

**Question on Notice**  
**No. 1418**  
**Asked on 7 October 2009**

MRS PRATT ASKED THE MINISTER FOR TOURISM AND FAIR TRADING (MR LAWLOR)—

QUESTION:

Why are new car dealerships exempt from scrutiny by the Office of Fair Trading when customers from almost all other businesses can complain if they receive faulty new goods or bad service?

ANSWER:

New car dealerships are not exempt from scrutiny by the Office of Fair Trading. The Office of Fair Trading will look at the business practices of all Queensland retailers including new car dealerships.

The Office of Fair Trading regulates used car dealers under the *Property Agents and Motor Dealers Act 2000*. However, both used and new car dealers are subject to the provisions of the Queensland *Fair Trading Act 1989*.

If a Queensland consumer has an issue with a new car dealership a complaint may be lodged in order for the Office of Fair Trading to consider the matter under the Fair Trading Act.

The Office of Fair Trading's role is to seek compliance with the Fair Trading Act to provide for an equitable, competitive, informed and safe market place within Queensland and to protect consumers and businesses from unfair market practices.

In relation to warranty matters, the Office of Fair Trading's role is to attempt to conciliate any issues with the trader on behalf of a complainant, or if conciliation does not resolve a matter, give information and guidance about the best course of action. Disputes over a breach of a condition or warranty are a contractual matter between the parties to a contract and it is up to the aggrieved party to bring a private action for any loss or damage.