




Speech By
Bart Mellish

MEMBER FOR ASPLEY

Record of Proceedings, 2 April 2019

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

 **Mr MELLISH** (Aspley—ALP) (5.26 pm): I am happy to speak in support of the Queensland Civil and Administrative Tribunal and Other Legislation Amendment Bill 2018 in relation to lemon laws. Put simply, this bill will increase the consumer protections of people sold new and old motor vehicles that are duds—also known as lemons. These are vehicles with numerous defects that reoccur despite multiple repair attempts or where defects have caused a motor vehicle to be out of service for a prolonged period of time. This is delivering on a Palaszczuk government election commitment. This bill increases QCAT's current jurisdictional limit from \$25,000 to \$100,000 for matters involving motor vehicles with either a major fault or multiple minor faults. If a consumer cannot obtain a suitable remedy in negotiation with a dealer or manufacturer under Australian Consumer Law, they have the option of seeking a remedy through QCAT or the courts.

This bill will also reinstate statutory warranties to older second-hand cars, meaning there will be a requirement for motor dealers to provide a warranty if a car is more than 10 years old or has clocked up more than 160,000 kilometres. In addition to the lemon laws, this bill also seeks to implement conclusions from the report titled *Review of the Queensland Civil and Administrative Tribunal Act 2009* aimed at improving the operational efficiency of QCAT to better achieve the objectives of the QCAT Act. In November last year the Transport and Public Works Committee conducted a public briefing involving the department, and on 29 January this year the committee held a public hearing.

The lemon laws come out of report No. 17 of the previous parliament and its inquiry into consumer protection and remedies for buyers of new motor vehicles in 2015. Submissions to that legal affairs committee inquiry highlighted concerns about QCAT's low monetary threshold for remedies, which excludes many new motor vehicle disputes from QCAT's jurisdiction. However, the then legal affairs committee was unable to agree on a recommendation for QCAT's jurisdictional limit for matters involving new motor vehicles with major defects. The government members of that committee recommended that the limit be removed so that no cap applied, whilst the non-government members recommended that the limit be increased to \$40,000. It is good that this parliament can see the bill with its limit of \$100,000 go through. I note that the statement of reservation does not touch on a figure for the cap, so we can only assume that those opposite support the proposal in the bill for a \$100,000 cap.

I thank those at the public hearing who spoke on the lemon laws for their insights into what these laws will mean on the ground. These include the dealer principal of Supamerc, the Motor Trades Association of Queensland, Lemon Laws 4 Aus and Lemon Caravans & RVs in Aus. I quote Ms Connie Cicchini from Lemon Laws for Aus. She stated—

Thank you very much for having me here today. I am the principal petitioner who put in the e-petition for the removal of the QCAT limit and also the reinstatement of the statutory used car warranty. I am really happy to be here and see this bill going through parliament at the moment.

To sum up the intent of the lemon laws component of the law, a car is a significant expense for many people. It is often purchased with finance. The purchase of a new car is usually the biggest purchase a person will make in their lifetime, other than a home and, as we know, many people never

own their own home. If the car has persistent and ongoing defects an owner can spend significant time requesting repairs, refunds or replacements, visiting or negotiating with a dealer and their vehicle servicing department, writing to the manufacturer back and forth and seeking reports from independent mechanics and specialists. Trying to do that whilst holding down a job or going to TAFE or uni or raising a family or all of the above—

Madam DEPUTY SPEAKER (Ms McMillan): Member for Aspley, could I please ask you to adjourn the debate.