




Speech By
James Lister

MEMBER FOR SOUTHERN DOWNS

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

 **Mr LISTER** (Southern Downs—LNP) (2.10 pm): I too rise to speak to the Queensland Civil and Administrative Tribunal and Other Legislation Amendment Bill 2018. I would like to acknowledge the work of the committee and its staff in bringing us to this point in the debate. The objectives of the bill are to amend the Queensland Civil and Administrative Tribunal Act 2009 to improve the operational efficiency of the Queensland Civil and Administrative Tribunal to better achieve the objects of QCAT; and to implement fairness and provide greater rights for Queenslanders buying vehicles and address issues concerning lemon laws.

In regard to the efficiency implications of the bill, the efficiency improvements which may flow from the bill are clarifying that QCAT's tenancy jurisdiction is limited to claims of not more than \$25,000; broadening the scope of the principal registrar so that it can now issue notices to parties or require that a person produce a document; clarifying that an adjudicator sitting alone can constitute QCAT; and providing a legislative framework to enable QCAT to undertake conciliation in addition to other alternative dispute resolution processes which are currently available.

One of the things that I think will be of most interest to the Queensland public is the application of lemon laws. As we have heard many speakers on both sides say, the purchase of a motor vehicle is a significant outlay for people. They are complex pieces of equipment, and the world of making warranty claims and seeking remedy for faulty vehicles has traditionally been a very difficult one.

For cases under the Fair Trading Act, this bill will raise the ceiling for claims from \$25,000 to \$100,000 at QCAT, which greatly expands access to civil justice for people who are having difficulties with faulty vehicles. It also applies to the Motor Dealers and Chattel Auctioneers Act in relation to statutory warranties for used motor vehicles. The bill amends the Fair Trading Act to provide a definition for motor vehicles and implements the commitment to reinstate the statutory warranty for class B older second-hand vehicles that operated under the Property Agents and Motor Dealers Act 2000.

I have heard a few stories in the chamber today about people who have had difficulties—who have had a really rough time—trying to seek redress for vehicles which were faulty—lemons and so forth. In case the House is not aware, I enjoy watching YouTube pieces by a gentleman called John Cadogan from Auto Expert TV. He often speaks about cases where particularly new car companies appear to fail in their obligations under warranty claims. If you are a consumer of a vehicle with a defect you go to the dealership and you ask that it be fixed. The dealership invariably is paid less for their work by the parent company than they would be by an ordinary consumer, so immediately there is a disincentive to perform warranty work or be vigilant in searching for and finding the problem.

Then there is the question of the parent company or the vehicle importer and their reaction to warranty claims and whether or not they are prepared to stump up for a fix or provide parts and be genuine in their attempts to rectify the problem. My sense is that most companies and most dealerships are very good. I purchased a Subaru from the dealer in Warwick—Cassels—and I have had some

warranty claims. They have been handled very professionally and I have been very happy with it, but I know that other people have had great difficulties. I think this will go some way towards correcting the relative imbalance of power between the car company, dealers and ordinary folk for whom a faulty or persistently faulty vehicle is a real problem. We have heard some personal stories today and I am sure we can all identify with that to some extent.

The stakeholders who were consulted in the course of the committee process were by and large supportive of the bill, and I think that is a good thing. One of the things which concern the LNP is that QCAT, we would imagine, is going to have further expansions in its workload as a result of these increases in cases which are eligible to go to QCAT. The President of QCAT, the Hon. Justice Daubney, has publicly mentioned that he feels his organisation is struggling with the workload. It follows, therefore, that we should be looking at that as a resourcing issue. I urge the government to take heed of that because organising for people to have access to civil justice on paper, which is what we are doing here today, does not achieve much if the resources are not there to provide them with access to hearings and remedies.

I think it is unfortunate that Justice Daubney had to be so explicit about his concerns over workload and how pressed his staff are. I speculate that he would have voiced his concerns privately to the government. The fact that it has come out into the open shows that there is real concern there. I ask the government and particularly the Attorney-General to take heed of his concerns and resource QCAT properly because that will be of benefit not just to QCAT but also to the thousands of Queenslanders who depend on QCAT for economical access to civil justice. Having said that, we do support the bill. I think it is a great step forward and many people will benefit from the work that we have done today in the House. I commend it to the House.