




Speech By  
**Lachlan Millar**

**MEMBER FOR GREGORY**

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Record of Proceedings, 3 April 2019

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

 **Mr MILLAR** (Gregory—LNP) (2.17 pm): I appreciate the opportunity to make a short contribution to this debate. This is a bill in two parts—firstly, amendments to the Queensland Civil and Administrative Tribunal Act 2009 and, secondly, the establishment of greater consumer protections for Queenslanders purchasing a motor vehicle.

To take the second part first, the LNP will always support any initiative which aims to improve fairness by providing better protection for consumers, especially for purchasers of new vehicles. The so-called lemon laws in this bill are very praiseworthy. Like many parents, I have children who are learning to drive and who will be looking to purchase a car. These laws are very reassuring to many parents across Queensland.

These amendments respond to a long expressed desire by members of the Queensland community for better consumer protection for new and used vehicles. The bill will expand QCAT's jurisdiction to deal with the actions for an amount of up to \$100,000 from the current \$25,000. This is a fair reform and will be warmly welcomed by Queenslanders who own campervans and motorhomes. I will say from the outset that some of these campervans and motorhomes especially are worth a lot more than \$100,000. They are getting very expensive.

Now to the first part: amendments to allow better operational efficiencies for QCAT. These include clarifying that QCAT's tenancy jurisdiction is limited to claims of not more than \$25,000, which should improve the workload. The proper functioning of the private rental market is vital in mining towns in Gregory and also in Burdekin. We are talking about towns like Moranbah, Dysart, Emerald, Blackwater and Tieri, and this clarification is welcome. These amendments will also allow the principal registrar to issue notices to parties and require a person to produce documents. This should improve QCAT's workflow.

The legislation also clarifies that an adjudicator sitting alone can constitute QCAT. Again, this is clearly about workflow and workload. Then the bill provides a legislative framework to enable QCAT to undertake conciliation. This is an important addition to QCAT's dispute resolution toolbox. While I support these initiatives, taken together they point to an elephant in the room, and I have expressed this before. QCAT's ever-expanding workload is not being matched by the money it needs or by expansion of its resources. It needs funds if it is going to take on further work.

I touched on this in my speech on the Guardianship and Administration and Other Legislation Amendment Bill last week. That bill had many clauses pertaining to QCAT, such as the new powers pertaining to the Public Guardian, to the administration of enduring powers of attorney and to the administration of the estates of missing persons. It also contained new obligations when dealing with matters relating to an impaired adult. QCAT must now take into account, as far as practically possible, the views, wishes and preferences of that person and the members of their support network when carrying out its functions. This is praiseworthy, as I said, but it is a predicament for QCAT and its staff. It is a most urgent predicament.

While this bill and the guardianship bill are praiseworthy, they both expand QCAT's jurisdiction and obligations. I cannot let these expansions of QCAT's jurisdiction continue to come before the House without raising the need for the funds it needs for the expansion of QCAT's resources. We only have to hear from QCAT's president, Justice Martin Daubney, who said—

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

I will say that again: they have been 'stretched beyond all reasonable and proper levels of tolerance'. This is very strong language that we hope the Attorney-General and the Treasurer will pay attention to. He went on to say—

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.

They are very strong words coming from a very distinguished man. I put that on the record to make sure we do have the right resources around a very important function. This is a spot-on description of QCAT's purpose and reason for being—to deliver quick and accessible civil justice for Queenslanders—but it is getting harder to deliver as more and more matters are assigned to QCAT's jurisdiction and more and more complex matters are coming before it.

I note that the Queensland Law Society highlighted in their submission their continuing concern with the inability of a solicitor to appear 'as of right' before QCAT. I understand the argument that excluding solicitors means QCAT is more affordable for the average Queenslander. However, I know that many Queenslanders feel unable to represent themselves, and in that case they can apply for a solicitor to represent them. It is of key importance that there is equality in the resources that two sides to a dispute can bring to bear. Differences in education, status and power are a part of the human condition. We do not want to see unequal legal representation distorting the processes of QCAT.

This brings me to another concern of the Queensland Law Society. While it welcomed the amendments to allow increased engagement with alternative dispute resolution, it is concerned that the amendments do not provide the parameters about when this might be appropriate and when it might not be appropriate. I do not know that justice is actually served by making bills so prescriptive that they become rigid. I am sure Justice Daubney and his staff will be sensitive to issues, such as obvious power imbalances between parties. My concern is more that all of this will take time and resources that QCAT does not have. I want to stress this concern to the government. It must be urgently addressed because it has a real impact on the quality of justice available to Queenslanders. I ask the Attorney-General to work with the Treasurer to give this the urgent attention it requires. I commend this bill to the House.