A Suite of Bills -
Cognate Bills:
Property Agents Bill 2010 (Qld);
Motor Dealers and Chattel Auctioneers Bill 2010 (Qld);
Commercial Agents Bill 2010 (Qld); and
Agents Financial Administration Bill 2010 (Qld).
A related bill: Fair Trading Inspectors Bill 2011 (Qld)

The Property Agents Bill 2010 (Qld), the Motor Dealers and Chattel Auctioneers Bill 2010 (Qld) and the Commercial Agents Bill 2010 (Qld) propose to repeal the Property Agents and Motor Dealers Act 2000 (Qld) (PAMDA) and introduce a new legislative regime for the regulation of the activities, licensing and conduct of property agents, motor dealers, chattel auctioneers and commercial agents, and their employees. The Agents Financial Administration Bill 2010 (Qld) deals with the administration of agent trust accounts and the consumer claim fund. The Fair Trading Inspectors Bill 2011 (Qld) proposes to establish common inspectorate provisions for legislation administered by the Office of Fair Trading. This Research Brief discusses the background to these bills and provides an overview of them, focusing on the differences between the bills and PAMDA.

**Bills:**
Property Agents Bill 2010 (Qld); Motor Dealers and Chattel Auctioneers Bill 2010 (Qld); Commercial Agents Bill 2010 (Qld); Agents Financial Administration Bill 2010 (Qld); Fair Trading Inspectors Bill 2011 (Qld)

**Dates of introduction:**
24 November 2010 (Cognate bills); 17 February 2011 (Fair Trading Inspectors Bill 2011)

**Portfolio:**
Justice and Attorney-General

**Hansard Reference**
Queensland Parliamentary Debates: 24 November 2010, pp 4,245 - 4,250 (Cognate bills); 17 February 2011, pp 227 - 228 (Fair Trading Inspectors Bill 2011)

**Second Reading Speeches:**
Legal Affairs, Police, Corrective Services and Emergency Services Committee (17 June 2011)

Mary Westcott
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Research Briefs on Bills reflect the legislation as introduced and should not be considered complete guides to the legislation. To determine the stage a parliamentary committee has reached in its consideration of a Bill, whether amendments have been made to a bill during consideration in detail, or whether a Bill has been enacted, the Daily Agenda (Notice Paper) for the Queensland Legislative Assembly and/or the ‘Bills and Legislation’ Page on the Queensland Parliament’s website can be consulted at http://www.parliament.qld.gov.au/work-of-assembly/.

Readers may also wish to refer to the report on the Bill by the relevant portfolio committee (or other committee nominated when the Bill was presented) and the Parliament’s Record of Proceedings (Hansard).

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Key Points

1. Service Delivery and Performance Commission recommendations in the Report on the Review of Regulatory Reform (Phase 2) – Property Agents and Motor Dealers Act 2000 led to the splitting of the Property Agents and Motor Dealers Act 2000 (Qld) (PAMDA) into industry specific bills - the Property Agents Bill 2010 (Qld), the Motor Dealers and Chattel Auctioneers Bill 2010 (Qld) and the Commercial Agents Bill 2010 (Qld) - and a bill establishing a consumer claim fund and dealing with trust accounts held by particular agents - the Agents Financial Administration Bill 2010 (Qld) (the Bills) (Section 4 of this Research Brief).

2. The Bills do not constitute the results of a full review of PAMDA, but they do propose to implement some changes, such as a reduction in the number of types of licence.

3. The Bills were drafted in awareness of Queensland’s obligations under the Council of Australian Governments’ Intergovernmental Agreement for a National Licensing System for Specified Occupations because the national licensing system, which is expected to commence from July 2012, will apply to property agents (Section 5).

4. The inspectorate provisions in PAMDA have been transferred into the Fair Trading Inspectors Bill 2011 (Qld) (Section 7).

