

LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE

Report No. 54 on the Motor Dealers and Chattel Auctioneers Bill 2013

QUEENSLAND GOVERNMENT RESPONSE

INTRODUCTION

On 20 November 2013, the Motor Dealers and Chattel Auctioneers Bill 2013 (the Bill) was introduced into the Parliament.

The Bill was subsequently referred to the Legal Affairs and Community Safety Committee (the Committee) with a report back date of 24 February 2014.

On 24 February 2014, the Committee tabled Report No. 52 in relation to the Bill (the Report).

The Queensland Government's response to the Report's recommendation is provided below.

RESPONSE TO RECOMMENDATION

The Queensland Government thanks the Committee for its timely and detailed consideration of the Bill.

Recommendation 1

The Committee recommends the Motor Dealers and Chattel Auctioneers Bill 2013 be passed.

Queensland Government response

Noted.

Recommendation 2

The Committee recommends the Motor Dealers and Chattel Auctioneers Bill 2013 be amended to ensure the method for determining vehicle age, as part of defining a 'warranted vehicle', is clearer and applicable to a full range of vehicle labelling types.

Queensland Government response

The Government acknowledges the recent changes to labelling of motor vehicles for identification plates and built dates. It would improve the operation of the legislation and provide clarity to amend the Bill to include the full array of legitimate label types that may be attached to motor vehicles for the purpose of identifying the age of a vehicle.

Accordingly, an amendment to Schedule 1 (Statutory warranty provisions) clause 3(3) will be moved during consideration in detail of the Bill.


Recommendation 3

The Committee recommends the Motor Dealers and Chattel Auctioneers Bill 2013 be amended to include an explanatory statement to clarify the interpretation of clauses 96 and 142.

Queensland Government response

Clauses 96 and 142 create an obligation to give clear title to a used motor vehicle that is sold by a motor dealer (other than at auction) and by a chattel auctioneer at auction. The Government notes that the intention of clauses 96(5) and 142(5) is to clarify that subsection (2) of each of these clauses only applies to security interests on motor vehicles where the security interest has not been registered under the *Personal Property Securities Act 2009* [Cwlth]. The *Personal Property Securities Act 2009* provides that a buyer automatically acquires a motor vehicle purchased from a licensed motor dealer free of encumbrance and gains clear title to the vehicle.

So that this is apparent, an explanatory note will be added to each of these clauses for clarity, and this amendment will be moved during consideration in detail of the Bill. A more detailed explanation, including how the Queensland legislation works together with the Commonwealth legislation, will be provided in the Explanatory Notes to the Amendments during Consideration in Detail.

	Paper No. 3414T 4995	
	Date: 6-5-14	
	Member: Hon. R. J. J. J.	
	Tabled	Tabled, by leave
	Incorporated, by leave	Remainder incorporated, by leave
Clerk at the Table: 