

**Question on Notice**  
**No. 707**  
**Asked on 10 May 2006**

**MRS STUCKEY** ASKED THE MINISTER FOR TOURISM, FAIR TRADING AND WINE INDUSTRY DEVELOPMENT (MRS KEECH)—

With reference to the *Outcomes of the Review of the Property Agents and Motor Dealers Act 2000* Report —

Will she detail the individual items listed (on pages iii & iv) under the heading recommendations for reform, which were determined as requiring implementation as a priority that have not yet been implemented?

ANSWER:

The Member will be aware that in the past six months I have brought two Bills with a range of amendments before the House in relation to the *Property Agents and Motor Dealers Act 2000*.

These amendments have included a range of initiatives identified by the *Outcomes of the Review of the Property Agents and Motor Dealers Act 2000* Report, including:

- providing for assignment of agency appointments;
- requiring salespersons to give information about applications in a timely manner;
- imposing an increased range of penalties for retaining excessive, improper or unauthorised commission;
- requiring the courts, when convicting an offending agent, to order the return of any excessive, improper or unauthorised commission;
- providing clear direction for buyers' and warranters' obligations regarding the delivery of motor vehicles for warranty work;
- introducing capacity for "restorable vehicles" to be sold without warranty, if the buyer waives the warranty;
- increasing penalties for unlicensed motor dealing;
- requiring motor dealing premises to comply with the *Integrated Planning Act 1997*; and
- legislating to prevent agents from under-quoting to buyers or over-quoting selling prices of residential property in order to obtain listings.

Those matters which remain outstanding primarily relate to various Codes of Conduct under the Act. The Codes are presently under review. The Beattie Government has adopted a staged approach in implementing the recommendations of the *Outcomes of the Review of the Property Agents and Motor Dealers Act 2000* Report, and the remaining items are part of the third tranche of reforms.

The review and amendment of the Codes of Conduct could not be finalised until after many of the amendments progressed as part of the stage one and two amendments were passed by the Parliament, because the Codes are enshrined in Regulations which are subject to the amended Act.

The Codes of Conduct are already Australia's best, and represent the strongest consumer protection regime of its type in Australia.

The Codes of Conduct already contain requirements that licensed dealers, agents and auctioneers act honestly, fairly and professionally with due care and diligence and in their clients' best interests. They contain prohibitions against high pressure sales tactics, harassment and unconscionable conduct, and the current work being undertaken by my Department will only improve upon the current regulatory regime.