

particular undesirable practices and to make minor and consequential amendments to the Fire and Rescue Service Act 1990 and the State Penalties Enforcement Act 1999. Businesses and individuals performing debt collection, repossession and process serving activities for others for reward are currently regulated under the Property Agents and Motor Dealers Act 2000, along with a range of other separate and diverse industries. The bill is one of four bills designed to repeal the Property Agents and Motor Dealers Act 2000 and replace it with three industry-specific acts, supported by a financial administration act containing common trust account obligations and claim fund provisions applying across the industry-specific acts. Like the other three bills, this bill contributes to the government's ongoing commitment to reduce red tape for Queensland business.

It is important that the state's debt collection industry continues to be regulated to ensure a high level of consumer protection is maintained, particularly given the activities debt collectors perform and that debtors—the people they interact with—are often at their most vulnerable. For this reason, the bill maintains the policy objective of the PAMDA legislation in regulating the Queensland debt collection industry—that is, to provide a system for licensing and regulating persons as debt collectors 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. However, the bill also simplifies the regulation of the debt collection industry and removes unnecessary regulatory burdens imposed on this industry under the PAMDA.

Importantly, this government has continued to work with the industry's peak stakeholder body to identify and implement new red-tape reduction measures. One example is the new negative licensing system for a particular sector of the debt collection industry, being those individuals and businesses that perform debt collection activities without face-to-face debtor contact. This will replace the existing positive licensing framework, which will significantly reduce time and costs for those debt collection agents who will now no longer be required to apply for a licence or registration certificate and regularly renew it. This is an appropriate reduction in regulation for this portion of the industry because debtors have more control over how they wish to manage their interaction with the debt collector.

The bill also reduces the red tape and regulation that currently add unnecessary costs for business providing process serving, repossession and debt recovery services and which provide no meaningful protection or benefit for the community. For example, the bill makes it simpler and easier for a consumer to appoint an agent to perform process serving functions. The bill also eliminates reporting and paperwork that unnecessarily imposes costs on debt collectors and reduces the restrictions relating to particular licensed debt collectors being in charge of a regulated debt collection business. Consistent with the other two industry-specific bills, the bill also makes a number of changes to the licensing requirements, including, for example, removing the requirement for directors of licensed corporations to also hold a licence. I commend the bill to the House.>

### **First Reading**

**Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (8.02 pm): 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.

### **Referral to the Legal Affairs and Community Safety Committee**

**Madam SPEAKER:** Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

## **<AGENTS FINANCIAL ADMINISTRATION BILL**

### **Message from Governor**

**Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (8.03 pm): I present a message from Her Excellency the Governor.

The Speaker read the following message—

## MESSAGE

## AGENTS FINANCIAL ADMINISTRATION BILL 2013

*Constitution of Queensland 2001, section 68*

I, PENELOPE ANNE WENSLEY AC, Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act to provide for the administration of trust accounts held by agents regulated under the Debt Collectors (Field Agents and Collection Agents) Act 2013, the Motor Dealers and Chattel Auctioneers Act 2013 and the Property Occupations Act 2013, to establish a claim fund to compensate persons in particular circumstances for financial loss arising from dealings with agents, and for related purposes

(Sgd)

GOVERNOR

Date: 19 NOV 2013

*Tabled paper:* Message, dated 19 November 2013, from Her Excellency the Governor, recommending the Agents Financial Administration Bill 2013.

### Introduction



**Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (8.04 pm): I <present a bill for an act to provide for the administration of trust accounts held by agents >regulated under the Debt Collectors (Field Agents and Collection Agents) Act 2013, the Motor Dealers and Chattel Auctioneers Act 2013 and the Property Occupations Act 2013, to establish a claim fund to compensate persons in particular circumstances for financial loss arising from dealings with agents, and for related purposes. I table the bill and explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

*Tabled paper:* Agents Financial Administration Bill 2013.

