



Speech by

CHRIS CUMMINS

MEMBER FOR KAWANA

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COMMERCIAL AND CONSUMER TRIBUNAL BILL

Mr CUMMINS (Kawana—ALP) (9.05 p.m.): I can proudly say that I have had some, albeit limited, input into the formation of the Commercial and Consumer Tribunal Bill 2003. I will start by commending the minister and her staff who have gone through this process. It has taken a long time. One feature of the bill that I wish to refer to is the one that allows for the Commercial and Consumer Tribunal to deal with a class action from a group of affected persons. This will be a particularly effective tool in the retirement village jurisdiction, where a number of residents are often affected by the same issue or dispute and where individuals may be unwilling to shoulder the entire burden of a mounting case. This reform will promote justice and help redress perceived inequities between residents and some of the operators.

The bill also repeals the Queensland Building Tribunal Act 2000, and the bill will establish an accessible informal tribunal that conducts itself fairly and ensures that consumers and industry have access to efficient and effective redress in an informal and non-intimidating environment. Many members of the House will know that the Sunshine Coast has a number of retirement villages. Indeed, within my electorate there are literally thousands of my constituents residing in this style of housing. Many are very well informed and some are needing assistance. One of the members said previously it is incredible when some of these people come and raise concerns that often they know only too well their rights. Some of them are not all that pedantic. Some of them are just very articulate and concerned and like to read the contracts that they enter into.

Within retirement villages on the Sunshine Coast we have huge varieties: freehold, leasehold, ageing structures. They might have been up for a few years and many are facing refurbishment. Some of these retirement villages are good, some are very good and a lot have issues. When people are thinking of buying into retirement villages, I always offer the limited advice that I believe it is best a solicitor look at the document before they sign it. Because like buying or selling a house mistakes can be made, and with the fine print on retirement villages it is always good to be forewarned.

Many of us have been lobbied long and hard, and many retirement village residents will be happy. Of course some may never be pleased because they may have made a dreadful mistake in going into that style of accommodation in the first place. It is not for everyone. In fact, my parents are in the process now of purchasing a freehold unit. I know it is a matter of concern as people move from their family home in which they have lived in for a considerable period of time and move into another stage of their life—hopefully one with a little less worry and a little less hassle as they share community pools and other facilities. I believe where there is good competition amongst quality providers of retirement villages that should lead to a good product and good living for all.

I do believe that all legislation, even when it is the very best legislation that we can come up with, will need finetuning as things will change over time. This type of legislation is heavily reliant on planning issues that may arise in the future because styles will change.

Along with previous speakers, I applaud the fact that mediation has been included in the legislation so that parties can try to work through the issues and achieve a solution, hopefully arriving at win-win outcomes without the need to go to the law or even solicitors. I will not badmouth solicitors. I do think we need them. While there are some crooks, I think there are far more good solicitors in Queensland, and in Australia, trying to do the right thing.

In closing, I again commend the minister and her staff, and I commend the bill to the House.