



Speech by

DESLEY BOYLE

MEMBER FOR CAIRNS

Hansard 9 August 2001

INTRODUCTION AGENTS BILL

Ms BOYLE (Cairns—ALP) (4.03 p.m.): I, too, join with other members who have spoken so far in the debate on the Introduction Agents Bill in congratulating the minister on this bill. Unfortunately, this bill is necessary. As the previous speaker said, there have been over 450 complaints to the Office of Fair Trading over a period of five years. As politicians, we are aware that if there have been 450 complaints that means that 10 times as many people are dissatisfied or unhappy, particularly when we consider the fact that this is in an area that is of some embarrassment to many clients. People involved with introduction agencies may not wish that to be widely known. If they have been poorly treated, they may not be as disposed to complain as consumers of other retail operations.

Some 450 complaints is too many. Therefore, this government is taking action that many members of this House would wish we did not need to take. Having spent the great majority of my income-earning years in the private sector, I very much understand the view of private sector operators that the government should not be involved any more than is necessary in business. I understand that but do not entirely adopt the open-market philosophy. However, what has happened with introduction agencies demonstrates the very real and important role there is for government to act as a regulator when in fact the real situation is that some in the private sector cannot be trusted. That is certainly what has happened here. It does not reflect on all people involved in introduction agencies now or over the years. Undoubtedly, there are many fine operators who have taken pride and honour in their work. Clearly, too, there are others—sometimes referred to as shonks—who have taken people's money in return for poor service.

What will the Introduction Agents Bill 2001 do? For the first time in Queensland it will introduce a licensing system for introduction agents. It will impose strict disclosure requirements on agents when dealing with customers. It will allow a three-day cooling-off period for consumers to withdraw from a contract with minimum penalty. It will prevent agents from receiving 100 per cent of the contract price before any services have been provided. It means that operators will be automatically excluded from the registration process of the industry if they are minors, insolvent or have been convicted in the past five years of offences including dishonesty, prostitution, drugs, fraud or violence. Similar restrictions are placed on directors of corporations which conduct business as introduction agents, as well as other people who effectively manage or control such businesses.

I have no doubt that these new regulations and exclusions of unsuitable people will be well received by the main body of introduction agencies in Queensland. It is for the good name of their industry that they can say that there is a mechanism, albeit a government mechanism, whereby operators cannot be in the business unless they can demonstrate reasonably that they are of good character and have a suitable background to fulfil this important service to the community.

The bill will prohibit an agent from receiving more than 30 per cent of the contract price before any services are provided to a client, with the balance to be paid in equal instalments over the term of the agreement. The regulatory framework has two main strategies. I have already outlined the first, that is, to keep unscrupulous operators—unsuitable people—out of the industry in the first place. However, the second strategy of the bill is that it will also disqualify those who are within the industry who do not behave according to the licensing standards. These measures mean that not only is there difficulty for

these shonks to enter the industry as registered operators but also there is a way of getting them out of the industry if their behaviour breaches the provisions of the bill.

The provisions of the bill are these in essence, that is, that contracts must be in writing, be easily legible and signed by the client and the agent. In modern society we must teach all consumers in the fair state of Queensland that they must have contracts, that they must work within the law to protect themselves. I note that the bill says that contracts must be easily legible. I hope they will also be easily understood. The contract must include the following provisions: the names and contact details for the parties, the date of the agreement, a full description of the services to be provided, the price payable and the method for payment, the term of the agreement, the conditions under which refunds will be made, the full terms of the agreement, and notices prescribed under the act relating to the restrictions on up-front payment. A copy of the contract must be given to the client. It sounds self-evident, yet it has not been the practice until this date.

There are some important requirements also with regard to disclosure. The agent will not comply with the proposed act if the agent fails to provide a disclosure statement or if the disclosure statement does not comply with the act. That, too, is important.

Consequences of non-compliance are the final leg of the bill, as it were, and are also important. If the agent does not comply with these provisions, the client can give the agent a notice terminating the contract. In that case the agent must refund the amount paid by the client within 21 days. This seems a reasonable and proper form of commercial contract and we would hope, therefore, that these provisions in their detail will not only pass the parliament but also on implementation be found to work.

If we think for a moment of those who need this bill then we will recognise that amongst them are probably a significant proportion of people who, for whatever set of circumstances in life, many that are not of their own making, are lonely. It is, I know from my own experience, a wonderful thing indeed to love children, to love other family members and to have true and good friends in life. Yet it is also a sadness for many of us in those periods when we do not have an intimate partner. There is a kind of loving we are missing. I understand, therefore, the need of many people who have turned to introduction agencies certainly in the first instance, I have no doubt, seeking friendship. But probably many of them in their hearts are hoping for more than that—hoping indeed for love and for the pleasure, the intimacy, the caring and the environment of a loving relationship with a partner.

It is of course our duty as the parliament of Queensland, therefore, to do all that we can to make sure that the service that is provided to people through introduction agencies is one that they can trust, is one that is reasonable in terms of the financial arrangements made and is, in the services provided, of as high quality as can be expected.

I conclude by again giving recognition to the Office of Fair Trading. I knew little about it before I became a member of parliament, but I must say that in my experience routinely, on this matter and others, the Office of Fair Trading provides a vigorous and important service in protecting consumers. I look forward to us all recognising its very fine contribution on this and other matters and probably to the growth in importance of the Office of Fair Trading, not only in Cairns but also elsewhere in Queensland, as these next years go on.
