




Speech By
Ray Stevens

MEMBER FOR MERMAID BEACH

COMMERCIAL ARBITRATION BILL

 **Mr STEVENS** (Mermaid Beach—LNP) (8.56 pm): I rise tonight to speak to the Commercial Arbitration Bill. It gives me great pleasure to speak to this very important bill that the Attorney-General has brought before the parliament. It is very rare for the Leader of the Opposition to praise the Attorney-General and suggest that the work he is bringing forward to this House is a wonderful improvement for the business and commercial area, which is one of the four pillars that the LNP has concentrated on to get Queensland working again, matters of critical importance to Queensland. It was great to see that bipartisan support from the Leader of the Opposition for the Attorney-General.

The standardisation of the Queensland arbitration laws in accordance with our national laws, which are also modelled on the international laws, is an important part of doing business a lot better in Queensland. People get wound up in difficult commercial litigations. I have utilised the arbitration system. I was very impressed with the attempts that were made to bring about a resolution to the disputes in which I was involved. Like many others, I saved considerable amounts through the arbitration system. There was also a saving in terms of not tying up valuable legal resources.

It is marvellous that we have a great number of legal practitioners in the LNP parliamentary team and all of them are of eminent reputation such as the members for Ipswich, Beaudesert, our Attorney-General of course, Nanango, who spoke earlier, and the member for Broadwater. Many others of wonderful experience in many areas of commercial practice see the enormous value that is added to our commercial community by adopting this new standard code of arbitration. I also note the member for Toowoomba North's very relevant speech earlier when he alluded to businesses in Toowoomba expanding and doing a lot of international business. When there are disputes between international neighbours, any level of arbitration between Toowoomba traders and their international business partners will mean that there will be a commonality in terms of coming to a reasonable solution to the dispute at hand.

Arbitration is, just like politics, all about giving a little bit to get a result. There is no absolute winner in an arbitration case. It is up to the very experienced and qualified arbiter to bring together an equitable and fair solution for both parties, and the normal route for that to happen is that both sides end up not getting 100 per cent of what they have put in with regard to the commercial agreement. That is the success of a commercial arbiter and that is why following the guidelines that this bill introduces in terms of commercial arbitration will lead to a greater understanding, a greater acceptance and a greater utilisation of the arbitration system effectively—that is, the necessity of our system right across-the-board to improve the business climate for people in Queensland to do business.

Even the lawyers are prepared to give up some of their very wonderful fees in order to see the arbitration system work effectively. But when groups come together and agree with this particular bill—esteemed groups such as the Australian Centre for International Commercial Arbitration, the

Institute of Arbitrators and Mediators Australia and even the Queensland Law Society, the Bar Association of Queensland and the Chartered Institute of Arbitrators all coming together to support this piece of legislation—then you know that the legislators have got it correct, the Attorney-General has got it correct and the parliamentary committee system that reviewed this bill has got it correct so that we are delivering a much improved system of arbitration for those commercial interests in Queensland.

Obviously arbitration reduces the demand on courts and court time, and that leads me to one of my favourite subjects—QCAT, which was seen as the focus for the determination of all minor disputes et cetera. This arbitration bill will cut down on its workload and gives it the opportunity to look at many other areas. Even the racing industry is going to QCAT at the moment. There is a line-up way out the door and around the corner for QCAT. Someone mentioned bodies corporate, and they are in the QCAT queue. That is a very good one—the QCAT queue. The QCAT queue goes right out the door and around the corner with disputes. This arbitration bill will undoubtedly lead to the QCAT queue being shorter than it would be if we did not have the commercial arbitration bill. It is very similar to other COAG measures coming down through the federal government in terms of model law legislation, which obviously makes it easier for people to understand. It is consistent with people doing business in other states. They can now understand the arbitration laws of Queensland and the processes, so it makes the business climate a lot friendlier for people to come and invest in Queensland.

This arbitration bill is a major win. It is not a light piece of legislation. It is a major win for commercial interests in Queensland, and again it goes along our much stated trail of reducing red tape in Queensland. The Newman LNP government has as its No. 1 priority reducing red tape throughout Queensland. By going down this course of standardising and improving the arbitration system for Queensland in accordance with national and international arbitration, we are creating a better climate for people to do business in Queensland. We are reducing red tape and cutting down on the processes that people have to go through.

Another sector with which I was involved heavily in my previous business life was shopping centre leases. There is always acrimony and debate between shopping centre lease owners and small traders. This will give a much clearer defined route for shopkeepers to be able to take their commercial disputes through this arbitration process with a more certain outcome in terms of a fair and equitable arbitration process. The small business sector is one part of our community we are very keen to maintain and give every opportunity to thrive. We are very keen to see small business protected. By going to this new arbitration system, we are giving those small businesses a greater opportunity and greater knowledge to deal in these certain commercial cases, particularly with landlords who are not particularly caring of small business concerns and might in other cases take them through a very expensive legal process. A lot of small traders cannot afford that process but the big shopping centre owners can afford to drag it out through the courts.

This improved arbitration process will undoubtedly lead to a much better facilitation of a quicker resolution to disputes, and that in itself takes away some of the time that small business, lawyers and all business parties are spending in terms of litigation. It is easier and quicker to go through the arbitration process. From my perspective and from my experience, even though you might not always agree on the matter and there will probably be a loss to some to a certain degree in the claim, there will be the opportunity for a fair and equitable hearing. I commend this bill to the House.