



Speech By
Hon. Jann Stuckey

MEMBER FOR CURRUMBIN

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. JA STUCKEY** (Currumbin—LNP) (Minister for Tourism, Major Events, Small Business and the Commonwealth Games) (4.45 pm): I rise to make a contribution to the cognate debate on the Property Occupations Bill 2013, the Motor Dealers and Chattel Auctioneers Bill 2013, the Debt Collectors (Field Agents and Collection Agents) Bill 2013, the Agents Financial Administration Bill 2013 and the Fair Trading Inspectors Bill 2013. These bills were introduced into the House by the honourable Attorney-General and member for Kawana on 20 November 2013 and referred to the Legal Affairs and Community Safety Committee which tabled its report on 24 February of this year. I wish to thank the committee specifically for its diligent work in its review of the Property Agents and Motor Dealers Act 2000. I note that the introduction of these bills comes as a result of extensive consultation with industry. The primary objectives of these bills are to split the former Property Agents and Motor Dealers Act, PAMDA, into occupation specific legislation and to reduce the regulatory requirements on these industries. PAMDA established an occupational licensing and conduct framework for businesses and individuals operating in the real property sector, for example, real estate agents and salespeople as well as auctioneers, used motor vehicle dealers, debt collectors and process servers. In addition, PAMDA included consumer protection provisions regarding residential property sales, particularly in relation to precontractual disclosure.

Since 2000 PAMDA has been the primary legislation regulating the activities, licensing and conduct of members of property and sales related industries, as well as encompassing the important provision of consumer protection. Whilst PAMDA served a number of important policy purposes, over time it has become increasingly lengthy and difficult to navigate. It has also been characterised by increasing levels of complex and technical regulation resulting in endless forms. I have heard numerous complaints from businesses in my own electorate and beyond about the difficulty of working with the existing legislation. Some operators claimed it was like finding a needle in a haystack, sifting through a plethora of forms and paperwork until they found all of the correct ones. After years of talk about the need to review the act, in 2008 the Service Delivery and Performance Commission recommended PAMDA be split. While I remember Labor introducing subsequent legislation into the House in November 2010, true to form its laziness and inaction left the bills to lapse with the dissolution of parliament in 2012 for the state election. In October 2012 the Newman government announced that we were not only to complete the PAMDA separation process, we were also taking the opportunity to review the unfair red tape and regulatory burden imposed upon these industries.

With draft bills released in February 2013 and a rigorous consultation process, we are making sure these bills are robust and efficient. Unlike Labor, this government not only wanted to split the existing legislation into more industry friendly models, we wanted to ensure that we could modernise, clarify and reduce red tape as part of the process. As the small business minister, I commend my

colleague, the honourable Attorney-General and member for Kawana, for bringing this legislation before the House. These bills progress the Newman government's commitment to reduce the unfair red tape and regulation placed on these industries and assist our goal to reduce red tape by 20 per cent by 2018. Labor was intent on suffocating Queenslanders under 92,000 pages of red tape and regulation. The cost of this overregulation was \$7 billion in taxes, fees, compliance costs and other charges. The Newman government, on the other hand, is determined to make life easier for Queenslanders and Queensland's small businesses. In fact, Mr Nick Behrens, General Manager of Advocacy, CCIQ, said—

CCIQ believes the state government is resolute in fighting against this burden for small business.

I must stress that the changes this bill seeks to implement will see a reduction of red tape and government involvement in the aforementioned industries, whilst maintaining appropriate protection for consumers. Without doubt, for many Queenslanders, living the great Aussie dream of purchasing one's own home is the biggest financial decision of their lives. Yet many consumers are often confused and overwhelmed by mountains of paperwork. These bills will simplify the process and make it easier for homebuyers to buy and sell property and motor vehicles. Many operators felt the current legislation left them drowning in a sea of paperwork. These bills reduce the number of approved government forms for motor dealers and chattel auctioneers by 66 per cent. Delivering on the Newman government's commitment to remove unnecessary duplication from the buying process, the home sale contract will now incorporate the PAMDA warning statement, further streamlining the process. Auctioneers who may need two licences to auction chattels, livestock and property will now have to pay only the cost and administration of one licence and can complete the application task in one simple process. This is another example of this government getting out of the way of businesses and freeing them up from burdensome regulation.

Similar to recent changes in Victoria, the Debt Collectors (Field Agents and Collection Agents) Bill introduces a negative licensing regime for collection agents. Such a regime only applies to agents who engage in their activities by telephone or other means that have no face-to-face contact.

Finally, the Agents Financial Administration Bill deals with the financial obligations of agents regulated under three other acts. Specifically, this bill relates to the trust account requirements on licensees and establishes the claim fund that compensates those consumers who suffer financial losses as a result of particular actions by agents. This bill improves the operation of the claim fund by promoting administrative efficiencies in receiving, determining and paying claims to the benefit of consumers who have been wronged. The split of the Property Agents and Motor Dealers Act is the result of hard work by the committee and the Newman government and delivers a variety of positive benefits to the industry. It simplifies requirements and reduces burdensome red tape not only for agents but also for their customers. I am very proud to commend the bill to the House.