



Speech by

ANDREW McNAMARA

MEMBER FOR HERVEY BAY

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FAIR TRADING AND ANOTHER ACT AMENDMENT BILL

Mr McNAMARA (Hervey Bay—ALP) (6.11 p.m.): I rise to briefly speak to the Fair Trading and Another Act Amendment Bill 2002. It is a very important bill. The bill continues the very substantial amount of reform occurring in tourism, racing and fair trading during this term of the Beattie government. Importantly, the bill carries on national competition reforms and red tape reduction reforms which will be very welcome in the business community. As a former practising lawyer, I can assure the House that anything that reduces red tape and compliance issues for business is welcome, particularly when it at the same time concentrates on consumer protection and makes sure that we have a responsive system of consumer protection which recognises changing trends, schemes and forces in the market place.

The move to take the door-to-door selling contract price up to \$75 is sensible. It moves with inflation; it moves with the times. It recognises that there are certain contracts which should not be caught up in these provisions, such as mowing and house cleaning, but it moves that threshold up a level so that many of the items sold door-to-door are picked up and properly brought within the requirements of the legislation. Door-to-door selling remains an ongoing issue of concern. I am delighted that the minister is continuing to pay close attention to this area. It is something that plagues many communities. Getting the right balance between the rights of door-to-door traders to sell their goods and the rights of consumers to be offered not only fair deals and deals that have some backup but also not to be harassed in their homes is difficult. This legislation sensibly ensures that those contracts which are not under the Domestic Contracts Building Act 2000 will be made subject to requirements to provide prescribed contracts for emergency service repairs. It is a growing area of door-to-door sales. It is a growing issue always in Queensland where we have so many people moving to the coast and where storms and storm damage are a regular part of our life. It is important that the Fair Trading Act is amended in this way.

I also briefly touch on the issue of the Business Names Act. I certainly welcome the penalty for failing to register a business name and also to require proof of identity for the registration of that business name. Again, I have some personal experience of the difficulties which people can get into when they have a dispute with a contractor who has a business name which is not registered. It remains, again, an all too common practice in the community with people moving around, changing business names, moving businesses, causing confusion with identities, picking up other people's business and goodwill and trading unfairly on that and making it difficult for people to identify who they are contracting with. It is an important part of our consumer protection legislation. The previous penalty of \$300 was manifestly inadequate. The proposed new penalty of up to \$3,000 is sensible. It will provide options for the courts to look at that penalty range and determine the appropriate penalty but is one that certainly now can reflect the gravity of the situation. It is possible for people to very deliberately misrepresent themselves. In my time I have certainly come across some particularly unscrupulous traders who have changed business names like some people change their shirt. The legislation is very strong. The department is doing an excellent job.

Hervey Bay is delighted with the Office of Fair Trading. The move of the department's office to Hervey Bay has been fantastic. Peter Nell and his team are very proactive. They are out and are taking the office to the community. I recently held a seniors morning tea and have no hesitation in saying that the speakers from the Office of Fair Trading were among the most avidly listened to of the whole morning. Elderly residents at the morning tea were very keen to hear about the consumer protection available and what the law can do for them. After they finished speaking, the queue went around the corner. It is important stuff; it is real stuff. It goes to the heart of people living in communities and feeling safe and protected. I congratulate the minister on the bill. I commend the bill to the House.