




Speech By
Jennifer Howard

MEMBER FOR IPSWICH

Record of Proceedings, 25 February 2016

LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE REPORT

Motion to Take Note

 **Ms HOWARD** (Ipswich—ALP) (12.13 pm): I rise to support the motion that the Legal Affairs and Community Safety Committee report No. 17 on the inquiry into consumer protections and remedies for buyers of new motor vehicles be adopted. I commend the committee for its deliberations into these new laws. I understand that they have had extensive community and industry consultation over many months. The report presented to this parliament is comprehensive and shows the dedication of the members of the committee to ensuring all views were canvassed. In particular, I note the committee's observations about what should happen to a lemon when it is replaced. The report rightly suggests that there is a risk that those cars could be sold on to unsuspecting buyers by the original buyer attempting to recover some costs or the dealer if they have not been able to get recourse from the manufacturer. If a serious defect is found, this onselling places the second buyer and the other road users in significant danger. The committee has also identified that, while the prevalence of lemons in the community is difficult to quantify, there are inadequacies in existing state and federal legislation to protect consumers. Notably, the committee found there was a lack of clarity within the existing Australian Consumer Law as to what constituted a lemon. Understandably, demarcation exists between the manufacturers and sellers when a consumer attempts to achieve redress with the dealer. In those instances, the consumer is left to fight out the problems because the state and federal adjudicators are not technical experts.

Naturally, these problems are not acceptable in our car market, which is competitive at the best of times. If a consumer purchases a lemon, they are left to fight the battle at significant personal, emotional and financial cost. In fact, the purchase of a family car is quite often the most expensive purchase, apart from a home or a unit, that we make and if things go wrong the fallout from that can set back a family for many years. Like the member for Lytton, I have very clear and very fond memories of my first car. I am pleased to hear from the member for Lytton that her first car was not a lemon, despite the fact that, being a yellow Ford Laser, it very likely resembled one.

In my own electorate of Ipswich there are many excellent car dealerships. Without singling out one over another, I want to touch on a local success story, the Llewellyn family's business. Llewellyn Motors is a multifranchise car dealership that has been operating in Ipswich since 1991. After working for car dealerships for over 30 years, Ross Llewellyn returned home to Ipswich to start his own business. That business has since grown to be one of the most successful businesses in my electorate. Ross's son Wade is now the dealer principal and continues to build on the family's tradition of delivering high-quality service in the new and used car market. Like all reputable businesses, I am sure the Llewellyn Motors business would be disappointed to sell a lemon to its loyal customers. However, sometimes it happens, often through no fault of the dealer or the manufacturer. And because it happens,

as legislators we have to ensure that the rights of consumers are protected and that if a lemon is purchased in good faith the consumer will have options for disposing of the car with minimal fuss and no financial impact.

I was pleased to read the committee report's commentary on improvements to how Queensland deals with motor vehicle lemons. I was also pleased that the committee did not just consider legislative improvements but in fact focused much of its attention on consumer remedies, the appeals process, dispute resolution, testing standards and independent assessors. Improvements to the tribunal and court system through QCAT were also considered. One suggestion is the appointment of independent assessors to support decision making in the tribunals, based on technical advice rather than on the opinions or views of the parties involved in the dispute. The suggestion I am particularly impressed by is the consideration of reversing the onus of proof so that the consumer is not required to bear the expensive burden of establishing that the dealer or manufacturer breached consumer laws. In a just society we hope that, if a person has been sold a lemon, the dealer or manufacturer would honour its commitment of sale and agree to replace or repair at no cost to the consumer. I am confident that this does occur in the vast majority of cases. I commend the report to the House.