




Speech By
Jennifer Howard

MEMBER FOR IPSWICH

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

 **Ms HOWARD** (Ipswich—ALP) (12.03 pm): I rise to express my support for the Queensland Civil and Administrative Tribunal and Other Legislation Amendment Bill 2018. I thank the Attorney-General, Yvette D'Ath, for advocating for the rights of Queenslanders who have been sold lemon vehicles and for pushing for more reforms at the national level.

With this bill the Palaszczuk government is delivering on its election commitment to provide greater consumer protections for buyers of lemon vehicles. For those who are unfortunate enough to buy a lemon vehicle, the stress can be enormous. Owners of lemon vehicles can suffer huge financial losses and can have a large amount of their time taken up with requesting repairs, replacements or refunds. Travel, work and business plans can be disrupted by vehicles that are forced off the road for significant periods of time due to repairs or safety concerns. The strain can have a detrimental impact on people's health and finances, especially if the vehicle is needed to earn a livelihood.

Usually if a remedy cannot be sought in negotiation with the dealer or manufacturer, remedy can be sought through QCAT; however, QCAT's current jurisdictional limit of \$25,000 prevents many vehicle owners accessing claims over that amount. Beyond the \$25,000 limit, owners can take the matter to the Magistrates Court or the District Court, but that is cost prohibitive for people who cannot afford to undertake that sort of legal action. For this reason, we do not know the true cost of this problem because many people simply give up.

People with vehicles valued higher than \$25,000, including owners of motorhomes and caravans who use these vehicles as homes, are prevented from seeking full justice for being sold a lemon. When people cannot seek remedy through QCAT, owners may onsell the lemon vehicle to another unsuspecting owner or trade in the car for considerably less than they paid for it.

This bill will improve fairness and provide greater rights for Queenslanders who buy a lemon vehicle by extending QCAT's limit from \$25,000 to \$100,000 for vehicle related claims under the Fair Trading Act and the Motor Dealers and Chattel Auctioneers Act. This change was one of the recommendations of the report on the lemon laws inquiry which was prepared by the Legal Affairs and Community Safety Committee in 2015. I thank them for their work. The inquiry report made interesting reading. The committee heard from at least 60 people who told harrowing stories of purchasing vehicles with numerous defects and faults and gave accounts of the financial and emotional strain they were put under while negotiating with dealers and manufacturers.

This bill also amends the Motor Dealers and Chattel Auctioneers Act to reinstate the class B statutory warranty that was included in the repealed Property Agents and Motor Dealers Act. This means that motor vehicles that have an odometer reading of 160,000 kilometres or more or that were manufactured more than 10 years before the day of the sale will now have their statutory warranty reinstated. Furthermore, the Palaszczuk government, led by the Attorney-General, will continue to advocate for lemon laws to be enacted nationwide to protect new car buyers, including buyers who purchase lemon vehicles.

I wholeheartedly support this bill. It protects consumers in Queensland, like constituents in my electorate of Ipswich. For many people in Ipswich who are struggling with the cost of living, purchasing a vehicle is a significant financial expense. When things keep going wrong, the repair bills can be financially crippling. There is also a definite power imbalance, with buyers of lemon vehicles having to prove to dealers and manufacturers that they are not at fault for the vehicle's defects. This puts an onerous burden on people who are forced to spend large amounts of time, money and effort seeking proof that the vehicle's defects are somehow not their fault.

The establishment of QCAT in 2009 was to increase access to justice for everyday Queenslanders who do not have the same level of resources that big companies have to pursue a matter through the courts. The objective of QCAT has been to give all Queenslanders, no matter their circumstances, a means to deal with matters in a way that is accessible, fair, just, economical, informal and quick. To that end, I am pleased to see that part of this bill will also move amendments in response to the QCAT Act's review, undertaken last year. The review concluded that the act is working well but recommended some amendments to improve QCAT's operational efficiency. Such amendments include changing the scope, timing and operation of stay orders; allowing the principal registrar to issue notices to a party to attend a QCAT hearing; and providing a framework for QCAT to undertake conciliation. I thank the Premier and the Attorney-General for taking up the fight for Queenslanders seeking justice for lemon vehicles. I commend the bill to the House.