




Speech By
Shane King

MEMBER FOR KURWONGBAH

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

 **Mr KING** (Kurwongbah—ALP) (5.12 pm): I rise today to make a small contribution to the Queensland Civil and Administrative Tribunal and Other Legislation Amendment Bill 2018. The purpose of this bill is twofold: firstly, it delivers on the implementation of recommendations from the review of the QCAT Act; and, secondly, delivers on the Palaszczuk government's promise to introduce laws to help purchasers of lemon motor vehicles.

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 has attracted most interest, is the provision of greater rights for Queenslanders buying a vehicle. This is to be achieved by lifting QCAT's jurisdictional limit on motor vehicles from \$25,000 to \$100,000; redefining the term 'vehicle' to include motorhomes and caravans; 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 purchasers of lemon vehicles.

The purchase of a lemon vehicle can impose a lot of unfair stress on an individual or a family. A vehicle is often a large expense to a family budget—some of us have more than one and love playing with them and get in trouble for it. It is sometimes bought using finance. When the vehicle constantly plays up and exhibits defects it becomes more trouble than it is worth. I can attest to that wholeheartedly. The requesting of repairs, diagnosing of faults and gathering the proof of sometimes intermittent faults can be time consuming. I commend long-term advocate for this reform, Connie Cicchini, who has been strongly pushing for the changes that we are bringing about in relation to these lemon laws. Her patience and persistence has helped alleviate the frustration of many vehicle owners.

During the public hearing one of the topics discussed was the \$100,000 limit which would appear to exclude vehicles just over that limit. We interrogated that idea and asked Mr Chris McKenzie, director of the office of regulatory policy, Liquor and Gaming Regulation and Fair Trading in the Department of Justice and Attorney-General, if, for example, it is a part of the vehicle, say the motor or gearbox that is faulty and the replacement cost comes to \$40,000, and if this gearbox or the engine or a combination of three faults of, say, \$40,000 add up to \$120,000, is that \$120,000 claim recognised because it is over the limit. Obviously the vehicle is a lemon if it keeps having gearboxes, engine or major component failures. Mr Mackenzie replied—

Each individual replacement on that situation could continue to be a new claim each time ... We will try to conciliate and fix those complaints long before it hits that limit. A complaint such as that where a gearbox might be replaced on a LandCruiser would be considered one claim. If that was successful and that was replaced and it happened again, that is a whole new claim, a whole

new complaint and a whole new set-up. 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.

I will not go too much further into it as there are many people still to speak, but that was a key issue that came up and I liked that response.

I thank the members of the Transport and Public Works Committee: Bart Mellish, the member for Aspley; Jo-Ann Miller, the member for Bundamba; Kim Richards, the member for Redlands who filled in at our public hearing; our deputy chair, Ted Sorensen, the member for Hervey Bay; Colin Boyce, the member for Callide; and Robbie Katter, the member for Traeger; and, as always, our hardworking secretariat staff, Deb, Margaret and the team, for all their efforts on this report. The committee made one recommendation and that was the bill be passed. I commend the bill to the House.