



Speech by

**Hon. JUDY SPENCE**

**MEMBER FOR MOUNT GRAVATT**

---

Hansard 24 November 1999

**EQUITY AND FAIR TRADING (MISCELLANEOUS PROVISIONS) BILL**

**Hon. J. C. SPENCE** (Mount Gravatt— ALP) (Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women's Policy and Minister for Fair Trading) (4.39 p.m.), in reply: I would like to begin by thanking the hardworking staff of the Department of Fair Trading for the amendments that we see before the House. Much has been made today of the fact that it has taken some time for this miscellaneous provisions Bill to be debated in the House. Obviously, a contribution of the blame for that delay must lay at the feet of the Opposition, who routinely managed to filibuster in this House and spend days and days on one piece of legislation. Then its members stand here and criticise the fact that it is difficult to get legislation through this place.

**Mr DAVIDSON:** I rise to a point of order. It is not the Opposition's fault that this Bill has taken seven months to be debated in this House. It is the Minister's own responsibility to ensure that it is debated.

**Mr DEPUTY SPEAKER** (Mr D'Arcy): Order! The member has been here long enough to know the provisions of the Standing Orders. That is not a point of order.

**Ms SPENCE:** Having had seven months to prepare his contribution as shadow Minister in response to this Bill, the member opposite has used the resources of the Scrutiny of Legislation Committee entirely for his contribution today. I am happy to respond to the issues that have been raised by the Scrutiny of Legislation Committee and its concerns with this legislation.

The first concern relates to clause 5 of the Bill about the Associations Incorporation Act. In that clause we are basically changing the way that unsuitable names have been declared in the Act in the past and we are amending it so that in future we can declare a name unsuitable by regulation. The Department of Fair Trading needs the flexibility of a regulation because the situation could arise in the future in which a name prohibition needs to be introduced urgently. A further reason for retaining the present drafting style of the provision is to maintain consistency with other legislation administered by the Office of Fair Trading, for example, the Cooperatives Act of 1997 and the Business Names Act of 1962. Both of those Acts have regulations whereby we can change names. This is entirely consistent with those two particular Acts.

Then the shadow Minister went on to criticise the BACHCO system that has been developed in Queensland for business names. I am pleased to inform the House that Queensland has successfully negotiated the selling of this system of software—BACHCO— to South Australia and Western Australia, and we are in the process of negotiating with the Northern Territory and Tasmania. The revenue to the department for the licence to South Australia alone is \$200,000. I understand that South Australia went live with the BACHCO software on 1 November 1999 and has reported that it is extremely happy with that software. So I would ask the shadow Minister to stop criticising this initiative of Queensland, which other States in Australia regard as so good that they are in fact considering buying that software package from Queensland.

The next point that the shadow Minister went on to make related to a concern of the Scrutiny of Legislation Committee in regard to our amendments to the Cooperatives Act. We responded to the Scrutiny of Legislation Committee by acknowledging that there are a number of Henry VIII clauses in these amendments. However, this Cooperatives Act is part of a national scheme of legislation, so when we make amendments to the Cooperatives Act, it is done in conjunction with all of the other States in

Australia. I am pleased to tell the shadow Minister that if, in fact, he had read all of the Alert Digests, then he would have read in Alert Digest No. 7 of 1999 that the committee maintains its objection to the Henry VIII clauses but notes that clauses 3, 4 and 6 form part of the national scheme legislation and therefore could be justified.

The final part of the contribution of the shadow Minister was obviously from a briefing that he received from the National Institute of Accountants. It concerned the qualification of accountants who are often also appointed as auditors. I can assure the shadow Minister that we are in negotiations with the National Institute of Accountants over this particular issue and we intend to alter many of our Acts along the lines that they recommend, and those amendments will be put forward in the next Fair Trading miscellaneous provisions Bill.

I thank the member for Mundingburra for her contribution. She displayed a good understanding of the Acts that we are amending. I thank her for her constructive contribution to the debate.

Finally, the member for Clayfield really should stop speaking during debates on fair trading legislation. It is embarrassing when he dares to hold up the former Minister as a progressive and successful Fair Trading Minister. I remind the Opposition that retirement villages legislation has been promised by many Governments, but no-one else managed to bring retirement villages legislation before this House. However, I have done so, and I hope that it will be passed before Christmas. I hope that the Opposition will allow the Government to move on with the business of this House so that that legislation can be debated before Christmas.

I remind the Opposition that although their former Minister did introduce new auctioneers and agents legislation, it lay on the table of this House for eight months and once the debate started he got defeated on the first two amendments. He threw in the towel and that legislation never saw the light of day again, and then we had an election. What an abysmal failure that was on the part of the former Government and what an embarrassment for the member for Indooroopilly! I bet he does not thank the member for Clayfield for bringing up that matter in today's debate and reminding him of that great embarrassment.

**Mr Lucas:** It is a deliberate tactic to undermine him; that is what the member for Clayfield is doing.

**Ms SPENCE:** That is what it is about— reminding us about the failure of the member for Indooroopilly and his very poor performance as a consumer affairs Minister in this State.

I am very proud of the amount of legislation that we have put through the House in the 15 months since I have been the Minister for Fair Trading. As honourable members can see, we have another three pieces of legislation in relation to building services and retirement villages before the House at the moment. I commend the work of my department. It is a hardworking department. I commend this Bill to the House.

---