For further clarification and analysis of the relevant issues, the reader should consult the Research Brief and refer to the Explanatory Notes to the Bills as well as to the Bills themselves.
1 Introduction

The Property Agents Bill 2010 (Qld), the Motor Dealers and Chattel Auctioneers Bill 2010 (Qld), the Commercial Agents Bill 2010 (Qld) and the Agents Financial Administration Bill 2010 (Qld) (the Bills) were introduced into the Queensland Parliament by the Hon Peter Lawlor MP, the then Minister for Tourism and Fair Trading, on 24 November 2010. This suite of bills, which was drafted as a result of recommendations made by the former Service Delivery and Performance Commission,\(^1\) proposes to “repeal [the Property Agents and Motor Dealers Act 2000 (Qld)] and introduce a new legislative regime ...”.\(^2\)

2 Scope of Research Brief

This Research Brief:

- briefly describes the Property Agents and Motor Dealers Act 2000 (Qld) (PAMDA), the current legislation;
- summarises the Service Delivery and Performance Commission reviews that led to the drafting of the Bills;
- discusses the Council of Australian Governments’ National Licensing System reforms because of their impact on the drafting of the Bills;
- provides an overview of the Bills;
- mentions the Fair Trading Inspectors Bill 2011 (Qld) because the inspectorate provisions in PAMDA have been transferred to that Bill; and
- notes the referral of the Bills to the Legal Affairs, Police, Corrective Services and Emergency Services Committee.

3 Property Agents and Motor Dealers Act 2000 (Qld) (PAMDA)

The Property Agents and Motor Dealers Act 2000 (Qld) (PAMDA), the current act, provides for the regulation of the activities, licensing and conduct of seven different types of business activities - resident letting agents, real estate agents, pastoral houses, auctioneers, property developers, motor dealers and commercial agents - and their employees, to protect consumers against particular undesirable practices, and for other purposes.\(^3\) There are six Codes of Practice and a Regulation under the Act.\(^4\)

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\(^1\) The Service Delivery and Performance Commission (SDPC) was established pursuant to the Service Delivery and Performance Commission Act 2005 (Qld). The main function of the SDPC was to conduct reviews of agencies’ service delivery and initiatives and report to the Minister (Service Delivery and Performance Commission Act 2005 (Qld), ss 10, 27). The SDPC (and the Office of the Public Service Commissioner) was replaced by the Public Service Commission (see Public Service Act 2008 (Qld) and Public Service Bill 2008 (Qld), Explanatory Notes, pp 1-2).


\(^3\) Property Agents and Motor Dealers Act 2000 (Qld) (PAMDA), long title

\(^4\) The Codes of Practice and the Regulation under PAMDA are:
4 Background

The Service Delivery and Performance Commission (SDPC) published a series of related reports in the mid-late 1990s which ‘culminated’ in the Bills:

- The first of the relevant reports – *Review of Legislative and Regulatory Reform Initiatives in the Queensland Government Phase 1* – was published in July 2006. This review was undertaken with the objective of improving regulatory reform in Queensland. Amongst other matters, the SDPC found that there were areas in which the Queensland Government could reduce regulation. The report recommended that the SDPC should undertake an assessment of the cost of certain regulation and how much could potentially be saved.

- Subsequently, in *Report on the Service Delivery and Performance Management Review of the Department of Tourism, Fair Trading and Wine Industry Development*, the SDPC proposed that PAMDA be amongst the legislation examined so as “to assess the costs of the legislation and identify possible simplification”.


4.1 Report on the Review of Regulatory Reform (Phase 2) – Property Agents and Motor Dealers Act 2000

The objectives of the SDPC review of PAMDA were to identify the major regulatory features of the Act, assess the costs and benefits of those features, and recommend legislative amendments “to simplify the level of regulation, while maintaining effective consumer protection.”

- Property Agents and Motor Dealers (Auctioneering Practice Code of Conduct) Regulation 2001 (Qld);
- Property Agents and Motor Dealers (Commercial Agency Practice Code of Conduct) Regulation 2001 (Qld);
- Property Agents and Motor Dealers (Motor Dealing Practice Code of Conduct) Regulation 2001 (Qld);
- Property Agents and Motor Dealers (Property Developer Practice Code of Conduct) Regulation 2001 (Qld);
- Property Agents and Motor Dealers (Real Estate Agency Practice Code of Conduct) Regulation 2001 (Qld);
- Property Agents and Motor Dealers (Restricted Letting Agency Practice Code of Conduct) Regulation 2001 (Qld);
- Property Agents and Motor Dealers Regulation 2001 (Qld).


5 See Hon Peter Lawlor MP, Property Agents Bill, Second Reading Speech, p 4,245.

6 Recommendation 11. The recommendations are on pp 2-3 of the report.


benefits”. The review did not examine PAMDA in its entirety; it focussed on how regulation could be improved.

