




Speech By
Colin Boyce
MEMBER FOR CALLIDE

Record of Proceedings, 3 April 2019

QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL AND OTHER LEGISLATION AMENDMENT BILL

 **Mr BOYCE** (Callide—LNP) (11.34 am): I rise to make a contribution on the Queensland Civil and Administrative Tribunal and Other Legislation Amendment Bill 2018. I would like to acknowledge my fellow committee members: Mr Shane King, member for Kurwongbah; Mr Bart Mellish, member for Aspley; Mrs Jo-Ann Miller, member for Bundamba; Mr Rob Katter, member for Traeger; and Mr Ted Sorenson, member for Hervey Bay. I also take the opportunity once again to thank Mrs Deb Jeffrey and her secretariat staff for all of their hard work and efforts preparing our papers and meetings.

This bill is to amend the Queensland Civil and Administrative Tribunal Act 2009, the QCAT Act, to improve the operational efficiency of the QCAT Act and achieve better objectives and to improve fairness and provide greater rights for Queenslanders buying a vehicle and address the issues concerning lemon laws. The LNP supports the bill to ensure that consumers have the appropriate protections available to them.

One of the major concerns raised in the submissions was the fact that QCAT is at the moment severely underfunded and under-resourced. This was highlighted in the 2017-18 QCAT annual report. Justice Martin Daubney, President of QCAT, commented—

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

Justice Daubney also asked that the government urgently address this issue because of the impact it was having on staff.

The Queensland Law Society supported the proposed reforms to facilitate increased engagement in alternative dispute resolutions where appropriate. However, it recommended that there needs to be more guidance about when a matter may or may not appropriately be referred for conciliation. It also advised that this may include consideration of matters where there is an obvious power imbalance between the parties.

The Townsville Community Legal Service were concerned that the onus to prove a motor vehicle is not of acceptable quality remains with the consumer and also at the consumer's expense. To add to this, Community Legal Centres Queensland recommended reversing the onus of proof requiring the manufacturer to prove that the vehicle in question does not have a defect alleged by the consumer. Surely in this day and age, it would be reasonable to expect that, if you were buying a motor vehicle, it would function properly the way it is supposed to. With the advent of computer technology which is engineered into modern cars and can be most complicated when trying to diagnose problems, why should it be the responsibility of the consumer to prove that faults exist? Community Legal Centres Queensland argued that an amendment reversing onus of proof would remove the need for consumers to obtain costly expert reports to substantiate their claims.

I do not know whether or not members have had any personal experience dealing with what would be called a lemon vehicle and the frustration that it can cause. I have and, whilst it was an agricultural tractor, the principle of the matter is exactly the same as a motor vehicle. I bought a tractor several years ago and, whilst it is very good when it goes, it has suffered many problems that should not have happened. It has done approximately 3,500 hours work and that is not a great number in the big scheme of things. The machine has had to be returned to the workshop several times for major fault repairs, including a full hydraulic system rebuild, a full fuel injection rebuild and a full computer system rebuild. None of these system failures have been our fault. Whilst these problems have been dealt with, the causes and the failures have never been adequately explained. I understand this bill does not cover tractors, but perhaps it should. Perhaps it should cover lemon governments because we have certainly got one of those in Queensland.

With the advent of modern technology, electric cars, driverless cars and so forth, I wonder how rural and regional Queensland will cope with servicing these vehicles and dealing with the problems that no doubt will occur. Lemon vehicles will not go away just because technology has changed. In fact, I think the occurrence may become greater given the fact that we live in a throwaway society.

There were 13 submissions made to the committee and the majority of the stakeholders were welcoming of the objectives of the bill. I also support the objectives of the bill.