



Speech By  
**Hon. Yvette D'Ath**


**MEMBER FOR REDCLIFFE**

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Record of Proceedings, 25 February 2016

**LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE REPORT**

**Motion to Take Note**

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (12.31 pm): It is my pleasure to rise to speak to the report that has been tabled by the Legal Affairs and Community Safety Committee. I thank all of the members of the committee who undertook this inquiry. When I stood in this House back in June last year and stated that I was referring this inquiry to the committee, it was because of the personal stories that I had been told. We knew that there was not a huge number of complaints out there, but that should never stand in the way of us looking at how we provide consumer protection for individuals out there because of the significant impact that lemon vehicles have. We have heard about that from members on both sides of the parliament in this.

It is not about the volume of complaints; it is about the impact that these problems have. Yes, it is financial. It can cost people thousands of dollars, never to see the problem rectified. It is the inconvenience of not having their vehicle for days, weeks and sometimes months as it goes off the road each time—often not being given a replacement vehicle by the dealer while that occurs. It is also the stress of trying to recoup their money or get a replacement vehicle. It is also the stress of driving around a vehicle that they believe is faulty. I have heard stories firsthand about how stressed people feel to the point that they will not let their own children who are learning to drive drive that vehicle because they are concerned about safety and whether the car is going to break down in the middle of nowhere and their 18-year-old daughter or son is going to be stuck on the side of a highway or somewhere else because of the faulty vehicle.

The reason for referring this inquiry to the committee was not to create more bureaucracy or regulation; it was to investigate whether more clarity is needed around what are major defects and when a dealer or manufacturer should have to replace that vehicle or give a full refund. I know that there are difficulties between the dealer and the manufacturer. I have heard that directly as well, where the person goes, as you would expect, to the dealer and seeks a replacement vehicle but the dealer goes back to the manufacturer and says, 'This is a manufacturing problem,' and the manufacturer says, 'I am not giving a replacement vehicle,' and there is this tussle between the dealer and the manufacturer as to who should be responsible. Understandably, the dealer just says, 'We will look at it. We will look at it. We will look at it,' and time and time again people are put through this cycle of having their vehicle in the workshop but not really getting the problem fixed.

I want to pick up the member for Morayfield's issue about my concern about how many of these vehicles are being onsold. I think there is an underlying problem there. It is not just those who persevere or eventually get their vehicle fixed or replaced; it is all those people who say—and there are many stories in submissions to the department and to the parliamentary committee—that they have just sold it. They are complaining that they sold it at a loss, so it has cost them. My concern is that they have onsold a vehicle that they know is faulty, so that problem just continues for the next person and the next person. Of course, they are not being told they are being sold a dud, so that is a real problem as well.

As I say, I am very grateful to the committee for undertaking this inquiry. I will be formally tabling a government response soon. I am grateful because part of the reason for this is not just to look at ways that we can improve our consumer protection, education awareness about their rights and how to get some remedies at a state level but that I have already raised this at a federal level. I already have this on the federal agenda of the consumer affairs forum, and the Commonwealth and state and territory ministers have all agreed that this will form part of the review that starts this year. I am very grateful that they have agreed to put this on the agenda and that this will be part of the review. So the work of the parliamentary committee is very important because I will be taking this parliamentary committee report to the meeting this year so that they can be aware of the issues that have arisen including the complaints and comments that have been brought to the department.

I reiterate that I know the volume is not huge. But, when we know the impact is significant and that simple changes can be made to protect consumers' rights and to redefine what are major defects, we should stand up for those rights and we do so.