In the report, the SDPC described PAMDA, the Regulation and the Codes of Conduct as establishing:

... complex and prescriptive layers of regulation for these businesses, including licensing/registration of both the business and its employees. There are 17 categories of licences/registration under the Act, although the department recognises 29 separate groupings of licences/registration for the purpose of administering the Act.

The SDPC’s consultation found that PAMDA was “cumbersome and very difficult to follow and interpret”. For example, the SDPC noted that:

The structure of the legislation is such that its application to a particular industry is spread throughout the Act, making it difficult for stakeholders to identify the provisions which relate to their specific industry.

The report also stated:

It is evident from consultation with both stakeholders and [Office of Fair Trading] management and staff that the legislation seeks to cover too many matters in the one Act. ... Although some of these business activities have common regulatory issues (for example, trust fund provisions apply to a number of these industries), there are many regulatory issues which are unique to each industry.

4.1.1 Service Delivery and Performance Commission (SDPC) Recommendations

The SDPC made 48 recommendations, including the following:

B1. ... repeal the Property Agents and Motor Dealers Act 2000, and to:

- establish an Act regulating real estate agents (including resident letting agents)
- establish an Act regulating motor dealers
- transfer the provisions dealing with trust funds to the Fair Trading Act 1989, and
- transfer the provisions dealing with commercial agents to the Security Providers Act 1993, maintaining commercial agents as a separate class of licence.

A18. Remove the pastoral house licensing category.

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9 SDPC, Phase 2 Report, Appendix 2: Terms of Reference, p 78. Another objective was to recommend “further whole-of-government regulatory reforms” based on the analysis of PAMDA.

10 SDPC, Phase 2 Report, p 79.

11 SDPC, Phase 2 Report, p 13.

12 SDPC, Phase 2 Report, p 13.

13 SDPC, Phase 2 Report, p 15.

14 SDPC, Phase 2 Report, p 15.

15 SDPC, Phase 2 Report, pp 4-10.
4 Queensland Parliamentary Library

A19. Transition existing pastoral house licensees (pastoral house directors and managers) across to being licensed real estate agents.

A20. Transition existing pastoral house salespersons to meet the revised requirements for real estate salespersons under the Act.

A26. Remove the requirement for corporations to have a licensee as a director.

A32. Reduce the regulation in relation to the display and production of licences by ... removing the requirement for the licence to be displayed in the licensee’s registered office ...

A34. Remove the requirement to provide photographs with licence applications, except for commercial agents ...

4.1.2 Queensland Government’s Response to the SDPC Recommendations

The Queensland Government Response to the Recommendations of the Service Delivery and Performance Commission Review Report on the Review of Regulatory Reform (Phase 2) - Property Agents and Motor Dealers Act 2000 was tabled in the Queensland Parliament on 23 April 2009. While the Government supported some of the recommendations (22 were supported, some of these partially or with qualifications),16 many (26) were not supported. A number of the supported recommendations were implemented by the Property Agents and Motor Dealers and Other Legislation Act 2010 (Qld).17 The Bills propose to implement other supported recommendations.

As Recommendation B1 is the key recommendation relating to the Bills, the Government’s response to it is the only one extracted and discussed in this section of the paper. Some other supported recommendations are briefly discussed in relation to the individual bills.

Splitting PAMDA

With respect to the recommendation (B1) that the Government repeal PAMDA and separate it into a number of different Acts, the Government provided the following response:18

16 Some of the Queensland Government’s responses were qualified because the Council of Australian Governments (COAG) national licensing system (NLS) reforms were incomplete and the Queensland Government was awaiting the outcome of the COAG NLS reforms before finalising its position on, or implementing, certain of the recommendations. See e.g., Recommendation A3.

17 The Property Agents and Motor Dealers and Other Legislation Act 2010 (Qld) implemented the first component of the PAMDA reforms. These amendments, which amongst other matters, removed certain prescriptive requirements from Chapter 11 of PAMDA relating to the presentation and delivery of proposed residential property contracts to potential purchasers, commenced on 1 October 2010. See the Queensland Parliamentary Library’s Research Brief titled “Property Agents and Motor Dealers and Other Legislation Amendment Bill 2010 (Qld): Removing certain prescriptive requirements” for further information.

The Government considers that separating the regulated occupations into separate legislation will also facilitate Queensland’s implementation of the COAG [Council of Australian Governments] NLS [national licensing system] initiatives for property agent occupational areas. However the implementation of this recommendation should be carried out at the same time as (or after) implementation of the COAG NLS reforms.

