




Speech By
Peter Russo
MEMBER FOR TOOHEY

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QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL AND OTHER LEGISLATION AMENDMENT BILL

 **Mr RUSSO** (Toohey—ALP) (12.40 pm): I rise in the House this afternoon to support the passing of the Queensland Civil and Administrative Tribunal and Other Legislation Amendment Bill. The bill may also be known as the lemon laws bill because of the amendments to make it easier for people who buy vehicles that are not up to standard or the representation made of the vehicle not being accurate—what is commonly known as ‘buying a lemon’.

I will now deal with the objectives of the bill. The objectives of the bill are: to amend the Queensland Civil and Administrative Tribunal Act 2009 to implement conclusions from the *Review of the Queensland Civil and Administrative Tribunal Act 2009* aimed at improving the operational efficiency of the Queensland Civil and Administrative Tribunal to better achieve the objects of the QCAT Act; to amend the QCAT Act, the Fair Trading Act 1989 and the Motor Dealers and Chattel Auctioneers Act 2014 to implement the government’s commitment to improve fairness; and to provide greater rights for Queenslanders buying a vehicle and address recommendation No. 7 of the report ‘*Lemon’ laws— inquiry into consumer protections and remedies for buyers of new motor vehicles* prepared by the Legal Affairs and Community Safety Committee.

In December 2009 QCAT commenced operations to undertake the work of 18 tribunals with 23 jurisdictions, the minor debt claims jurisdiction of the Magistrates Court and almost all of the administrative review jurisdiction of the courts. Its legislative scheme comprises the QCAT Act, Queensland Civil and Administrative Tribunal Regulation 2009 and Queensland Civil and Administrative Tribunal Rules 2009. There are three broad operational areas covered by QCAT’s original jurisdiction: human rights—that is, guardianship and anti-discrimination; civil disputes, for example consumer/trader disputes and disputes about retail shop leases; and disciplinary, for example decisions about registration to work as a health practitioner or decisions imposing conditions on an electrical contractor’s licence.

QCAT’s review jurisdiction is conferred by enabling acts and provides for QCAT to review administrative decisions made by government agencies and disciplinary bodies under enabling acts. QCAT’s appellate jurisdiction provides for QCAT, sitting as the appeal tribunal, to hear appeals against both its own decisions and decisions of other entities, for example the Information Commissioner, under enabling acts. There are over 160 acts and regulations which, in addition to the QCAT Act, confer original, review or appellate jurisdiction on QCAT and provide specific powers and procedures for certain matters. A provision in an enabling act which modifies QCAT’s procedures prevails over the provisions of the QCAT Act.

Under the QCAT Act, the president and deputy president must be a Supreme Court judge and a District Court judge respectively. QCAT members include senior members, ordinary members—appointed on a full-time or part-time sessional basis—and judicial members. Adjudicators, justices of the peace and magistrates also hear matters, as provided for in the QCAT Act.

I will now briefly deal with motor vehicle disputes. Currently QCAT has jurisdiction, among other things, to hear and decide disputes about consumer guarantees under the Australian Consumer Law for goods and services, including new and used motor vehicles and caravans, and repairs of defects under the Motor Vehicles and Chattel Auctioneers Act statutory warranty for used motor vehicles sold by motor dealers and chattel auctioneers. The Australian Consumer Law is a national application law scheme which commenced on 1 January 2011.

The Motor Dealers and Chattel Auctioneers Act provides a statutory warranty in relation to the sale of certain used motor vehicles by motor dealers or chattel auctioneers. The increased jurisdiction will allow people to bring applications to QCAT to enable them to recover in relation to vehicles. The increase in jurisdiction has been welcomed by most people. I commend the bill to the House.