



Speech by

DESLEY BOYLE

MEMBER FOR CAIRNS

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TOURISM, RACING AND FAIR TRADING [MISCELLANEOUS] BILL

Ms BOYLE (Cairns—ALP) (3.16 p.m.): I am pleased to support the Tourism, Racing and Fair Trading (Miscellaneous Provisions) Bill 2002. In particular, I wish to address, as did the former speaker, the elements of the bill relating to the Property Agents and Motor Dealers Act 2000. Many of the changes are largely technical. However, some of the changes—those aimed particularly at marketeers and their practices—are more significant. Prior to addressing the changes it is important for the minister and her staff to be given recognition for the thorough consultation that has taken place with the industry.

When the previous bill was brought in, it was widely welcomed by the real estate industry and associated professionals in Cairns. However, as it became apparent that some elements of the bill were unworkable, people sought assistance from their local member to have those matters addressed and also communicated through their professional association to the minister's office.

The REIQ boss in Cairns, Rob Goodwin, has been particularly helpful. I put on the record his efforts for his industry, as well as representing those interests through me to the government. At all times he has maintained good sense but at the same time he has been clear in his communications as to the changes he was recommending. His advice has also been sought, as I understand it, in Brisbane in assisting with changing some of the forms used by real estate agents, in particular for residential sales. I am pleased that another Cairns expert was able to help out in Brisbane.

I recognise also the tremendous efforts of Les Freeman, who is one of the most experienced members of the industry in Cairns. He is a man of some eloquence and good sense. His communications have also been greatly appreciated. I rely on him for advice on other matters from time to time. Nonetheless, it is true that during the consultation period some of the real estate agents were frustrated that the process was taking so long. They did not realise that not only the REIQ needed to be consulted; other bodies, such as the Urban Development Institute of Australia and the Queensland Law Society, were also closely involved and sometimes the suggestions to government were conflicting. That is why it was sensible to proceed slowly and to get it right, as we hope we have this time.

One of the issues that has been of concern to all the parties involved in the sale of residential properties has been the point at which parties are bound by the contract, that is, the point at which the five-day cooling-off period commences. Under the current provisions, the buyer is not bound by the contract until he or she returns a copy of the contract, signed by both parties, and other documentation, to the seller. If the buyer holds back on sending these documents to the seller, this effectively delays the commencement of the cooling-off period, potentially even indefinitely. This certainly has been problematic, and it has been so in Cairns, where many of the sales are to out-of-town people and even to people from overseas. That communication delay can be very significant. The new provisions will be much simpler.

The parties will be bound and the cooling-off period will commence when the buyer or his or her agent receives the signed contract from the seller, that is, when both parties have signed the contract. We understand in all kinds of areas of activity that, when both parties have signed, the contract commences, and in this case, the cooling-off period commences. If a dispute arises about when the parties are bound under the new provision, the onus will be on the seller to prove that the parties are bound by the contract. I am sure the new provision will work better and fit in with an understanding that those of us who might, from time to time, want to buy or sell a property will already have.

I want to recognise quickly two other important small changes that are part of this act. One of these is in regard to amendments to the Business Names Act 1962. Having been a small business operator for some time, I know well that small business operators, as they come to realise the changes that are being made, will appreciate them. It will mean more flexibility for businesses in lodging forms, in making payments and renewing registration. Telephone renewals of business name registration and electronic form lodgement will be made possible. It will also be possible to cancel business name registration if an electronic payment is rejected. Businesses will be given the option of renewing their registration for one or three years. I have no doubt that that will be appreciated.

I want to recognise our move, under the Classification of Publications Act 1991, the Classification of Films Act 1991 and the Classification of Computer Games and Images Act 1995, to bring things into line at a national level. The classification of films, videos, publications, computer games and images is a very difficult job, requiring, I dare say, the wisdom of Solomon. I must admit that I have numbers of times sat in my living room and wondered why things that I am looking at have not been more restricted. I have the bias, I suppose, that is part of many years of working in the field of psychology and knowing, even though we might not have very tangible proof of it, that repeated episodes of violence—whether via news, even, but certainly via videos and films and computer games—do distort a child's values, do have an impact on his or her behaviour. So to that extent I have a great interest in the classification system and those who are setting the standards for us. The additional call-in power and exemptions that are part of this bill will hopefully overcome some of the procedural defects and improve the operation of the national scheme.

I thank the minister and all of the staff who have been in the middle of pleasing industry with this bill. I appreciate their efforts and believe that today we will be passing a bill that will be practical and sensible and yet put the shonky operators truly on notice.