




Speech By
Brittany Lauga

MEMBER FOR KEPPEL

Record of Proceedings, 3 April 2019

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

 **Mrs LAUGA** (Keppel—ALP) (11.39 am): I rise this morning to speak in favour of the Queensland Civil and Administrative Tribunal and Other Legislation Amendment Bill 2018. I am very pleased that through this bill we are delivering on the Palaszczuk government's promise to introduce laws to help purchasers of lemon vehicles. These amendments are being made to implement elements of this government's 2017 commitment to improve fairness and provide greater rights for Queenslanders buying a vehicle. This bill will extend QCAT's jurisdiction for motor vehicle related claims under the Fair Trading Act and Motor Dealers and Chattel Auctioneers Act from \$25,000 to \$100,000. The new limit of \$100,000 will increase access to justice as consumers who have problems with vehicles of a higher value will be able to have their matter heard by QCAT whereas consumers with issues involving vehicles in excess of \$25,000 currently need to initiate proceedings in the Magistrates Court or District Court.

These changes are great news for owners of lemons. I am sure there will be a lot of matters filed with QCAT upon the assent of this bill, including two of my friends, a couple with two young children who purchased a Subaru Outback in 2014 at a price of \$48,000. Under the current laws this couple was not eligible to have their matter heard by QCAT and would have had to initiate proceedings in the Magistrates Court or District Court. The 2014 Subaru Outback has been a huge headache for my friends since they bought it. When they invested in a brand-new car with a warranty they thought they were buying a safe vehicle that would last them for years. Little did they know of the years of safety issues, stress and inconvenience they were about to embark upon.

A car can be a significant expense, often purchased with finance. The purchase of a new car is usually the biggest purchase a person will make in their lifetime other than their home. My friend's car has had persistent and ongoing defects and they have spent a significant amount of time requesting repairs, refunds and replacements, visiting and negotiating with the dealer and their vehicle servicing department, writing to the manufacturer and seeking reports from independent mechanics and specialists.

Within the warranty period of the car it has had to be returned more than a dozen times for issues that render the car temporarily unusable each time. There have been numerous other smaller issues each time which were often never addressed, including the electric park brake. It would sometimes disengage itself and cause the vehicle to roll forward even when it was unattended. Subaru ordered a manufacturer's compulsory recall for the vehicle in relation to the EPB issues and the assembly was replaced. Months later the electronic park brake defected again, this time engaging itself when the vehicle was travelling at speed, causing the rear wheels to lock up and the car to grind to a halt. It is lucky that no-one was injured.

The car was towed to the dealer, who inspected it and replaced the part, assuring my friends that the issue was fixed. Within 10 minutes of driving, the EPB defected again, this time when the car was travelling at 100 kilometres an hour, causing the car to lurch into oncoming traffic screeching to a halt in a cloud of smoke and narrowly avoiding a serious collision. The couple's young children are still

scared to get into a car after this ordeal. There are other significant issues with the car which the dealer refuses to acknowledge. The car has not been driven by my friend since that day. The dealer sent a letter offering to buy the vehicle back at market value, which they claim to be \$15,000, and offered \$2,000 extra for the hardship experienced with the car.

This bill is absolutely about providing access to justice, something that has been denied to purchasers of lemon vehicles for too long. This bill will also reinstate the statutory warranties that applied to older second-hand vehicles under the now repealed Property Agents and Motor Dealers Act 2000. This will mean there will be a statutory warranty for cars which are more than 10 years old or which have clocked up more than 160,000 kilometres.

People in Keppel have raised with me previously issues regarding statutory warranties on second-hand cars. In one case a young woman bought a second-hand car that was just outside the age required for the statutory warranty. She bought the vehicle on finance from a dealership in Brisbane and drove it back to her home in Rockhampton. Only a few months later the car broke down and the bill to fix the car was significantly more than what she had paid for the car and she had no recourse with the second-hand dealer she bought the car from because it did not come with a statutory warranty. The vehicle now sits in her front yard and she is continuing to pay off a car that does not work. Under these new changes the car would have been eligible for a statutory warranty and this young woman would have had the ability to take the matters up with the dealer.

I want to commend the Attorney-General and the department for their work over a number years to bring about this reform. This bill delivers on another Palaszczuk government commitment to improve consumer protections and remedies for buyers of motor vehicles in Queensland and create efficiencies and improvements to QCAT, which supports better access to justice for all Queenslanders. I commend the bill to the House.