



Speech by

JEFF SEENEY

MEMBER FOR CALLIDE

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COMMERCIAL AND CONSUMER TRIBUNAL BILL

Mr SEENEY (Callide—NPA) (Deputy Leader of the Opposition) (5.23 p.m.): The opposition has no problems with the Commercial and Consumer Tribunal Bill. We will lend it our support in its passage through this House. The objective of the bill, as has been set out by the minister in his second reading speech and in the explanatory notes, is to establish a Commercial and Consumer Tribunal, referred to as the CCT. That will be established through the amalgamation of the Queensland Building Tribunal, the Retirement Villages Tribunal, the Property Agents and Motor Dealers Tribunal and the Liquor Appeals Tribunal. In effect, those four existing tribunals will be amalgamated into one to form the Commercial and Consumer Tribunal. This process follows an efficiency review of the tribunals in 2001. The government undertook a three-phase reform process with the ultimate aim of establishing this amalgamated tribunal. This bill before the House this afternoon is the third stage in that reform process.

In keeping with the aims of the existing tribunals, the CCT will permit parties to represent themselves, to call witnesses and to make submissions. Emphasis remains on retaining the informality and affordability of the Commercial and Consumer Tribunal that exists with the tribunals it will replace.

The CCT aims to utilise recognised justice principles. As such, each party is afforded the opportunity to lodge a defence, extend time limits for compliance with a procedure and seek a suppression order. The bill provides for single-member hearings; however, there is also a capacity for the chairperson to use their discretion to select one, two or three members of the panel if the case is considered reasonably complex or if it is in the public interest to do so.

The bill before the House aims to retain the member expertise through the establishment of sitting lists by the chairperson. Members are then able to develop a knowledge base before expanding their range of expertise. There is additional provision in the bill for the CCT to draw on the advice of experts for information on technical matters that may arise during the course of their hearings.

The bill also provides for expedited hearings and paper-only hearings to assist with reducing delays in the tribunal process. It is important that delays are reduced as much as possible to allow people who seek access to these tribunals a speedy resolution of their particular dispute.

Provisions are inserted which continue the use of mediation as a tool for resolving disputes, thus reducing costs and increasing efficiency. I think everybody would agree with the concept behind that particular element of the legislation in trying to achieve resolution of disputes through mediation as much as possible. If that were possible all the time, of course, the need for the tribunal would be considerably lessened. In keeping with the accessibility aims of the tribunal, users will not be charged full cost recovery through application and other fees.

It appears from contact the opposition has had with them that most stakeholder groups are reasonably comfortable with the proposed changes. However some concern was expressed in a couple of areas. Concern was expressed to us about the narrowing of appeal rights with the provision of the bill restricting appeals to questions of law and then only with the leave of the court. For some this represents a significant narrowing of appeal rights.

I note that the minister just tabled a couple of amendments, the first of which seems to deal with appeal rights. I am not sure whether that is a move to address the concerns that have probably been expressed to the minister as well. No doubt we will get a chance to consider that. I have not yet

had a chance to consider the amendments the minister has tabled. The minister has made the point that it was essential to give certainty to the decisions of the tribunal and that judicial review was still available on appropriate decisions.

Whilst there is a provision in the bill for the chairperson to select up to three members to constitute a tribunal, it has been considered more likely that a single member would constitute the tribunal in most cases. For some jurisdictions accustomed to a three-member panel, this may represent a significant change. There has been some concern expressed to the opposition regarding the loss of expertise that the reduction in members on a panel may constitute. The minister has expressed the right of the chair to select panel members with regard to complexities and convene multi-member panels when they are necessary. We believe that will provide a useful safeguard against the concerns that have been expressed.

Those are a couple of the issues of concern that have been raised with the opposition by stakeholders. It is important that this tribunal does work, that it provides an opportunity for consumers in our community to have disputes resolved in a speedy and cost-effective way and that there is a forum for people who feel aggrieved by a particular issue to have that issue resolved. If they are left unresolved, issues can come to dominate people's lives and cause a deal of angst and frustration and, in simple terms, get blown out of all proportion.

Mediation is always the best means of achieving these solutions, and I compliment the minister for that element of the legislation which focuses on making mediation available to people as the preferred method of settling these disputes. However, the Commercial and Consumer Tribunal will be there for the inevitable situations where disputes cannot be settled by mediation, and we would express the hope that it can provide dispute resolution opportunities to people throughout the community.

As I said at the beginning of this contribution, this is the third phase in a three-stage reform process. This brings to an end that three-stage reform process. The opposition has no problems with what has been proposed in this bill and we will lend our support to it.