

# Queensland Civil and Administrative Tribunal and Other Legislation Amendment Act 2019

Explanatory notes for SL 2019 No. 163

Made under the

*Queensland Civil and Administrative Tribunal and Other Legislation Amendment Act 2019*

## General Outline

### Short Title

Proclamation commencing the remaining provisions of the *Queensland Civil and Administrative Tribunal and Other Legislation Amendment Act 2019*.

### Authorising law

Section 2 of the *Queensland Civil and Administrative Tribunal and Other Legislation Amendment Act 2019* (Amendment Act).

### Policy objectives and the reasons for them

The objectives of the Amendment Act are to:

- amend the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act) to implement conclusions from the *Report on the Review of the Queensland Civil and Administrative Tribunal Act 2009* (QCAT review report) aimed at improving the operational efficiency of the Queensland Civil and Administrative Tribunal (QCAT) to better achieve the objects of the QCAT Act; and
- amend the QCAT Act, *Fair Trading Act 1989* and *Motor Dealers and Chattel Auctioneers Act 2014* (MDCA Act) to implement the Government's commitment to improve fairness and provide greater rights for Queenslanders buying a vehicle and address recommendation 7 of the Report *Lemon Laws – An inquiry into consumer protections and remedies for buyers of new motor vehicles*, prepared by the Legal Affairs and Community Safety Committee.

The Amendment Act received assent on 11 April 2019.

Section 2 of the Amendment Act provides for commencement on a date to be fixed by proclamation.

Parts 1A and 6 of the Amendment Act that made amendments to the *Civil Proceedings Act 2011* and *Supreme Court of Queensland Act 1991*, commenced on 12 July 2019.

This proclamation will commence the remaining provisions of the Amendment Act.

## **Achievement of policy objectives**

The policy objective is achieved by the proclamation commencing the remaining provisions of the Amendment Act on 1 September 2019.

## **Consistency with policy objectives of authorising law**

The proclamation is consistent with the policy objectives of the Amendment Act.

## **Inconsistency with policy objectives of other legislation**

The proclamation is consistent with the policy objectives of other legislation.

## **Alternative ways of achieving policy objectives**

There are no alternative ways of achieving the policy objectives.

## **Benefits and costs of implementation**

The proclamation will commence provisions implementing conclusions from the QCAT review report and elements of the Government's commitment to improve fairness and provide greater rights for Queenslanders buying a vehicle.

The Amendment Act will increase the coverage of the statutory warranty framework under the MDCA Act by reinstating a statutory warranty for older 'class B' used motor vehicles which existed under the repealed *Property Agents and Motor Dealers Act 2000*.

This will provide greater consumer protection for buyers of older second-hand vehicles.

The reinstatement of the 'class B' warranty will have a regulatory impact on motor dealers and chattel auctioneers selling used motor vehicles. They will need to change some of their business practices to comply with the Amendment Act and Regulation.

However during consultation with stakeholders on the then Bill for the Amendment Act, the Motor Trades Association of Queensland advised that it supported the reinstatement of the 'class B' statutory warranty.

The Amendment Act will increase the jurisdiction of QCAT to hear claims about used motor vehicles under the MDCA Act statutory warranty framework, and breaches of the consumer guarantees under the Australian Consumer Law, from \$25,000 to \$100,000.

QCAT's expanded jurisdiction for motor vehicle proceedings will assist in ensuring the accessibility of this jurisdiction for consumers.

The expansion of QCAT's jurisdiction for motor vehicle proceedings will have an impact on QCAT. QCAT received an additional \$1.353 million over four years as part of the 2019-20 budget process to respond to this increased jurisdiction.

The other amendments in the Amendment Act, which implement conclusions from the QCAT review report, are aimed at improving the operational efficiency of QCAT.

## **Consistency with fundamental legislative principles**

This proclamation is consistent with fundamental legislative principles.

## **Consultation**

Consultation has occurred with QCAT on the proposed commencement date of the Amendment Act.

A self-assessment by the Department of Justice and Attorney-General determined that no further regulatory impact analysis is required as the regulatory proposal is excluded under category (g) of the *Queensland Government Guide to Better Regulation* – regulatory proposals that are of a machinery nature.