




Speech By
Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Record of Proceedings, 20 November 2013

FAIR TRADING INSPECTORS BILL

Introduction

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (8.08 pm): I present a bill for an act to provide for the powers of inspectors under legislation about fair trading, and to make consequential amendments, and other amendments for particular purposes, of this act, the Funeral Benefit Business Act 1982, the Introduction Agents Act 2001, the Land Sales Act 1984, the Manufactured Homes (Residential Parks) Act 2003, the Residential Services (Accreditation) Act 2002, the Retirement Villages Act 1999, the Second-hand Dealers and Pawnbrokers Act 2003, the Security Providers Act 1993, the Tourism Services Act 2003 and the Travel Agents Act 1988. I table the bill and explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Fair Trading Inspectors Bill 2013 [[4109](#)].

Tabled paper: Fair Trading Inspectors Bill 2013, explanatory notes [[4110](#)].

I am pleased to present a bill for an act to provide for the powers of inspectors under legislation about fair trading and to make consequential amendments to a number of acts about fair trading. The Queensland statute book contains a number of acts dealing with fair trading and consumer protection matters. Many of these acts, although not all, are administered by the Department of Justice and Attorney-General through the Office of Fair Trading. Generally, fair trading legislation contains inspectorate or similar provisions to facilitate compliance and enforcement with requirements of the relevant act.

The Fair Trading Inspectors Bill 2013 is designed to establish a stand-alone act which harmonises and consolidates inspectorate, investigation, monitoring and enforcement provisions for 14 acts dealing with fair trading matters. Essentially, the bill contains a suite of common provisions that apply to inspectors appointed to undertake compliance and enforcement activities under stipulated acts about fair trading, which are identified in the bill as primary acts. The 14 acts identified in the bill as primary acts are the Funeral Benefit Business Act 1982, the Introduction Agents Act 2001, the Land Sales Act 1984, the Manufactured Homes (Residential Parks) Act 2003, the Residential Services (Accreditation) Act 2002, the Retirement Villages Act 1999, the Second-hand Dealers and Pawnbrokers Act 2003, the Security Providers Act 1993, the Tourism Services Act 2003, the Travel Agents Act 1988 and the proposed Property Occupations Act 2013, Motor Dealers and Chattel Auctioneers Act 2013, Debt Collectors (Field Agents and Collection Agents) Act 2013 and Agents Financial Administration Act 2013. As members will note, I have introduced bills for the latter four proposed acts in the current sittings. Members may note also that the bill is similar to the Fair Trading Inspectors Bill 2011, which was introduced by the former government but which lapsed on the dissolution of the 53rd Parliament.

The provisions contained in this bill deal with a range of matters, including the appointment of inspectors as well as the powers that can be exercised by inspectors when investigating a complaint or conducting proactive compliance activities under the primary acts. The bill contains a spectrum of

powers, including relatively mild powers as well as more intrusive, coercive powers. This is important, because fair trading inspectors deal with a wide range of issues ranging from relatively straightforward disputes between consumers and traders to highly serious matters involving risks to public safety or major financial losses for consumers. Investigation, compliance and enforcement options in the bill ensure that fair trading inspectors will be able to utilise powers and authorities that are appropriate to the seriousness of the matter they are investigating.

The framework established by the bill will facilitate more consistency in both the terminology and application of compliance and enforcement principles, providing more certainty for regulators, industry and consumers. Currently, differences and inconsistencies in compliance and enforcement provisions can arise when different acts about fair trading are amended at different times. The framework provided by the bill will ensure that any amendments to provisions about common inspectors' powers will apply consistently across the primary acts identified in the bill.

In addition, the structure of the bill allows additional legislation to be added in the future as primary acts. Also, the bill does not limit the legislation that can be included as a primary act to those acts administered by the Office of Fair Trading. For instance, three of the primary acts for the bill are currently administered by the Department of Housing and Public Works. This allows agencies other than the Office of Fair Trading, which administer legislation dealing with particular fair trading matters, to utilise the common provisions of the bill while retaining responsibility for appointing their own inspectors and carrying out their own compliance and enforcement activities under those acts.

The bill provides an efficient and innovative approach to legislating for inspectorate, compliance and enforcement powers for acts about fair trading. I commend the bill to the House.

First Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (8.12 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Legal Affairs and Community Safety Committee

Madam SPEAKER: Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.