



Speech by

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MEMBER FOR CAIRNS

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COMMERCIAL AND CONSUMER TRIBUNAL BILL

Ms BOYLE (Cairns—ALP) (5.30 p.m.): I am pleased to speak to this Commercial and Consumer Tribunal Bill, having had an interest in it from its early development. I think I have mentioned to members of the House before that at one stage I was so interested in the reform of the tribunal system in Queensland that I met with some people who were ahead of us in having reformed the Victorian system some years ago. At the time I knew little about their system but enough to know that we should seek a better alternative in Queensland to the system that we had.

I must say I was most impressed with the Victorian system. Far from having created a supertribunal in the sense of a large and impersonal organisation, they had created a very friendly organisation that was very efficient and certainly an example which Queensland has been able to borrow—and the same is true of New South Wales. There are many times in this House when we can boast that we in Queensland are leading the way, but on this occasion we have learnt from those who have been slightly ahead of us in terms of these reforms.

It is important to recognise that we have already passed the first two stages of these reforms and that what we are doing now is putting into place the third and final stage in establishing a legal framework for the amalgamated tribunal. The minister's portfolio covers numbers of tribunals that will be brought together in terms of their functioning. These include the Queensland Building Tribunal, the Property Agents and Motor Dealers Tribunal, the Retirement Villages Tribunal and the Liquor Appeals Tribunal. It is quite possible too—likely in fact—that tribunal functions in other portfolios may well also come under this supertribunal as time passes. I hope that is the case.

I must admit to members that over the years in Cairns I have had experiences with constituents of mine where they have not felt they were well managed by the tribunal to which they were complaining. They have cited instances where there was not timeliness, where they were not well informed about the processes that were occurring, where they felt bamboozled or overwhelmed even by the legalistic style of some of the tribunals, where they felt that the small man, the little person, was not getting the kind of natural justice or advantage that should have gone their way.

Certainly those numbers of complaints have not been great and yet they have been sufficient to suggest, I am sure, to the minister and to the department that there must be a better, more efficient way. I note the minister's own goals as indicated in the second reading speech of providing services that meet the key principles of natural justice, fairness, accessibility, timeliness, informality and an emphasis on early dispute resolution using techniques such as mediation.

Much of this reflects the time that we are now at in society. It was so probably 20 years ago that a legalistic interpretation of who was right and who was wrong in tribunals was normal for those years. Society has since moved on to recognise that often on matters whereby constituents are aggrieved, where complaints are not so much about the letter of the law but more about a feeling of unfairness, of not being given good service, the solution to that problem is more likely to be found through discussion and communication and a mutual understanding and occasionally some redress which may be as simple as a verbal apology or even a slight change to the system to prevent that disservice being done to other consumers in Queensland at a later time.

That is the sort of system that we are setting up now, and for that reason I would like to particularly welcome the de-emphasis that there is on the legalistic approach. It is unlikely on the great majority of occasions that people will have in dealing with matters through our tribunal that legal advice

will be necessary either before any presentation or during the process itself. That is the way we wanted it to be. If indeed it is to be accessible, then it needs also to be a process that is not costly to consumers, who are often of limited means. Of course, if lawyers are to become involved and certainly if lawyers are to represent clients in tribunals, then there is a layer of cost that is too frequently beyond the ordinary man and beyond maybe the matter at hand. Besides which, as I have said previously to members, that takes us into a legalistic framework rather than a framework of mediation, of conciliation, of communication and hopefully problem resolution.

I particularly welcome the amalgamation of the Liquor Appeals Tribunal within this broader tribunal. I have had experiences in Cairns over recent years where through the eyes of my constituents I have seen the processes of the Liquor Appeals Tribunal not measuring up to the standards I think it should meet in terms of communication and accessibility, in terms of giving an understanding and a sense of fairness to those who might object to maybe a major firm applying for a liquor licence—sometimes a firm with considerable resources and size and experience that leaves people who may object, for example, to the application for a bottle shop licence in a suburban area at a great disadvantage. I believe that the amalgamation of the Liquor Appeals Tribunal into this supertribunal will go some significant way towards addressing that kind of imbalance.

It is nonetheless important, whatever process we might put in place through this legislation, whatever new form we might give to the tribunal, that we get the right people as the commissioners, as those who will hear the complaints. They need to be people who are not only familiar with the processes but also have access, if not directly themselves, to expertise about the matters at hand.

That is another advantage of the new system that we are putting in place. It is a system that will be much more responsive in the regions of Queensland. Far from being centralised in Queensland with expert panels that will only meet in Brisbane or maybe travel to regional areas once in a couple of years or even a year, this system will allow for the appointment of expert people in regional areas to assist on specific matters that will come under the tribunal according to the particular need, according to the geography of the complaint.

This will not only make the system more responsive to the particular complaint but will also ensure that the quality of the information presented is appropriate. I am sure that not only are circumstances sometimes different in Cairns than they are in Brisbane; they are also different in Caloundra than they are in Mount Isa or in Wide Bay, and having that geographic shift in the ability to respond will make the tribunal very much more effective.

I welcome these changes. I look forward to their being productive changes. It will only be a matter of a year or two before we will have evidence that they are indeed more timely in terms of responsiveness to complaints, more successful in terms of the outcomes achieved and the satisfaction reported by consumers right around Queensland. I compliment the minister and her department on the many years of work that have gone into bringing us this legislation tonight.