Additionally, commercial agents should be covered by stand-alone legislation and not attached to the Security Providers Act 1993, as commercial agents have no significant connection with the security providers industry.

Given the Government has not supported the repeal of auctioneer licensing and conduct provisions, consideration will be given to placing relevant auctioneer provisions in stand alone legislation.

Further consideration will be given to the appropriate vehicle upon which to place the trust accounting, receivership and claim fund provisions as the Government anticipates Queensland’s Fair Trading Act 1989 may be subsumed by national legislation.

As a result of the Government’s support for Recommendation B1, PAMDA was divided into industry-specific segments (each one represented by a bill19) and the Agents Financial Administration Bill.

5 COAG National Licensing System Reforms

When drafting the Bills, the Government had to take into account the Council of Australian Governments’ (COAG’s) Intergovernmental Agreement for a National Licensing System for Specified Occupations (IGA), which was signed in April 2009, because one of the occupations to be subject to a national licensing regime is property agents.20

The new licensing system is designed to “remove inconsistencies across State borders and allow for a much more mobile workforce”.21 It is also expected to reduce costs. The National Licensing System for Specified Occupations: Decision Regulation Impact Statement (RIS) noted: “The direct compliance costs from overlapping regulation that are borne by businesses and eventually consumers include the costs of multiple licence fees, and the indirect costs include those of managing multiple regulatory regimes”.22

Pursuant to the IGA, Victoria will host the substantive legislation to give effect to the national system (see the Occupational Licensing National Law Act 2010 (Vic)23). The other

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19 See the information under the heading of ‘Motor Dealers and Chattel Auctioneers Bill 2010’ in this Research Brief for the Minister’s explanation of why motor dealers and chattel auctioneers were incorporated into one bill.

20 Intergovernmental Agreement for a National Licensing System for Specified Occupations (IGA), 3.5(g).


23 Note, however, that not all provisions had commenced as at the date of writing.
States and Territories agreed that they will introduce legislation applying the Victorian legislation and repealing their existing legislation.\textsuperscript{24}

It is expected that draft regulations and consultation regulation impact statements for each occupational area will be released for public comments “early in the second half of 2011” and that the national licensing system will commence “from July 2012”.\textsuperscript{25}

\section{The Bills}

As discussed above, the SDPC reviewed PAMDA with a view to reducing “the regulatory burden on business while maintaining effective consumer protection”\textsuperscript{26} and, accordingly, the SDPC review was not a comprehensive review of the Act. Thus, the Bills’ provisions relating to licensing and conduct requirements are mostly the same as those in PAMDA.\textsuperscript{27}

In August and September 2010, the Department of Fair Trading conducted consultation into the splitting of PAMDA into industry-specific bills and a bill dealing with the administration of trust accounts.\textsuperscript{28} The Consultation Guide, released with the consultation drafts of the bills, highlighted the proposed changes and sought feedback on the bills. In his Second Reading Speech on the Motor Dealers and Chattel Auctioneers Bill 2010 (Qld), the Hon Peter Lawlor MP spoke (p 4,247) of the response to the proposed changes, stating, “The government’s commitment to splitting PAMDA has widespread support from both industry and consumer stakeholders”.

\begin{footnotesize}
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6.1 Property Agents Bill 2010

The Property Agents Bill 2010 (Qld) proposes to establish two categories of licence: property agent licence (real estate agent and auctioneer) and resident letting agent licence. The property agent licence (real estate agent and auctioneer) incorporates the existing PAMDA licences for real estate agents, auctioneers (of real estate only), and pastoral houses. The resident letting agent licence continues the current resident letting agent licence.

While there are some differences between the Property Agents Bill 2010 (Qld) and the relevant provisions in PAMDA due to SDPC recommendations, such as changes to the licensing categories and the removal of the licensing requirements applying to property developers, and some minor amendments, such as those relating to independent contractors and on-hire labour, many of the provisions in the bill are the same as those in PAMDA.

