



Speech by

**BRUCE DAVIDSON**

**MEMBER FOR NOOSA**

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Hansard 23 March 1999

**AUCTIONEERS AND AGENTS COMMITTEE; MR D. KELLY**

**Mr DAVIDSON** (Noosa—LP) (10.20 a.m.): The Opposition calls upon the Minister for Fair Trading to explain her failure to act on high-level concerns about a shonky payment made to Donald William Kelly by the Auctioneers and Agents Committee. The payment of \$6,700 was made to Mr Kelly after his lawyer pursued a claim against the committee's Fidelity Guarantee Fund. The claim involved a second-hand Subaru Brumby utility that Mr Kelly bought for \$8,000 in June last year and which he later sold at auction for just \$3,000 after rust was found in the chassis. Mr Kelly rejected a dealer's offer to repair the rust and was paid the \$6,700 to cover his loss and legal costs.

When the claim was first made, committee members rightly directed it to be investigated by the Fair Trading Branch. However, just two weeks later the committee agreed to pay Mr Kelly's claim, which was not even listed on the committee's agenda for that meeting, without waiting for the results of the investigation and despite the strong objections of Mr Lawson's deputy registrar on the Auctioneers and Agents Committee, David Goddard. The decision was based on an uncorroborated affidavit that the Subaru was badly rusted when Mr Kelly bought it and fit only for wrecking. The affidavit was sworn by a longstanding friend of Mr Kelly who apparently based his opinion on an inspection of the car some five months earlier.

Consumer Affairs Commissioner and Auctioneers and Agents Committee registrar Neil Lawson was so concerned by the decision of his fellow committee members to pay the \$6,700 claim that he tried to block it in the Supreme Court in what has been compared to an episode of *Yes, Minister*. It is even harder to understand why the committee has disregarded Crown law advice and the investigator's conclusion that Mr Kelly had forfeited his right to compensation when he rejected the dealer's offer to repair and service the Subaru free of charge. As an interesting footnote, the car was later repaired for just \$600 and declared roadworthy by Queensland Transport after a formal inspection.

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