




Speech By  
**Ann Leahy**

**MEMBER FOR WARREGO**

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## **QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL AND OTHER LEGISLATION AMENDMENT BILL**

 **Ms LEAHY** (Warrego—LNP) (11.54 am): I rise to contribute to the debate on the Queensland Civil and Administrative Tribunal and Other Legislation Amendment Bill. I would like to thank the committee members of the Transport and Public Works Committee for their consideration of this legislation. There were some 13 submissions made to the committee, and the majority of the stakeholders were welcoming of the objectives of the bill. I also note the comments of the shadow minister and the member for Toowoomba South that the LNP will not be opposing this bill.

The bill intends to amend the Queensland Civil and Administrative Tribunal Act to improve the operational efficiency of the Queensland Civil and Administrative Tribunal—better known as QCAT—to achieve the objectives of the QCAT Act. It also implements the government's commitment to improve fairness and provide greater rights for Queenslanders buying a vehicle and addresses issues surrounding lemon laws. The bill seeks to improve its operational efficiency by amending a number of provisions: firstly, clarifying that QCAT's tenancy jurisdiction is limited to claims of not more than \$25,000; broadening the scope of the principal registrar so it can now issue notices to parties or require a person to produce a document; and clarifying that an adjudicator sitting alone can constitute QCAT. That is particularly important in regional areas where you do not have many people with those qualifications. In addition, it will provide a legislative framework to enable QCAT to undertake conciliation in addition to other alternative dispute resolution processes currently available.

It is a particularly sensible reform to enable QCAT to offer conciliation. Often disputes can be resolved with the right facilitation, an understanding of the issues of both parties, and helping to facilitate an agreement. It may not necessarily be an agreement that each party is happy with, but if they can reach some sort of agreement that is better than nothing. It also deals with new and used vehicles, and these are commonly known as lemon laws.

In relation to vehicles, the bill expands QCAT's jurisdiction to deal with actions for an amount or a value of other relief if not more than \$100,000. It is currently set at \$25,000. This applies to disputes under the Fair Trading Act in relation to consumer guarantees under the Australian Consumer Law for the supply of goods or services where the action relates to a motor vehicle, including caravans and motorhomes. Motorhomes are becoming tourists' vehicle of choice in a lot of ways. If you come out to my region during the winter months you will see lots of motorhomes from interstate and throughout Queensland. I welcome them to my region in their caravans and motorhomes with open arms.

I have no doubt that this increase will dramatically increase the workload of QCAT. When I am dealing with constituents I do not hear about people chasing smaller sums of money. Unfortunately, I find that a lot of the issues concern larger amounts over \$25,000. What we are hearing from the community tells us that change is needed, but QCAT needs to be resourced correctly to be of benefit to those people who find themselves in a situation where they need to access their services. The increase to \$100,000 is reasonable; however, should the system in QCAT be choked up with cases,

changing the limit will not make any difference. Increasing eligibility without the necessary resourcing to deal with additional cases will not produce a good outcome. Access to QCAT is as important as good outcomes for consumers, and I will deal with that issue later.

The bill also applies to the Motor Dealers and Chattel Auctioneers Act in relation to the statutory warranties for used motor vehicles including motorhomes but not caravans. Specifically, the bill amends the Fair Trading Act to provide a definition for 'motor vehicle' and implements the commitment to reinstate the statutory warranty for class B older second-hand vehicles operated under the Property Agents and Motor Dealers Act.

It has been argued that the limit should be abolished over time in order to give Queenslanders the same access to affordable justice as consumers in New South Wales and Victoria have. That is particularly important. People in my electorate of Warrego and in the electorates of Scenic Rim, Currumbin and Southern Downs, which border New South Wales, face a lot of cross-border issues. If Queensland had a cross-border commissioner, that body would be able to facilitate to ensure reciprocal arrangements in the meantime. It is particularly important, because some people traverse the border all the time. It is very complicated to deal with two different jurisdictions and two different sets of legislative requirements on either side of the border, be it New South Wales or Queensland.

Unfortunately, the bill raises a number of key concerns. As I said earlier, one concern is the expansion of QCAT's already stretched jurisdiction. The expansion of that jurisdiction to deal with lemon laws is likely to cause some inflexibility and cause lengthier time delays in tribunal proceedings. As QCAT's jurisdiction has continued to expand, unfortunately the government has failed to resource it or give it the attention it deserves. In some cases QCAT is the only source of redress for consumers.

The 2017-18 QCAT annual report reveals that QCAT is severely under-resourced and overworked. The report reveals that increases in the complexity of matters lodged coupled with QCAT's limited resources continues to put pressure on QCAT's ability to meet its benchmarks for clearance rates. Those annual clearance rates are particularly important. There is no point going into QCAT unless you can get an outcome.

I note that QCAT's President, Justice Martin Daubney, warned of the under-resourcing issues and the impacts these are having on staff. He has asked the government to urgently address the resourcing issues. Justice Daubney commented—

QCAT's members and registry staff have been stretched beyond all reasonable and proper levels of tolerance.

It is quite extraordinary that he should make those comments. He also said—

Any further delay in appropriate resourcing for QCAT will inevitably result in the tribunal being unable to deliver anything like quick and accessible civil justice to Queenslanders.

I have constituents who travel long distances to access QCAT. If they cannot get quick access to that process, it will become cost prohibitive for them to even consider using QCAT. It is highly important that QCAT is appropriately resourced and there are not compromises or delays in the process. Already I hear of constituents who have to travel four to six hours or more to Toowoomba to access QCAT. Not all QCAT cases are dealt with locally. People cannot afford the time and expense involved with those additional trips. It is a bit hard for people to go to their employer and say, 'I need a couple of days off to go to QCAT.' If they have to keep doing that, it makes it difficult for people to access civil justice in Queensland. It is not right that QCAT should be accessible only by those who can afford to travel or who live close by.

I echo Justice Daubney's concerns and remarks. I am hopeful that the executive government will recognise and urgently address these resourcing issues. I call on the Palaszczuk Labor government to appropriately resource QCAT so that particularly regional people can get access. People need to get through the process quickly, because it is the travel time that kills them when they have to take days off work to access those services.