*Tabled paper:* Agents Financial Administration Bill 2013, explanatory notes.

I present a bill for an act to provide for the administration of trust accounts held by agents regulated under an agents act, to establish a claim fund to compensate persons in particular circumstances for financial loss arising from dealings with agents, and for related purposes. This is one of the four bills to repeal and replace the Property Agents and Motor Dealers Act 2000 with a more flexible, contemporary legislative framework consisting of three industry-specific acts, supported by an agents financial administration act. This bill provides common provisions for the opening and maintenance of trust accounts by licensees under the Property Occupations Bill 2013, the Motor Dealers and Chattel Auctioneers Bill 2013 and the Debt Collectors (Field Agents and Collection Agents) Bill 2013. The other primary function of this bill is to establish a claim fund, as is currently provided by the Property Agents and Motor Dealers Act 2000, which compensates consumers who suffer financial loss as a result of particular actions of licensees and other persons regulated under the industry-specific agents acts.

As with the agents bills, this bill has a strong focus on reducing red tape. The government's continued commitment to unburdening industries, and in the case of this bill the government itself, from unnecessary processes and bureaucracy will be furthered by changes brought through this bill. For too long the Property Agents and Motor Dealers Act 2000 has been a cumbersome and unwieldy piece of legislation. This bill will unfetter the regulated industries as well as the regulators and deliver time and cost savings. The bill's trust account provisions, while still providing consumer protection, include beneficial changes for industry. One example of this is the removal of the requirement to appoint an auditor for a trust account and advise the chief executive of the name of the auditor before an agent is even licensed and, consequently, before the trust account can be opened. There was no logical reason for this and in fact it placed auditors in an awkward position in that technically they cannot accept an appointment where a trust account is yet to be opened. Under this bill, an agent has a month from the time they open a trust account in which to appoint an auditor and then a further month from the appointment date in which to notify the chief executive of the auditor's name and appointment acceptance—a much more workable approach. The bill also provides a means for consumers to seek compensation from the claim fund where they have suffered financial loss as a result of particular conduct by agents who are regulated by the agents acts.

With this bill, consumers will have a simpler and concise act to consult as a starting point for considering their right to claim. I am committed to helping consumers know and enforce their rights. The bill improves upon the PAMDA legislation by promoting administrative efficiencies in receiving, determining and paying claims from the claim fund. Significant red-tape reduction and cost savings

will be achieved for the government through the introduction of streamlining measures such as creating more flexibility around whether a claim is determined by the chief executive or the Queensland Civil and Administrative Tribunal.

The bill also reduces duplication of investigation and reporting, allows for condensed processes where that is appropriate and permits an immediate payment from the claim fund under emergency or urgent circumstances. This bill goes a long way to ensuring consumers can confidently deal with agents in financially significant transactions and, in doing so, supports growth in the property, motor dealer, auctioneer and field and collection agents industries. I commend the bill to the House.>

### First Reading

**Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (8.07 pm): 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.

### Referral to the Legal Affairs and Community Safety Committee

**Madam SPEAKER:** Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

## <FAIR TRADING INSPECTORS BILL

### Introduction

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (8.08 pm): I present a bill for an act to provide for the powers of inspectors under legislation about fair trading, and to make consequential amendments, and other amendments for particular purposes, of this Act, the Funeral Benefit Business Act 1982, the Introduction Agents Act 2001, the Land Sales Act 1984, the Manufactured Homes (Residential Parks) Act 2003, the Residential Services (Accreditation) Act 2002, the Retirement Villages Act 1999, the Second-hand Dealers and Pawnbrokers Act 2003, the Security Providers Act 1993, the Tourism Services Act 2003 and the Travel Agents Act 1988. I table the bill and explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

*Tabled paper:* Fair Trading Inspectors Bill 2013.

*Tabled paper:* Fair Trading Inspectors Bill 2013, explanatory notes.