The bill was drafted with the intention to make the transition to the COAG national licensing system for property agents "as seamless as possible". Hence, as noted by the Minister in his Second Reading Speech (p 4,246), the licensing regime for property agents needed to be changed from that under PAMDA. This is because the proposed national property agent licence is expected to enable the holder of such a licence to undertake the activities of both a real estate agent and an auctioneer (of real property). This is in contrast to the situation under PAMDA where there are separate licences for real estate agents and auctioneers. In addition, PAMDA permits an auctioneer to auction both real property and chattels. Thus, as noted above, the property agent licence in the Property Agents Bill 2010 (Qld) permits the licence holder to work as a real estate agent and auction real property.

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29 The Motor Dealers and Chattel Auctioneers Bill 2010 (Qld) regulates chattel auctioneers. The Property Agents Bill 2010 (Qld) does, however, enable property agents to auction chattels "where a property agent auctions real property and chattels are auctioned as part of the one auction event, for example an auction of a house and its contents. This will prevent property agents from needing separate licences for such occasions": Hon Peter Lawlor MP, Property Agents Bill, Second Reading Speech, p 4,246.

30 See Hon Peter Lawlor MP, Property Agents Bill, Second Reading Speech, p 4,246.


32 See Hon Peter Lawlor MP, Property Agents Bill, Second Reading Speech, p 4,246. Further, the Explanatory Notes to the bill (p 3) note that a complete review of PAMDA was not undertaken prior to the drafting of the bill.

33 Hon Peter Lawlor MP, Property Agents Bill, Second Reading Speech, p 4,246.
6.2 Motor Dealers and Chattel Auctioneers Bill 2010

Two categories of licence are proposed to be issued under the Motor Dealers and Chattel Auctioneers Bill 2010 (Qld):^{34}

- a motor dealer licence; and
- a chattel auctioneer licence.

The chattel auctioneer licence is a new category of licence. A chattel auctioneer licence authorises the holder of the licence (a chattel auctioneer) to perform the activity of selling or attempting to sell or offering for sale or resale any goods by way of auction, or to sell the goods by any means during the auction period.^{35}

The Minister acknowledged in his Second Reading Speech on the Motor Dealers and Chattel Auctioneers Bill 2010 (Qld) that there are “two distinct occupations” in the bill. By way of explanation for the decision to incorporate both motor dealers and chattel auctioneers in the bill, he said: “[T]he conduct requirements relating to both are quite similar. In addition, the majority of the conduct provisions in PAMDA about chattel auctions refer to used motor vehicles in any case.” He stressed, however, that “the bill clearly distinguishes between the respective conduct requirements for motor dealers and chattel auctioneers”.^{37}

6.3 Commercial Agents Bill 2010

Commercial agents, sometimes known as mercantile agents, repossess goods, collect debts and undertake process serving activities as an agent for others for reward.^{38}

In his Second Reading Speech on the Commercial Agents Bill 2010 (Qld), the Minister said (p 4,248) that “[t]he bill maintains the substance and intent of the regulation of commercial agents under PAMDA”. Nevertheless, there are a number of differences between the relevant provisions in PAMDA and the bill. The Explanatory Notes (pp 2-3) identify some of the proposed amendments:

The Bill ... [removes] the requirement on current commercial agent corporations to have a licensee as a director provided that a person in charge of the corporation’s business is licensed [see SDPC Recommendations, A26; Government Response to

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^{34} Motor Dealers and Chattel Auctioneers Bill 2010 (Qld), cl 12.

^{35} A chattel is a movable possession, such as a piece of furniture or a domestic animal: The Free Dictionary.

Under the current Act, the holder of an auctioneer’s licence (auctioneer) is authorised to sell or attempt to sell or offer for sale or resale any property by way of auction. The licence also authorises the auctioneer to sell the property by any means during the auction period (PAMDA, s 205).

The holder of a pastoral house licence or a pastoral house director’s licence or a pastoral house manager’s licence or a pastoral house auctioneer’s licence or a motor dealer’s licence or a real estate agent’s licence is authorised to auction certain chattels (PAMDA, ss 128, 165, 166, 167, 168, 279).

^{36} Motor Dealers and Chattel Auctioneers Bill 2010 (Qld), cl 127.

^{37} Hon Peter Lawlor MP, Motor Dealers and Chattel Auctioneers Bill, Second Reading Speech, p 4,247.

^{38} See Commercial Agents Bill 2010 (Qld), cl 55(1).
The Bill … [allows] the register of enforceable undertakings to be posted on the department’s website and [creates] an offence where a licensee represents that he or she has received an amount of money when the licensee has not received the amount [see Commercial Agents Bill 2010 (Qld), cl 135(6), 136(4)].

