



LEGAL AFFAIRS, POLICE, CORRECTIVE SERVICES AND EMERGENCY SERVICES COMMITTEE

Inquiry into Bills

Background Information

July 2011

Introduction

The four Bills referred to the committee divide the provisions currently contained in the *Property Agents and Motor Dealers Act 2000* (PAMDA) into four separate pieces of legislation. PAMDA provides a system for the licensing and regulation of residential letting agents, real estate agents, pastoral houses, auctioneers, property developers, motor dealers and commercial agents.¹ This includes the licensing and registration of businesses and employees.²

Review of PAMDA

In 2008, the former Service Delivery and Performance Commission (SDPC) conducted a review of PAMDA and of the regulation and six codes of conduct under the Act. A key objective of the review was to reduce the regulatory burden on businesses that are regulated under PAMDA, while maintaining consumer protection.³ The SDPC review made many recommendations to achieve this objective, including a new legislative structure that would repeal PAMDA and replace it with industry-specific bills.⁴ This recommendation was supported by the Government. You are invited to comment on the resulting bills.

Four new bills

The legislative reform includes three industry-specific bills to separately regulate industries that are currently regulated under PAMDA. The industry-specific bills are the *Property Agents Bill 2010*, *Motor Dealers and Chattel Auctioneers Bill 2010* and the *Commercial Agents Bill 2010*. The reform also includes the *Agents Financial Administration Bill 2010* to address trust account and claim fund provisions across licence categories under the industry-specific bills.⁵

When the bills were introduced to the Legislative Assembly, the former Minister for Tourism and Fair Trading explained that "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."⁶

¹ *Property Agents and Motor Dealers Act 2000* (Qld) s 10

² Service Delivery and Performance Commission, Review of Regulatory Reform (Phase 2) – *Property Agents and Motor Dealers Act 2000*, March 2008, p13

³ Service Delivery and Performance Commission, Review of Regulatory Reform (Phase 2) – *Property Agents and Motor Dealers Act 2000*, March 2008, p13

⁴ Queensland, Legislative Assembly (Hansard), 24 November 2010, Hon. PJ Lawlor, Minister for Tourism and Fair Trading, p426

⁵ *Agents Financial Administration Bill 2010* (Qld), Explanatory Notes, p1

⁶ Queensland, Legislative Assembly (Hansard), 24 November 2010, Hon. PJ Lawlor, Minister for Tourism and Fair Trading, p426

Making a written submission to the Committee

The Legal Affairs, Police, Corrective Services and Emergency Services Committee has called for submissions to provide individuals, organisations and communities with the opportunity to have their say on the proposed legislation. Submissions will assist the Committee in its examination of the Bills and help inform the recommendations it makes to the Parliament.

What to include

Your submission lets the Committee know how you (or your organisation or community) feel about the changes contained in the legislation. Submissions can include your opinion, personal experience, fact, relevant arguments and also recommendations that might address the issues you have identified. Attachments and supporting documents can also be provided to support your submission.

Format

There is no set format for preparing a written submission. Typed text on A4 paper is preferable, though legible hand-written submissions are acceptable. A return address and contact number should also be provided. Once you have written your submission, it can be submitted to the Committee through email, fax or post to the address below.

Public officers may make submissions as private individuals. However, if reference is made in a submission to their official position, it should also be made clear that the submission is made in a private capacity.

How does the Committee deal with submissions?

The Committee will consider all submissions presented and provide a written response when submissions have been received. The relevance and content of a submission will be considered by the Committee when deciding whether to accept and whether to publish it. Reasons why a submission might *not* be accepted or published include if it contains offensive language, is irrelevant, does not address the legislation under consideration, or is defamatory, illegible or *sub judice*. The vast majority of submissions are accepted and published on the Committee's website.

Publication, confidentiality and parliamentary privilege

Your submission remains confidential until the Committee authorises its publication. Once your submission has been considered, it may be published on the Committee's website. If you would like your submission to remain fully or partially confidential, please discuss this with the committee secretariat.

Your submission is protected by parliamentary privilege, which means that you can present your views honestly without fear of legal action such as defamation. However, submissions are not an opportunity to make adverse comments about individuals.

Where can I get more information?

If you have any questions about the work of the Committee or making a submission, visit the Committee's website at www.parliament.qld.gov.au or contact the secretariat:

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