




Speech By
Kim Richards

MEMBER FOR REDLANDS

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

 **Ms RICHARDS** (Redlands—ALP) (11.50 am): I rise to make a brief contribution to the Queensland Civil and Administrative Tribunal and Other Legislation Amendment Bill 2018. This bill delivers on the implementation of recommendations from the review of the QCAT Act, and I am very pleased that through this bill we will be delivering on the Palaszczuk government's promise to introduce laws to help purchasers of lemon motor vehicles. Let's face it: there is never any joy in the purchase of a lemon motor vehicle. As a young girl I remember the pressure that a lemon vehicle put on my mum and dad and the household purse strings. I remember the car well: it was a cream station wagon. The member for Kurwongbah, a Ford lover, does not want me to tell you it was a Ford XD Falcon, but I cannot mislead the House. I remember how many times it broke down. It had a very, very dodgy engine. It was meant to be a car that brought joy to mum and dad. It was their first ever new car purchase.

The establishment of QCAT addressed longstanding concerns about the proliferation of tribunals in Queensland and the need for a single recognisable gateway to increase the community's access to justice and increase the efficiency and quality of decision-making. As such, the objectives of the QCAT Act include ensuring that QCAT deals with matters in a way that is accessible, fair, just, economical, informal and quick. This bill contributes to these objectives.

I will firstly highlight the amendments to increase QCAT's operational efficiency. These amendments, which implement the conclusions of the QCAT Act review, include: clarifying that QCAT's tenancy jurisdiction is limited to claims of not more than \$25,000; changing the scope, timing and operation of stay orders—for example, to allow QCAT to stay the operation of part of a decision; allowing the principal registrar to issue notices requiring a party to attend a hearing; allowing the Attorney-General to appoint members and others to a pool of persons who can act as senior members from time to time; and providing a framework to enable QCAT to undertake conciliation.

The second part of the legislation, and the part which attracted most interest, was the provision of greater rights for Queenslanders buying a vehicle. This was achieved by lifting QCAT's jurisdiction limit on motor vehicles from \$25,000 to \$100,000; redefining the term 'vehicle' to include motorhomes and caravans—and we know how popular caravanning is here in Queensland; reinstating the statutory warranty for class B older second-hand vehicles sold by motor dealers; and continuing to advocate for national laws to specifically protect new car buyers, including the purchase of lemon vehicles. As my family experienced with that dodgy Ford, the purchase of a lemon vehicle can impose a lot of unfair stress on an individual or family. The purchase of a car—new or used—caravan or motorhome is a big life purchase, something we look forward to which should bring us joy.

I was very fortunate to join the motoring enthusiast chair and Ford lover, the member for Kurwongbah, on the Transport and Public Works Committee as a substitute on the hearing with the Office of Regulatory Policy, Liquor, Gaming and Fair Trading in the Department of Justice and Attorney-General. I was very interested to ask the department if they had ever considered increasing

the scope of the bill to include boats. Queenslanders love their boats, and we know these can be a significant purchase with similar lemon issues. Unfortunately, it is not in this bill but hopefully it may be considered in the future.

The QCAT limit was \$25,000, so increasing the limit to \$100,000 brings better access to justice for Queenslanders. This increase is in line with the current cost of new and used cars. During the public hearing one of the topics discussed was the \$100,000 limit, which would exclude vehicles which may be just over that limit. We discussed the idea with Chris McKenzie, the Director of the Office of Regulatory Policy, Liquor, Gaming and Fair Trading. We asked, 'If the vehicle had a combination of faults that added up to \$100,000, would that still be recognised?' Obviously the vehicle is a lemon if it keeps having those major faults. Mr McKenzie replied—

Each individual replacement on that situation could continue to be a new claim each time ... Ultimately it might be \$120,000 if three gearboxes were replaced, but it would be an individual asset each time. We would hope that we could intervene or try to conciliate and negotiate a successful outcome on that long before it got to that point.

The requesting of repairs, diagnosing of faults and gathering proof of sometimes intermittent faults—and if you are not very mechanically minded that can be really tricky—can be time consuming. It was great to see the long-term advocate for reform in this space, Connie Cicchini, who has strongly pushed for these changes. It was great to have her there at the hearings, and we thank her for her advocacy for the many Queensland vehicle owners who have been affected. As always, I would like to thank the members of the Transport and Public Works Committee and the hardworking secretariat. I commend the bill to the House.