The Bill … implements some amendments sought by the commercial agent industry during consultation on the Bill. The amendments reflect the differences in the nature of the work performed by commercial agents and other PAMD Act agents (e.g. real estate agents and motor dealers). Unlike other agents regulated under the PAMD Act, many commercial agents in Queensland work from home. Generally, commercial agents perform their activities away from their business premises and clients and debtors do not visit the business premises. Consequently the Bill does not continue the PAMD Act requirements for commercial agents to display their licence and name, and other particulars prescribed by regulation, at their principal place of business. Given the nature of the work performed, which often involves persistent requests for payment of debts and notifications of repossession and bankruptcy, there is a safety justification for not requiring commercial agents to display these details [see PAMDA, ss 77, 352; Property Agents and Motor Dealers Regulation 2001 (Qld), rr 10, 13].

The Bill changes the appointment requirements for commercial agents engaging in process serving for clients. ... the Bill provides that a commercial agent can engage in process serving for a client provided that the client has instructed the commercial agent in writing [see PAMDA, ss 344, 345; Commercial Agents Bill 2010 (Qld), cl 63].

6.4 Agents Financial Administration Bill 2010

The Agents Financial Administration Bill 2010 (Qld) was drafted “to avoid duplication across each occupation-specific law”.39

While the provisions of the Agents Financial Administration Bill 2010 (Qld) basically replicate the provisions on the administration of agent trust accounts and the consumer claim fund,40 the bill “implements a number of minor amendments to address operational issues”.41 These include:42

- reducing penalties to allow infringement notices to be issued for minor trust account breaches, “such as an early drawing of a commission from a trust account”. The Explanatory Notes explain that lowering the penalty from three years imprisonment to two years means that minor trust account breaches will no longer be indictable offences and therefore an infringement notice will be able to be

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41 Agents Financial Administration Bill 2010 (Qld), Explanatory Notes, p 2.
42 Agents Financial Administration Bill 2010 (Qld), Explanatory Notes, p 2.
issued. This, the Explanatory Notes describe as “an efficient and appropriate means of enforcement for relatively minor breaches”.

- enabling the chief executive to publish information from the register of undertakings on the department’s website.
- discontinuing the requirement that the chief executive approve a person as an auditor of a licensee.

## 7 Fair Trading Inspectors Bill 2011

Chapter 15 of PAMDA contains the provisions relating to inspectors. In his Second Reading on the Agents Financial Administration Bill 2010, the Hon Peter Lawlor MP said:  

Members may have noticed that the inspectors’ powers provisions contained in PAMDA have not been transitioned to these four bills. ... Rather, the government is working towards consolidating such powers for application across fair trading legislation generally.

On 17 February 2011, the Hon Peter Lawlor MP introduced the [Fair Trading Inspectors Bill 2011 (Qld)](http://www.legislation.qld.gov.au/lss/del/2011-02-17/32) into the Queensland Parliament. The bill proposes to establish common inspectorate provisions for a number of pieces of legislation administered by the Office of Fair Trading (in the Fair Trading Inspectors Bill, these statutes are called primary Acts). It must be noted, however, that as it is intended that PAMDA will be repealed, it is not included among the primary Acts in the bill. It is expected that the Bills, the subject of this research brief, will be included as primary Acts.

The Fair Trading Inspectors Bill 2011 (Qld) was drafted as a result of recommendations in the 2002 internal review of the [Fair Trading Act 1989 (Qld)](http://www.legislation.qld.gov.au/lss/del/2002-11-21/144) and the 2007 review of the Department of Tourism, Fair Trading and Wine Industry Development. The reviews identified inconsistencies between the inspectorate provisions under the acts administered by the Office of Fair Trading and it was recommended that the provisions be consolidated and made consistent.

In his [Second Reading Speech](http://www.legislation.qld.gov.au/lss/del/2011-02-17/32) on the bill (p 228), the Hon Peter Lawlor MP discussed the contents of the bill:

> The bill ... contains powers to enter and search places, obtain documents and information, obtain offence related and monitoring warrants, and seize and forfeit

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43 Hon Peter Lawlor MP, Agents Financial Administration Bill, p 4,249.

44 The common provisions mostly concern (cl 4(2)):

- the appointment and powers of inspectors for primary Acts; and
- the procedures relating to the exercise of the powers.

