




Speech By
Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Record of Proceedings, 6 May 2014

AGENTS FINANCIAL ADMINISTRATION BILL; DEBT COLLECTORS (FIELD AGENTS AND COLLECTION AGENTS) BILL; MOTOR DEALERS AND CHATTEL AUCTIONEERS BILL; PROPERTY OCCUPATIONS BILL

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (9.00 pm), in reply: I thank honourable members for the contribution to the debate this evening. I thank the honourable opposition for their continual hypocrisy shown in this House. I see the Leader of the Opposition rolling her eyes. They say they support the laws but they have concerns about all these types of laws. I have here a couple of press releases that have been issued in the last couple of years by the Labor government which might highlight how they flip-flop their position on lots of things, not only criminal gangs and other things but now property law and property agents in the state.

The opposition leader asks, 'Where did this all come from?' Well, it came from a government that is determined to reduce regulation and red tape in this state by 20 per cent over six years. That is where it all came from. It certainly was not going to come from a Labor Party government that had had at least 12 years as the former government and did not address these issues. In fact, they introduced legislation in the very final year of their government just prior to the election with no intention to pass these laws—no intention to reduce regulation and red tape in the real estate industry. The election was then called and we heard nothing more about it from the Labor Party. There is one commitment that the Labor Party made just before the election campaign I would love to talk about, but I will get to that in a minute.

So the Labor Party asked where these laws have come from and what plans are in place. Let me give the opposition leader a little history lesson on the property agents and motor dealers legislation. She ought not have a lesson because she was a cabinet minister deciding these things in the Labor government and she was also a member of the House at the time, as was the member for Woodridge, who spoke on this bill. The point is that the property agents and motor dealers legislation has been used as a legislative football for years. Honourable members who have been in this House for a long time will know that the Labor Party continually introduced amendments to the Property Agents and Motor Dealers Act, and those amendments completely frustrated not only the legal community but also the real estate industry because they were legislative amendments that were introduced with no consultation. They just rushed through the amendments to fix issues created by the Labor Party and then of course those issues created more issues.

I have said before that I have been called many things in the last 12 months. One thing Terry O'Gorman has called me which I am particularly proud of is a property lawyer. That is right! Terry O'Gorman called me a property lawyer as some sort of attack on me. On behalf of the thousands and thousands of property lawyers in Queensland, I am very pleased to be able to introduce and debate this bill tonight because this reduces regulation and red tape for the property industry not only for lawyers but also for real estate agents—and why? Because we said at the election we want to build a four-pillar economy and one of those four pillars is of course property and construction. I acknowledge the Deputy Premier in the House—the minister responsible for planning reform in the state—and the

great work the Deputy Premier's team is doing in reducing red tape for property and getting cranes up in the air and building things. Of course in the Department of Justice and Attorney-General we have managed to achieve here a lot of good solid regulation and red-tape reduction. When we talk about red tape we talk about page reductions—forms that people do not have to fill in.

The first thing I remember when this government was elected is that we came in and moved legislation to get rid of the sustainability declaration. Remember the sustainability declaration introduced just after 2009 when the Labor Party in government believed that they had to hold the hands of sellers? They had to force the sellers to disclose whether their house had a cream roof or a black roof and then the seller had to say, 'Well I assume the black roof is going to be hotter in summer, so it is not good for climate change or whatever the case may be.' They were asked, 'Does the house have fluorescents or LED lights?' They then had the stupid requirement in the sustainability declaration that said, 'You have to tell us about the toilet flush. Is it a single flush? Is it a dual flush? How many litres go through it when it flushes?' I do not know too many buyers and builders of Queensland properties who keep the box to the toilet to show how many litres of water per flush it uses. That was the legislative—

Mrs Frecklington: Stupidity.

Mr BLEIJIE:—stupidity of those opposite. I take the interjection from the honourable assistant minister. That was the legislative stupidity of those opposite dealing with these things because they believed that Queenslanders could not be trusted to buy a property and they believed that Queenslanders could not be trusted to sell a property, so the Labor Party had to hold their hand through the process.

So what did we have? We had all these amendments to PAMDA, which honourable members who have been in here a while will know. The Supreme Court had to sort out the mess created by the Labor Party because the Labor Party introduced legislation that said, 'Not only will the buyer have to sign the contract; a buyer will have to sign a warning statement 30c. Not only will the buyer have to sign a warning statement 30c; the seller or the seller's agent or the seller's lawyer would have to then direct the buyer to the warning statement.' So you had to give a warning of the warning of the contract! It was ridiculous. So the Labor Party rolled in and said, 'We will fix it. We will amend it.' So they amended the Property Agents and Motor Dealers Act.

Mr Newman: Put a warning sticker on it.

Mr BLEIJIE: I take the interjection from the honourable Premier. It would have been a lot easier to put a warning sticker straight on to the contract. The Labor Party had a big plan. They knew they were going to fix this mess they created. So they waltzed in here and they rushed through legislation. They said, 'Not only does the warning statement have to be there; it has to be attached to the contract.' Then of course with facsimiles and sending through contracts and pages mixing up, the Supreme Court finally had to fix the Labor Party mess and define what 'attached' meant because the Labor Party could not do it. It is not the drafters. It is not the Department of Justice and Attorney-General. By the way, our new slogan is 'We're with you every step you take'—but I digress. It was the Labor Party giving policy instruction to the department. It was not the drafters; it was the Labor Party—it was those who sit opposite who served in Labor governments in the past.

