



Speech by

Mr D. BRISKEY

MEMBER FOR CLEVELAND

Hansard 7 November 2002

FAIR TRADING AND ANOTHER ACT AMENDMENT BILL

Mr BRISKEY (Cleveland—ALP) (12.40 p.m.): I rise to speak in support of the Fair Trading and Another Act Amendment Bill.

Mr Schwarten: I'm glad you're not speaking against it!

Mr BRISKEY: I would never do that. It is such a good bill. I take this opportunity to congratulate the minister, her staff and the Office of Fair Trading for these outstanding amendments. The amendments relating to emergency repairs are particularly important and will be well received among my constituents in Cleveland, particularly those who have been faced with enormous unexpected costs when emergency repairs have been carried out. A number of my constituents have raised with me, as I am sure all members' constituents have, their concerns about the ability of emergency repairers to essentially charge what they like for a service provided at a time of distress for a consumer. Previously, the emergency repairer was not required to provide a written contract for the service because that was thought to delay the response required in the circumstances. This practice essentially left the consumer, who clearly had more pressing things on their mind, in the dark as to the costs associated with the repairs to be carried out.

Suffice it to say, if a water pipe in someone's house has burst and threatens to damage their property and possessions, they are not likely to stop to ask the repairer for identification or a written contract detailing the work to be carried out and how much it is likely to cost. Some operators were able to take advantage of this fact, and more often than not this has given rise to one of two situations—either an unqualified backstreet operator has exacerbated the emergency situation or unsuspecting consumers have been hit with exorbitant costs for what was considered a relatively straightforward repair. It is unfortunate that the elderly are, more often than not, the victims of this type of behaviour from unscrupulous operators.

Mr English: Shameful!

Mr BRISKEY: It is absolutely shameful, and it happens all the time. Safety is the most important consideration. While the bulk of emergency repairers are legitimate, as in any industry there are those few who spoil it for everyone. Depending on what service is being offered, the consequences can range from financial loss to sometimes disasters, particularly if the repairs have been carried out by an unqualified tradesperson. It is important to know exactly who they are and who they represent. In this regard, I commend the changes to the legislation which require emergency repairers to provide prescribed contracts to consumers, identify themselves and refrain from engaging in harassing or coercive behaviour as is set out in the provisions relating to door-to-door traders.

The provision relating to contracts is particularly important. It is not uncommon to hear stories about an emergency repairer, be it a plumber or an electrician, who has come to carry out what is thought to be a relatively minor job and later provided a bill for several hundred dollars. Consumers have a right to know what they are paying for up front before the work is carried out. This bill seeks to provide consumers with greater protection in the event that their homes are damaged in events such as floods, cyclones or other disasters. As the minister quite rightly said, the legislative changes will protect Queenslanders from shonky tradespeople who take advantage of people when they are most vulnerable.

Under the proposed provisions, any tradesman completing work valued at more than \$1,000 has to be licensed by the Building Services Authority. If the work is valued at more than \$3,000, there is also a requirement to provide the consumer with a written contract to comply with provisions of the Domestic Building Contracts Act.

Mr Reeves interjected.

Mr BRISKEY: As a matter of fact, as the honourable member rightly says, my daughter is about to go to Surfers Paradise for schoolies, and I have given her some consumer advice. In fact, I spoke to the minister only this morning about the bond that she and others have had to pay on their accommodation. I told my daughter to ensure that she gets her bond back and to do a detailed inspection of the premises before they move in to ensure that they are not ripped off by not getting their bond back, because it has actually happened where young people do not get their bond back. I do not want that to happen to my young daughter and her friends.

Mr Reeves interjected.

Mr BRISKEY: As a father I am concerned about the location of her accommodation for schoolies week, because it is not in a very good location at all.

Mr Pearce interjected.

Mr BRISKEY: That is probably one of the things I will be giving her, Mr Pearce, because as you know my speeches are full of useful information and tips.

Madam DEPUTY SPEAKER (Ms Phillips): Order! The honourable member will address his remarks through the Chair.

Mr BRISKEY: My apologies, Madam Deputy Speaker; I take your advice. I will go back to the accommodation issue that the honourable member for Mansfield raised. She is actually staying right next door to a place of ill repute. She is staying at Surfers Paradise next door to a place where I have been told that young women take their clothes off, not that I have ever been into a place like that!

As I was saying before I was interrupted, consumers have to have a written contract to comply with provisions of the Domestic Building Contracts Act for jobs that are worth more than \$3,000. These contracts include a 10-day cooling-off period for all work which may only be waived by a consumer in order to have urgent repairs completed. The penalties prescribed for an offence under the act are substantial and will act as a deterrent to those considering making a quick dollar from someone's misfortune. Breaches of the new conditions will be an offence under the Fair Trading Act which could bring fines of up to \$40,500 for individuals and \$202,500 for corporations and could void the contract.

The Fair Trading Act door-to-door provisions cover anyone who knocks on a person's door and offers to provide goods or services, including emergency repairs. The bill also seeks to make amendments which provide businesses with greater incentive to maintain registration as a business, a move that will provide consumers with greater confidence. Traders who fail to register their businesses will be hit with a \$3,000 fine. Currently, the penalty is just \$300, which is not much more than the cost of registration itself. I welcome these new amendments. I again congratulate the minister and commend the bill to the House.