Schedule 1 contains provisions modifying the common provisions with respect to certain primary Acts.


46 Fair Trading Inspectors Bill 2011 (Qld), Explanatory Notes, p 3; Hon Peter Lawlor MP, Fair Trading Inspectors Bill, Second Reading Speech, QPD, 17 February 2011, pp 227-228, p 228.

47 Fair Trading Inspectors Bill 2011 (Qld), Explanatory Notes, pp 1-2; Hon Peter Lawlor MP, Fair Trading Inspectors Bill, Second Reading Speech, p 227.
evidence. These powers essentially continue those currently available to Office of Fair Trading inspectors across fair trading legislation. The bill also introduces a new power for inspectors to stop vehicles, which is naturally required if inspectors are to be able to search vehicles. The power to stop and search vehicles is necessary as vehicles are just as likely to contain evidence as places, particularly for itinerant traders.

8 Conclusion

On 17 June 2011, the Legislative Assembly agreed with a motion moved by the Hon Judy Spence MP, Leader of the House, that the Property Agents Bill 2010 (Qld), the Motor Dealers and Chattel Auctioneers Bill 2010 (Qld), the Commercial Agents Bill 2010 (Qld) and the Agents Financial Administration Bill 2010 (Qld) be treated as cognate bills for their remaining stages. The Bills will be considered in detail together, but separate questions will be put in regard to the second readings, third readings and long titles. It was further agreed by the House that the Bills would be referred to the Legal Affairs, Police, Corrective Services and Emergency Services Committee.  

The Committee is required to report by 19 December 2011.

The Committee released an Issues Paper on 5 July 2011 which called for “individuals, organisations and communities” to prepare submissions to “assist the Committee in its examination of the Bills and help inform the recommendations it makes to the Parliament”. Submissions had to be received by 20 July 2011. The Committee intends to hold public hearings on 3 and 24 August 2011.

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48 Hon Judy Spence MP, Leader of the House, Motion: Cognate Debate; Bills Referred to Committee, QPD, 17 June 2011, pp 2,057 – 2,058.

49 Legislative Assembly of Queensland, Notice Paper for Tuesday 2 August 2011.
Links to Further Reading

Bills, Explanatory Notes and Second Reading Speeches
• Property Agents Bill 2010 [Qld]; Explanatory Notes; Second Reading Speech (pp 4,245 – 4,247)
• Motor Dealers and Chattel Auctioneers Bill 2010 [Qld]; Explanatory Notes; Second Reading Speech (p 4,247)
• Commercial Agents Bill 2010 [Qld]; Explanatory Notes; Second Reading Speech (p 4,248)
• Agents Financial Administration Bill 2010 [Qld]; Explanatory Notes; Second Reading Speech (pp 4,249 – 4,250)
• Fair Trading Inspectors Bill 2011 [Qld]; Explanatory Notes; Second Reading Speech (pp 227-228)

Ministerial Media Statement
• Hon Peter Lawlor MP, Minister for Tourism and Fair Trading, Tailored Legislation Better Suits Industry and Consumers, Queensland Ministerial Media Statements, 26 November 2010

Department of Employment, Economic Development and Innovation
• Splitting of the Property Agents and Motor Dealers Act 2000 (website)
• Property Agents Bill 2010 Consultation Draft, August 2010
• Motor Dealers and Chattel Auctioneers Bill 2010 Consultation Draft, August 2010
• Commercial Agents Bill 2010 Consultation Draft, August 2010
• Agents Financial Administration Bill 2010 Consultation Draft, August 2010

Service Delivery and Performance Commission (SDPC)
• Review of Legislative and Regulatory Reform Initiatives in the Queensland Government Phase 1, July 2006

Queensland Government’s Response to the SDPC’s Recommendations

Council of Australian Governors (COAG)
• Intergovernmental Agreement for a National Licensing System for Specified Occupations, April 2009
• National Licensing System for Specified Occupations: Decision regulation impact statement, April 2009
• Communiqué, 3 July 2008 (pp 1-2)
• National Occupational Licensing System (website)

Legal Affairs, Police, Corrective Services and Emergency Services Committee
• Issues Paper - Inquiry into Bills, July 2011
• First Legislation Referred to Queensland’s New Scrutiny Committees, Media Release, undated

Scrutiny of Legislation Committee
• Legislation Alert, Issue No 2 of 2011, tabled 8 March 2011 (pp 5-13)