




Speech By
Deb Frecklington

MEMBER FOR NANANGO

COMMERCIAL ARBITRATION BILL

 **Mrs FRECKLINGTON** (Nanango—LNP) (8.09 pm): I rise to support the Commercial Arbitration Bill 2012, which seeks to update Queensland's commercial arbitration law and align it with other Australian jurisdictions. I thank our Attorney-General, who has just spoken so eloquently in the House on very serious issues that are before the House this evening, for bringing this legislation before the House today. Along with all the other Newman legislation that we have brought before this House, this bill goes a long way to reduce red tape and regulation for business operators within this great state of Queensland. I take this opportunity to mention that the Office of Best Practice Regulation has released its report on the reduction of red tape and regulation within the state of Queensland. That report card was released today.

Mr DEPUTY SPEAKER (Mr Berry): Order! One moment, member for Nanango. The amount of audible noise involved in conversations makes it a little difficult to hear. If members could give due respect to the member speaking, I would very much appreciate it.

Mrs FRECKLINGTON: Thank you very much, Mr Deputy Speaker, for your protection. Mr Deputy Speaker, you are a former solicitor, as I am, and I know that you, too, understand the importance of the option of arbitration in the commercial sector. However, over recent years there has been criticism by all those involved that the system has become too litigious and out of date. Whilst I would never criticise the legal system, in this case the options of having arbitration, mediation or conciliation—ideas outside of the doors of court—certainly provide a wonderful opportunity for all of our good businesspeople to try to save time and money and cut down on onerous red tape. This bill will benefit Queensland businesses by modernising and updating Queensland commercial arbitration law, therefore helping us to adopt international best practice and strengthening the attraction of arbitration as an alternative to lengthy and costly court processes. All states except Queensland and the ACT have now passed this legislation and I believe it is time that Queensland got on board so that businesses across Australia know what they are doing when it comes to their business practices.

This model bill is based on the United Nations Commission on International Trade Law Model Law on International Commercial Arbitration. Importantly, as we come in line with other states, the arbitration process will become more appealing to companies as a national uniform law will most likely result in more efficient processes. I wish to talk on that point. I ask members to imagine a large-scale organisation of a commercial nature that works across borders such as a trucking business. That company may have trucks that travel from the Northern Territory and through this wonderful great state—

A government member: Beautiful country.

Mrs FRECKLINGTON: Yes, the beautiful country of Queensland. Its trucks may travel through areas such as the electorate of the member for Gregory and then through Callide, the country of the Deputy Premier. The trucks may then travel down through the amazing part of Queensland that is the wonderful South Burnett and through beautiful Somerset, which is full of immense water plains. The same trucking company may collect a few things and then keep on trucking through Logan. Its trucks

would head down to the wonderful areas of the Gold Coast that are represented by the members who sit behind me, such as my lovely parliamentary colleague the member for Broadwater. The trucks would cross the border into New South Wales and head down through Sydney to Melbourne. Obviously such a company deals with organisations throughout the different states. What if a dispute arises? What should they do? In this area, the laws across the states need to be the same. Such a national company would be able to go into an arbitration situation in the state of Queensland just as it would should it be working out of its offices in Sydney. It would then be able to use this arbitration system, rather than tying up the court system that you, Mr Deputy Speaker, and I well know—

Mr Johnson: That all you lawyers make a fortune out of.

Mrs FRECKLINGTON: I will not take that interjection from the member for Gregory, because that is another opportunity for businesses in Queensland—

Mr DEPUTY SPEAKER: Order! Member for Nanango, I want to take a moment. I will not warn the member for Gregory for talking in terms of lawyers. I want kinder words.

Mrs FRECKLINGTON: Mr Deputy Speaker, I do thank you for your protection, particularly in relation to the member for Gregory.

Mr Johnson: I'm a lawyer, too; I'm a bush lawyer.

Mrs FRECKLINGTON: Let me talk about bush lawyers for a moment.

A government member: There is one in front of you.

Mrs FRECKLINGTON: There is one in front of me and we also have the member for Callide. At times he decides he is just like us, but he always calls himself a bush lawyer as well. As all good lawyers such as yourself, Mr Deputy Speaker, the Attorney-General and I know—

Mr Bleijie: I'm retired.

Mrs FRECKLINGTON: So am I. We are ex-lawyers. However, this legislation provides opportunities for lawyers in the form of an alternative business: we can become arbitrators. To get back onto the bill, in Queensland's current resource boom climate, this legislation is particularly important as commercial arbitration is most commonly used to resolve disputes in the oil, gas, engineering, construction, shipping and finance industries.

Mr Dillaway: They are all growth industries.

Mrs FRECKLINGTON: I will take the interjection from the honourable member. They are all growth industries for this wonderful state of Queensland. I believe that this bill will make commercial arbitration a more attractive option to parties by enabling the private, fast and fair resolution of disputes by an impartial arbitrator without excessive legal costs. The bill also allows parties to choose their own arbitrator. The bill allows a party to the dispute to undertake arbitration in the language of their choice, which is a wonderful aspect of the legislation. Last night I attended an event at the wonderful Greek Club. A couple of Greek business owners who do not speak English could choose a Greek arbitrator to resolve their dispute. It is important to note that this bill applies only to domestic commercial arbitration and expressly recognises that the Commonwealth act governs international commercial arbitration.

I reiterate how important this bill is for getting the state of Queensland's businesses back on track. I will tell members what effect this bill will have on organisations. Let me talk about one of my local construction companies. Homezone Projects is a great local building company. Should they have a dispute, they will not need to go and pay one of the local lawyers a lot of money. They could employ an arbitrator to get their dispute solved very quickly.

I would like to congratulate the Attorney-General and his staff for their hard work and effort. I acknowledge the hard work of the members of the committee and you, Mr Deputy Speaker Berry, as chairman, in looking at this bill. This goes a long way towards the reduction of red tape that was given to us by the previous Labor government. I commend this bill to the House.