



Speech by
Grace Grace

MEMBER FOR BRISBANE CENTRAL

Hansard Tuesday, 17 August 2010

PROPERTY AGENTS AND MOTOR DEALERS AND OTHER LEGISLATION AMENDMENT BILL

Ms GRACE (Brisbane Central—ALP) (5.17 pm): I rise to support the Property Agents and Motor Dealers and Other Legislation Amendment Bill and, in doing so, want to make a few short comments in relation to it. One of the main reasons for speaking on this bill is that I welcome many of the changes that are incorporated in the bill. People who buy their first home or unit or car are probably making one of the biggest decisions they will make in their life and there is an expectation by people in the community that their consumer protections are found in legislation and that they cannot be ripped off in relation to these big decisions. I support this legislation and I also welcome the support of the opposition because it does the three things that I believe good legislation should always do: wherever possible, it should reduce red tape; maintain consumer protection in that we are not watering down consumer protection; and simplify processes.

I notice that in the legislation warning statements when buying a home and information sheets are still maintained when buying a lot under a community title scheme, and the cooling-off periods are still maintained and the rights of those consumers are still maintained in the legislation. I fully support any amendments that simplify the delivery and presentation requirements for proposed relevant contracts without reducing, as I said before, consumer protection or information requirements. I am glad that this legislation will ensure that these often minor technical failures in the contract delivery process are not fodder for litigation. After hearing the member for Kawana on how solicitors often go about finding loopholes in these contracts, it is a welcome relief in this legislation that those loopholes and minor technical failures in the delivery process are being removed from the legislation. I might even be so bold as to say that we had to do this because of the lawyers playing in the area.

The bill seeks to amend chapter 11 of the Property Agents and Motor Dealers Act by altering the processes by which a proposed residential property contract is presented or delivered to a prospective buyer. The bill simplifies contract presentation and delivery without forfeiting consumer protection, and I believe it is important that that is maintained in the legislation as it is. For example, important consumer information about property sales is retained and the cooling-off provisions, which I welcome, are also preserved.

The bill also seeks to remove or reduce red tape by removing a requirement that licensees must advise of their intention to open any trust account. It is important that licensees who receive moneys in trust will deal with those moneys properly and that those moneys are safeguarded in the interests of the person to whom they ultimately belong. Licensees are still required to notify the Office of Fair Trading when a trust account is opened or closed. Those licensees are also required to deal with holding, reporting, accounting for and paying over any trust moneys held on behalf of trust creditors. I believe that it is well received that those protections are still there in the legislation. The measure to remove the requirement for licensees to notify of the licensee's intention to open a trust account reduces regulatory red tape without in any way reducing the protection offered by the legislation to trust creditors regarding the treatment of money held in trust by licensees.

The bill will also remove the requirement for motor dealers to provide proof of local authority approval to operate motor-dealing activity from motor-dealing business premises. I have many motor dealers in my electorate and I know that many of them who are either there or intending to open will welcome these changes. As we know, local authorities, through their by-laws, regulate the use of premises for business purposes, including motor dealing. Therefore, there is no justification for duplicating any regulatory requirement regarding business premises in the Property Agents and Motor Dealers Act 2000. I believe that the removal of this requirement makes very good sense.

As I have said previously, any reduction in legislative requirements, which this bill advances, without reducing consumer rights and the protection of those rights is a commendable ambition and ought to be supported. I believe that the minister and his staff have done a good job in tidying up chapter 11 and in making sure, as I have said, that we deliver on the reduction of red tape while maintaining consumer protection and removing those technical errors in simplifying the processes for contract delivery. They are steps in the right direction. They have done a great job with the legislation. I congratulate them on it and I commend the bill to the House.