I found it really interesting when the opposition leader said she is concerned with deregulating commissions. The member for Woodridge said, 'We do not support the deregulation of commissions.' Well, funny about that, because on Wednesday, 15 June 2011 there was a media release issued. The member for Woodridge was in parliament in June 2011. The member for Woodridge says, 'We oppose the deregulation of commissions.' Yet in 2011 the Attorney-General, who was Paul Lucas, put out a press release headed 'Queensland to deregulate real estate commissions'. So it was their policy in 2011 to deregulate real estate commissions; come two years later it is not their policy. So the member for Woodridge obviously did not read the press release from the Attorney-General at the time or is playing silly business with the people of Queensland. So now the Labor Party have this position which is a complete flip-flop. I table the press release which the member for Woodridge may want to acquaint herself with again.

Tabled paper: Media release, dated 15 June 2011, by Hon. Paul Lucas MP, titled 'Queensland to deregulate real estate commissions' [[4998](#)].

I also heard the opposition leader talk about where these laws are coming from and about the reduction in regulation and red tape and consumer protection. I recall that just before the election campaign—we were in opposition at the time under the direction of the now honourable Premier—we made an announcement that we would streamline home sale contracts in the state, that we would make sure the warning statement was gone. What happened? On 23 January 2012, just before the election was called, Anna Bligh, the then Premier, put out a press release saying, 'One contract will slash red tape in the housing market.'

They were going to copy our policy, but of course the Labor Party, being the Labor Party, could not trust anyone but the Labor Party to deal with this. So the Labor Party was going to draft a single contract. The Labor Party was going to draft the property contract in Queensland. They were not going to leave it to the Law Society or the Real Estate Institute of Queensland; the Labor Party would fix it. Queenslanders had heard it time and time again from the Labor Party that they were going to fix the mess. They created mess after mess after mess. So I think Queenslanders can take with a grain of salt any advice the opposition leader gives them tonight about the opposition, the Labor Party, wanting to commit to reducing these sorts of red tape and regulation.

I turn now to the cooling-off period. If someone wants to waive a cooling-off period, why should they have to go and pay for a lawyer, as they have to do at the moment, and get the 32A signed off? I remember I did them as a lawyer and the member for Nanango would have done them as well, being the proud lawyers that we were. The member for Nanango and I would have signed these 32A waiver disclosures. In most cases it was a case of sophisticated buyers just wanting to get on with the job and buy the property. They knew what they wanted; it was an unconditional contract; they wanted to get out of the way of the cooling-off period but, no, they had to go and pay for lawyers. This will assist the buyers in making sure they do not have to go off at the first instance and pay for the lawyers to do that if that is their choice.

Next I will turn to price guides, and this was the most interesting part of the contribution of the opposition leader. She relies very much on evidence from New South Wales and she talked about the Office of Fair Trading in New South Wales. However, she does not take any comfort in the REIQ, which is the Queensland based REIQ, and does not take any comfort in the Queensland Office of Fair Trading, but relies on New South Wales. Only last week we heard the opposition leader say at a press conference that she does not care what happens in New South Wales. However, tonight she puts the interests of New South Welshmen property agents and lawyers ahead of Queenslanders. Sometimes I do not know where the opposition leader is and sometimes I do not know which state she is actually advocating for. It may be that there has never been a plan; there is no plan from the opposition leader. Compare and contrast that to the LNP; we went to the election with a strong plan. We went to the election and said that we will reduce regulation and red tape by 20 per cent. We said we would grow a four-pillar economy including property and construction, and we are doing that tonight with this debate. The plan that we have, which is a strong plan—and no-one else has a plan—

Mr Newman interjected.

Mr BLEIJIE: I take the interjections from the Premier. This is exactly what we committed to at the 2012 election.

Mr Seeney interjected.

Mr BLEIJIE: I have only started to deal with the opposition leader. I have not got to anyone else yet. The member for Gaven and the opposition leader—and the Deputy Premier will love this story—came in here talking about amendments with respect to criminal gangs, which are those amendments that deal with debt collectors and so forth. They were pleading with the government tonight, pleading with me, to make sure that we try to get rid of criminal gangs from these types of industries. Yet two weeks ago we saw the opposition leader hold a press conference and say that they were going to repeal all the gang legislation. We had the member for Gaven's leader saying that he is going to repeal every piece of government legislation that this government has announced. Then tonight they are trying to cop it to us that we are not doing enough to deal with criminal gangs in the industry. They have no position on any of these issues.

Compare and contrast that to our plan in terms of the property and construction industry—the four pillars—we have a plan; we have had a plan from day one. I do thank the REIQ. I thank the industry. This has been a long process because—compare and contrast—we actually released draft bills for public consultation. This is one of the first bills that we released for draft consultation when we went out to the community. We wanted feedback and these bills have been drafted with the consultation and the community sentiment at the forefront of our minds. I thank all honourable members for their contribution. This is good legislation for the property and real estate industry. I commend the bills to the House.