



Speech by

Andrew Powell

MEMBER FOR GLASS HOUSE

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FAIR TRADING (AUSTRALIAN CONSUMER LAW) AMENDMENT BILL

Mr POWELL (Glass House—LNP) (8.29 pm): I too rise this evening to address the Fair Trading (Australian Consumer Law) Amendment Bill. Given the attention span of those opposite that we have seen evidenced during the last couple of speeches, I will keep my comments brief. I focus my comments on a particular concern raised by the Scrutiny of Legislation Committee. Before I do so, I want to acknowledge the time and effort of Helen McKenzie who has been working for the committee over the last couple of months. She will be missed.

In *Legislation Alert No. 11*, which deals with the fair trading amendment bill, the Scrutiny of Legislation Committee raises concerns around the institution of parliament. It states—

Where the Queensland Legislative Assembly is considering the enactment of legislation which is to be uniform with the legislation of one or more other Australian Parliaments, the committee's report on its examination of the legislation aims to assist the Legislative Assembly in the 'enhanced and investigative role' necessary in relation to such legislation. This role is required because the legislatures participating in uniform or complementary legislation:

- provide the legislative underpinning for the whole process.
- provide a forum for discussion of intergovernmental matters and for asking questions about them from the major executive participants; and
- have an investigative role which may be used to study the need for, and the goals of, intergovernmental cooperation, as well as the performance of the relevant agencies, and the appropriateness of existing intergovernmental agreements.

The committee goes on to identify a range of paragraphs from the explanatory notes. I will focus on the concluding paragraph which reads—

It is possible that the Commonwealth will be able to make amendments to the ACL without the support of Queensland which will be applied as a law of Queensland through the application law. Should these circumstances arise, the Queensland Parliament is able to vary the application of the ACL to prevent amendments to the ACL taking effect in Queensland. There are, however, potential time or process constraints preventing amendments to the ACL taking effect in Queensland in a timely manner.

The committee states—

In relation to the matters addressed in the final paragraph above, the committee notes with concern the apparent absence from the legislation of a requirement that amendments to the Australian Consumer Law be tabled in the Queensland Legislative Assembly. The committee invites the minister to provide information about the practical ability of the Legislative Assembly to subject such amendments to its scrutiny.

This is a continuing and concerning pattern that we are seeing in these national laws. It is interesting to note that the committee's concerns have been addressed with regard to other laws that have come before the House, but clearly not with this one. It is worth noting, however, that the amendment proposed by the shadow minister will go some way to addressing this concern. Therefore, I too support it.

I will not speak any further on that. I would ask the minister to possibly address that in his summing-up. It is a concern. We have had it addressed in health legislation and some of the other pieces of legislation we have seen before the parliament. It would be good to see it addressed in this one too.