



Speech by

**Hon. JUDY SPENCE**

**MEMBER FOR MOUNT GRAVATT**

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Hansard 14 April 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) (11.31 a.m.): I move—

"That the Bill be now read a second time."

The purpose of the Bill is to amend a number of different Acts administered by the Department of Equity and Fair Trading. The Department of Equity and Fair Trading is responsible for the administration of 78 statutes and as a result there is a need for a large number of minor and technical amendments to be regularly made to various legislative provisions to ensure that those statutes continue to operate in the manner intended and are maintained in an up-to-date form.

Honourable members would be aware that a significant proportion of the amendments contained in this Bill were introduced into Parliament last year as part of the Justice and Other Legislation (Miscellaneous Provisions) Bill 1998, which lapsed. Like other miscellaneous provisions Bills, the Bill ensures that statutory modernisation is not delayed and the time of Parliament is not unnecessarily expended on a number of individual pieces of amending legislation, each of which would be of a relatively minor nature. The amendments have several elements in common, including—

they relate solely to statutes administered by me;

they aim to increase the operational efficiency of the statutes; and

they do not modify the major underlying philosophy or direction of the statutes being amended.

The Bill contains amendments to 10 Acts administered by the Department of Equity and Fair Trading. The Acts to be amended are—

the Associations Incorporation Act 1981;

the Business Names Act 1962;

the Cooperatives Act 1997;

the Fair Trading Act 1989;

the Funeral Benefits Business Act 1982;

the Hire-purchase Act 1959;

the Invasion of Privacy Act 1971;

the Land Sales Act 1984;

the Roman Catholic Church (Incorporation of Church Entities) Act 1994; and

the Security Providers Act 1993.

Turning now to the amendment of the Associations Incorporation Act 1981, one reform is to provide that unsuitable names for an association may be declared by regulation to allow uniform consideration of unsuitable names under a new computer system being developed for this and other similar legislation being administered by the department. The remainder of the amendments are generally to update the terminology used in the Act to reflect modern drafting styles and to make a number of consequential amendments to the Associations Incorporation Act 1981 arising out of recent amendments to the corporations law. A further amendment also provides that service of documents on incorporated associations may be effected in a similar fashion to that of corporations.

The Business Names Act 1962 has been amended to provide that the registrar will be protected from civil liability if he acts honestly and without negligence. The amendment also provides that any civil liability of the registrar will attach to the State of Queensland. This type of protection from civil liability is found in a large number of other Queensland statutes.

Amendments have been made to the Cooperatives Act 1997 arising out of meetings between Government officers in each jurisdiction and discussions with representative industry bodies such as the Cooperative Federation of Queensland. These amendments are aimed at resolving difficulties that have been experienced in relation to requirements as to member directors and the requirement to have a registered company auditor. The Cooperatives Act 1997 has also been amended to cure anomalies that have been detected since the Act was passed in 1997 and as a result of recent amendments to the corporations law. The Cooperatives Act 1997 adopts certain provisions of the corporations law and applies them to cooperatives.

The Fair Trading Act 1989 has been amended to update terminology by formally changing the name of the Office of Consumer Affairs to the Office of Fair Trading and changing the title of the Commissioner for Consumer Affairs to the Commissioner for Fair Trading. The maximum penalties applicable to a number of offences have also been increased to bring them into line with other provisions of the Act. A further amendment gives persons acting in aid of an inspector certain powers to search, examine and copy documents in addition to their existing powers of entry. This is aimed at assisting in situations where there are large volumes of records to be searched in connection with an investigation. A further amendment will provide that the Commissioner for Fair Trading may communicate information to Ministers or officials of another country, in addition to the Commonwealth and other States of Australia.

The Hire-Purchase Act 1959 has been amended to exclude from the definition of "hire purchase agreement" a transaction that would otherwise be a hire purchase agreement if the total market value of the goods exceeds \$40m at the time the transaction is entered into. It is considered that transactions of such a high value should not come within the ambit of the Hire-Purchase Act 1959.

The Land Sales Act 1984 has been updated to clarify the intent of the legislation and to reflect the introduction of the Integrated Planning Act 1997 to replace the Local Government (Planning and Environment) Act 1990.

The amendments to the Roman Catholic Church (Incorporation of Church Entities) Act 1994 contained in the Bill were first raised by the Roman Catholic Church following consultation with a canon lawyer. The Act, as its name indicates, makes provision for church entities to become incorporated to enable the entities to hold and deal with property. However, the church has noted that insufficient attention had been given in the current Act to those religious institutes that have a direct link to Rome and not an indirect link through a bishop. These religious institutes usually have a presence in many countries other than Australia, so their organisation and administration transcend diocesan boundaries in Queensland.

Although the current Act provides an easy method of incorporating entities located within a diocese in Queensland on the request of the bishop or the corporation of bishops, and although it permits the incorporation, within a diocese, of a religious institute or even a school conducted by a religious institute, the Act as presently drafted does not facilitate the incorporation of religious institutes with a national or international mission. The Bill, therefore, contains amendments that protect the position of such religious institutes. Essentially, the amendments require the written consent of the religious institute being given before any initiative towards incorporation or dissolution under the Act by a bishop or by the corporation of bishops. In addition to this more substantive amendment, the Bill makes a number of major amendments to key definitions contained in the Act.

Finally, the Security Providers Act 1993 has been amended to improve its operation. I commend the Bill to the House.

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