




Speech By
Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Record of Proceedings, 6 March 2014

FAIR TRADING INSPECTORS BILL

Second Reading

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (4.47 pm): I move—

That the bill be now read a second time.

I thank the Legal Affairs and Community Safety Committee for its consideration of the Fair Trading Inspectors Bill 2013. I note the committee tabled its report on 24 February 2014 and I now table the government's response to the committee's report.

Tabled paper: Legal Affairs and Community Safety Committee: Report No. 55—Fair Trading Inspectors Bill 2013, government response [\[4612\]](#).

I also thank stakeholders who made written submissions to assist the committee in its consideration of the bill. The committee has made four recommendations about the bill which I will discuss shortly.

By way of background, the Fair Trading Inspectors Bill 2013 is designed to create a stand-alone act which harmonises and consolidates inspectorate, investigation, monitoring and enforcement provisions for 14 acts dealing with fair trading matters which are referred to in the bill as primary acts.

As I mentioned in my explanatory speech, the bill is similar to the Fair Trading Inspectors Bill 2011, which was introduced by the former government but lapsed upon dissolution of the previous parliament. This government has decided to progress the Fair Trading Inspectors Bill because it is consistent with our commitment to remove unnecessary regulation and red tape, wherever it appears in the Queensland statute book.

As many members are aware, there are a number of Queensland acts that deal with fair trading matters. In most cases, these acts contain their own inspectorate provisions to facilitate effective compliance and enforcement activities. Over time, however, inconsistencies have emerged in terms of how inspectors' powers are provided for in the various acts about fair trading.

There is often no substantive reason for the inconsistencies, which can, for example, simply be as a result of differing drafting styles. While often minor, these inconsistencies result in unnecessary costs, uncertainty and complication for inspectors, businesses and consumers with no benefit to the community. This bill modernises those processes. It will enact a suite of common provisions that apply to inspectors. The structure of the bill enables other acts dealing with fair trading matters to be added as primary acts at a later time. The bill contains a number of different powers. This is important because fair trading inspectors deal with a wide range of issues ranging from relatively minor, straightforward disputes to highly serious matters involving serious financial loss for consumers and risks to public safety.

Members may be aware that a new power for inspectors to require a person to stop or move a vehicle has captured some attention in the media. It is important to note that under the bill this power may only be exercised where an inspector reasonably suspects or is aware that a thing in or on a vehicle may provide evidence of the commission of an offence against the bill or a primary act. For example, it is conceivable that an inspector conducting an investigation of an alleged unlicensed motor vehicle may reasonably suspect that evidence of an offence is contained in a vehicle. The power is not a sweeping police-like power. It is much more limited. For instance, inspectors do not have the authority to conduct pursuits or establish roadblocks in order to exercise this power. That power rests with the police. Although the power is new to Queensland fair trading legislation, the power itself is not a brand new provision.

The Department of Justice and Attorney-General will develop the appropriate policies, procedures and training to ensure the power can be exercised safely and lawfully by all inspectors. I note and appreciate the committee's recommendation that the bill be passed. The committee sought my clarification on some aspects of the bill, which I have provided in the government response. I commend the bill to the House.