




Speech By
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MEMBER FOR NINDERRY

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QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL AND OTHER LEGISLATION AMENDMENT BILL

 **Mr PURDIE** (Ninderry—LNP) (12.44 pm): I rise to make a short contribution to the debate of the Queensland Civil and Administrative Tribunal and Other Legislation Amendment Bill 2018. This bill makes amendments which are intended to improve internal operational efficiencies of QCAT and improve consumer fairness through the expansion of the vehicle purchase rights, specifically lemon motor vehicle purchases.

Buying a vehicle is a big financial decision for most individuals and families in Queensland. In my electorate, where public transport has not kept up with population growth, individuals need a vehicle to get to work and to pick up and drop off their kids at school, and families need access to transport and travel to the beach or park to enjoy time with their friends and family. If for some reason the vehicle purchase were a lemon, it would cause significant financial hardship not only in repair costs but also due to loss of use. To compound these financial costs, often people experience emotional distress when faced with uncertainty about how and when the situation with their lemon purchase will be resolved.

Many passenger and recreational vehicle purchases are in excess of \$25,000, not including potential lemon repair costs, which are often passed on to the consumer. It was an eventual necessity to modify this legislation to reflect the actual financial risk consumers take when they purchase a vehicle. It is also important that this legislation applies to other popular vehicle types such as caravans and motorhomes.

Overall, the Queensland Law Society and Community Legal Centres are supportive of this bill. More specifically, the Queensland Law Society indicated that it supports alternative dispute resolution where appropriate yet recommended that there needs to be more clarity around when a dispute over a vehicle purchase should be referred to conciliation. Other legal perspectives offered as part of the committee inquiry included express concerns about the onus to prove the vehicle is not of acceptable quality still remains at the consumer's expense. These concerns about alternative resolution process and initial consumer costs could be addressed by the government as this bill moves forward.

The Motor Traders Association of Queensland and lemon car and caravan advocacy groups also support this bill. Specifically, there are concerns that the \$100,000 cap would dissuade consumers from seeking dispute help outside the courts if their purchase were in excess of this cap and/or perhaps there should be consideration within the bill to adjust this maximum cap for inflation.

I support the intent of this bill to provide better protection of and increase fairness for consumers purchasing motor vehicles and recreational caravans. It is a significant household purchase, and implications of purchasing a lemon car can be both financially and emotionally draining. Both having confidence in our consumer protection system and fostering a fair sales culture within our motor vehicles sales industry are important.

The bill itself received overall support during the committee process from various stakeholders representing consumers, the legal community and industry associations. Some of the concerns raised were noteworthy and should be taken into consideration. My concern is not with the bill itself but with

the resources currently within QCAT to adequately handle lemon vehicle disputes in a timely manner. Within the 2017-18 QCAT annual report it was expressed that the tribunal was severely under-resourced and overworked. In addition, the complexity of lodgements within its existing scope combined with limited resources is expected to apply continued pressure for QCAT to meet its benchmarks for annual clearance rates.

These statements are supported by QCAT's president who has commented in the past that its members and registry staff have been stretched beyond all reasonable and proper levels of tolerance. This was also supported by Queensland Law Society president Bill Potts. During his submission at the committee's public hearing he noted that QCAT was already 'in a very poor position financially' and that members and registry staff have been 'stretched beyond all reasonable and proper levels of tolerance'. Bill Potts has previously said that 'the government appeared to be deaf to the needs of resourcing QCAT'.

The appropriate resourcing of QCAT has long been an issue. In 2017-18 QCAT settled over 31,000 matters before it. Over the duration of its existence we have seen QCAT get across-the-board a one per cent funding increase despite there being a 14 per cent increase in cases lodged. How does the government intend to add more to QCAT's workload yet expect it to help people in their disputes over a lemon vehicle purchase? While this bill intends to create operational efficiencies through amendments to the Queensland Civil and Administrative Tribunal Act, it still requires people and resources to implement it.

We have already heard concerns raised about QCAT's resources and staff level challenges through its annual report. As well, there are individuals who have brought forward concerns about the handling of guardianship matters and the overall management of the Public Trustee, another operation under QCAT's current management. If QCAT is already struggling to meet its benchmarks now, does it make sense to create more work for it? How will this bill help people if there is limited capacity to enforce the fairness and protections? If more resources and staff need to be dedicated to QCAT now then where is the complementary action plan to ensure that what this government intends to do on paper will happen in real life? My concern is that we could have empty words with no actions.

While it is important to create fairness for vehicle consumers, what about fairness for all the other Queenslanders that QCAT currently serves? Is it fair to these people to have their tribunal processes delayed due to the expansion of rights within this bill? Will their existing rights and protections on paper also become empty words with no actions?

Given how important a vehicle is to get to work, drop off kids at school or pick up household necessities, I ask this government to take a hard look at providing adequate funding and/or resources to ensure these disputes are handled in a timely manner. A bill with no resources to support its implementation becomes empty words on paper. It will not sufficiently address the financial and emotional burdens placed upon my constituents by an unresolved lemon purchase from a motor vehicle dealer. People need certainty of protection and process which cannot only be achieved in words. It also has to happen through actions—that is, through the process of handling a lemon vehicle dispute itself.

In order for this bill to make a real difference in these situations we need adequate resources and staff to guide and settle the dispute process in a fair and timely manner. I do not think any of us would ever want to be in an unresolved lemon vehicle purchase dispute and if we were we certainly would not want to have to wait for months on end for a resolution. I urge this government to not just create empty words but take action to ensure Queenslanders are protected in application as they are on paper within this bill.