LAWLOR** (Southport—ALP) (Minister for Tourism and Fair Trading) (2.39 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 Bligh 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 Bligh 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

Auctioneers Bill reduces the regulatory burden for business while maintaining effective consumer protection. I commend the bill to the House.

Debate, on motion of Mr Stevens, adjourned.

## **COMMERCIAL AGENTS BILL**

### **First Reading**

~~Hon. PJ LAWLOR (Southport ALP) (Minister for Tourism and Fair Trading) (2.43 pm): I present a bill for an act to comprehensively provide for the regulation of the activities, licensing and conduct of commercial agents and their employees, to protect consumers against particular undesirable practices, and to make minor and consequential amendments of the Fire and Rescue Service Act 1990 and the State Penalties Enforcement Act 1999, 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: Commercial Agents Bill.~~

~~Tabled paper: Commercial Agents Bill, explanatory notes.~~

### **Second Reading**

~~Hon. PJ LAWLOR (Southport ALP) (Minister for Tourism and Fair Trading) (2.43 pm): I move—~~

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

~~It gives me great pleasure to introduce this bill as the third in the package of four bills splitting PAMDA into industry specific legislation. Under PAMDA, commercial agents can undertake debt collection, chattel repossession and process serving activities. Given the nature of these activities and the fact that commercial agents often deal with consumers at their most vulnerable, it is important commercial agents do not operate in a way that causes consumer detriment. PAMDA ensures that only suitable people are licensed as commercial agents and sets appropriate regulatory parameters around how these agents should operate.~~

~~The bill maintains the substance and intent of the regulation of commercial agents under PAMDA. The main object of the bill, like PAMDA, is to provide a system for licensing and regulating persons as commercial agents, and for regulating persons as commercial subagents that achieves an appropriate balance between the need to regulate for the protection of consumers and the need to promote freedom of enterprise in the marketplace.~~

~~The bill provides a regulatory focus point for commercial agents, consumers and government that will promote awareness of regulatory requirements and result in increased industry standards, improved compliance and increased consumer confidence. The bill also makes future legislative reforms more responsive to marketplace developments and facilitates the government's commitment to further regulatory simplification.~~

~~During the development of the bill, the government worked with stakeholders in the commercial agent industry—sometimes also referred to as the mercantile agents industry—to remove some unnecessary and impractical regulatory requirements. For example, the bill will not require commercial agents to display their name, licence and other particulars at their principal place of business. Such requirements, while retained for property agents and motor dealers, are not considered necessary for commercial agents because, unlike those other industries, commercial agents typically do not have clients attending at their place of business. Also, because many commercial agents run their business from home, there may be safety issues if they were to be required to identify themselves as debt collectors at their home address.~~

~~The government has also worked collaboratively with industry to introduce other red tape reduction measures for this industry. This type of well targeted regulatory response is a good example of the flexibility and responsiveness that is now available by providing each industry with separate legislation.~~

~~This bill provides progressive regulation which will provide both the commercial agent industry and consumers with a transparent and responsive legislative framework. The government is committed to reducing regulatory burden on business wherever possible, and this bill achieves this aim. I commend the bill to the House.~~

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