

# THE NATIONALS

Submission No: 112.....

Hon. Bronwyn Bishop MP  
Chairman  
Standing Committee on Legal and Constitutional Affairs  
657 Pittwater Road  
DEE WHY NSW 2099

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BY: Gillian Govea

25 June 2004

Dear Ms Bishop

I write to you in your position as Chair of the Legal and Constitutional Affairs Committee to express my deep concerns over the drafting of the proposed amendments to the Bankruptcy Act. I understand that your committee is presently undertaking a review of the draft legislation.

The concerns I have are based on the retrospective nature of the proposals, the reversal of the onus of proof and the effect that these provisions would have on the small business community throughout Australia if these provisions were to become law.

I completely support the government in its efforts to prevent people from deliberately arranging their affairs in a way that would allow them to avoid debts that they can afford to pay. It is my strong belief, however, that those to whom this description applies form a very small proportion of the community. The proposed legislation is, on the contrary, very broadly based and would capture many people who simply wish to protect assets such as the family home in the event of a business catastrophe.

I believe that this has come about as a result of bureaucratic zeal in Canberra at the drafting stage and that your committee is the appropriate place to deal with the problem. For your information I have attached a copy of a media release that I am issuing today that highlights my concerns. I earnestly request that you take these concerns into consideration when reviewing the proposed legislation.

Yours sincerely,



Barnaby Joyce  
Leader – The Nationals Senate Team 2004 (Queensland)

## Queensland Secretariat

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