




Speech By
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MEMBER FOR MOGGILL

Record of Proceedings, 3 April 2019

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

 **Dr ROWAN** (Moggill—LNP) (12.22 pm): I rise to make a contribution to the debate on the Queensland Civil and Administrative Tribunal and Other Legislation Amendment Bill. This December will mark 10 years since the Queensland Civil and Administrative Tribunal commenced operations. That is 10 years in which, to paraphrase the words of His Honour Justice Martin Daubney AM, the current President of QCAT, civil justice has been brought to the lives of everyday Queenslanders. With its establishment a decade ago, QCAT streamlined the work of 18 tribunals, including 23 jurisdictions, as well as the minor debt claims jurisdiction of the Magistrates Court and almost all the administrative review jurisdiction functions of the courts. As has been made clear in this House, such a consolidation was necessary in order to address ongoing concerns regarding the proliferation of tribunals in Queensland and to provide a single recognisable body for Queenslanders to access justice in an efficient and timely manner.

Rather unfairly, the perception of QCAT is at times one that is seen as merely a small claims tribunal—a body that deals with the odd consumer dispute or issues pertaining to neighbours' trees or fences. As we in this House all know—or should know—that is by no means the case. As the explanatory notes to this legislation make clear—

There are three broad operational areas covered by QCAT's original jurisdiction: human rights (e.g. guardianship and anti-discrimination); civil disputes (e.g. consumer/trader disputes and disputes about retail shop leases); and disciplinary (e.g. decisions about registration to work as a health practitioner or decisions imposing conditions on an electrical contractor's licence)—

to name but a few. The explanatory notes state further—

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 (e.g. the Information Commissioner) under enabling Acts.

Let there be no doubt that the role and function of QCAT is extraordinary and, as the last 10 years have shown, it has an extraordinary workload to match. With that in mind, the bill before us is seeking ultimately to deliver two key objectives: firstly, to amend the Queensland Civil and Administrative Tribunal Act 2009 to implement the conclusions of the report titled *Review of the Queensland Civil and Administrative Tribunal Act 2009*, which are aimed at improving the operational efficiency of QCAT to better achieve the objectives of the QCAT Act; and, secondly, to amend a number of acts to improve fairness and provide greater rights for Queenslanders buying a vehicle and address issues concerning what is colloquially known as lemon laws.

Being conscious of time and, obviously, the gag orders that are applied by the Labor Party in relation to this parliament, I will neither revisit in great detail the limited efficiency improvements that this legislation is seeking to implement, which have been well canvassed, nor explain the expansions

of QCAT's jurisdictions, specifically in relation to motor vehicles, to deal with actions for an amount, or value of other relief, of not more than \$100,000—up from the current limit of \$25,000. Instead, I wish to use my time to place on record my ongoing concern about the expansion of QCAT's already significant jurisdiction and volume of work without additional resources.

Last week in this chamber, when addressing the Guardianship and Administration and Other Legislation Amendment Bill 2018, I noted—

Last year's QCAT annual report revealed that the tribunal was severely under-resourced and overworked, with increases in the complexity of the matters lodged coupled with QCAT's limited resources continuing to put pressure on QCAT's ability to meet its benchmarks for annual clearance rates.

I would like to go one step further and note that, with this bill, the Labor government is now seeking to confer expanded defective motor vehicle legislation and associated hearing matters onto QCAT to deal with these lemon laws, which will almost certainly lead to potential inflexibility and cause lengthier time delays in tribunal proceedings without appropriate resourcing. A stable, efficient and properly resourced judicial system is a hallmark of any civilised society. In a free and democratic state and nation as great as ours, citizens are entitled to seek justice and participate in our justice system in a fair and timely manner. As we all know, justice delayed is justice denied.

I note that the Queensland parliament's Transport and Public Works Committee in its examination into and report on this bill saw fit to seek advice from the Department of Justice and Attorney-General regarding the impact of the proposed amendments on QCAT's workload. The department advised, 'I think that is actually very difficult to judge, and there are a couple of reasons for that' before saying later—

At this stage, we simply do not know what the impact of that will be. Obviously, any impact that is a problem for QCAT would need to be taken account of in future budget processes.

For the benefit of the department and the Attorney-General, I would like to draw their attention again to the QCAT annual report 2017-18 at page 20 where the anticipation of the Labor government's lemon laws was canvassed. Specifically, the report advises—

Assessing vehicle defects is a specialised field and requires a specialised list. The President is seeking appropriate funding to staff this jurisdiction with dedicated registry staff and a tribunal member to enable QCAT to deal with these matters quickly and efficiently. If such funding is provided, a single time-to-hearing benchmark could be established for these disputes regardless of the quantum of defect.

Before this bill is passed, I believe it would be appropriate for the Attorney-General to respond to this assessment and ensure that QCAT can operate in the knowledge that it will be appropriately funded to deal with these matters and not wait until the Queensland budget in several months time to find out whether its already stretched resources will be pushed even further. We certainly know that Labor cannot deliver proper budgets. Alternatively, the Morrison LNP federal coalition government is a responsible government that knows how to invest in infrastructure and deliver tax cuts and resource front-line services. The federal coalition government will double tax cuts.

Mrs D'ATH: Madam Deputy Speaker, I rise to a point of order. There is not one cent of federal government funding going into helping our lemon laws so I do not think this is relevant to the bill.

Madam DEPUTY SPEAKER (Ms Pugh): I have the bill in front of me. I would ask the member to come back to the long title of the bill.

Dr ROWAN: The federal coalition government understands resourcing. Certainly what is required in relation to this legislation will be appropriate resourcing for QCAT. The federal coalition government has a strong track record of resourcing front-line services and delivering tax cuts. The federal coalition government understands how to resource entities.

Mrs D'ATH: Madam Deputy Speaker, I rise to a point of order. The federal government budget is not relevant to this bill and I ask that you bring the member back to the bill.

Madam DEPUTY SPEAKER: Member for Moggill, if you could please return to the long title of the bill.

Dr ROWAN: Thank you for your guidance. It is very important that this government appropriately resources QCAT, as has been indicated by the current president of QCAT. With the additional workload that this legislation will bring to that entity it is important that it has appropriate resourcing. I call upon the Attorney-General and the Labor government here in Queensland to listen to that advice and consider that when it comes to its upcoming state budget. Without those additional resources there will be lengthier delays when it comes to some of the matters that QCAT will need to hear and that will certainly have an impact on consumers in Queensland. The state Labor government needs to listen to the advice from those experts who clearly understand the current workloads that are before QCAT and to resource it appropriately.

The Liberal National Party will always support initiatives that aim to provide fairness and provide increased protection to consumers, particularly those who purchase new and used vehicles. However, such initiatives are undermined if there is a failure to adequately resource those who we charge with assessing the ideal of fairness and adjudicating such protections. I would like to finish my contribution by echoing, for the benefit of this House, the closing remarks of the honourable Justice Martin Daubney AM in his president's message in the recent QCAT annual report—

QCAT has grown and must continue to mature in order to meet the demands of its ever-increasing workloads and the legitimate expectations of access to civil justice by the citizens of Queensland's burgeoning population.

Those expectations are not met by underestimating the importance of the role played by QCAT in the civil justice system of our state.

Nor can they be met unless and until QCAT's resourcing issues are adequately addressed.

In closing, I ask the government to hear those words from the president of QCAT. There will be implications with respect to this legislation and the timeliness of matters to be heard. It is very important that this government listens to those words and appropriately resources QCAT.