

CONSUMER PROTECTION LEGISLATION AMENDMENT BILL 2018

Recommittal

Resumed from an earlier stage of the sitting.

Committee

The Deputy Chair of Committees (Hon Matthew Swinbourn) in the chair; Hon Alannah MacTiernan (Minister for Regional Development) in charge of the bill.

Clause 67: Section 47 amended —

Committee was interrupted during consideration of the clause, which had been recommitted for further consideration and to which Hon Alannah MacTiernan (Minister for Regional Development) had moved an amendment.

Hon MICHAEL MISCHIN: I simply indicate our support for the amendment.

Hon RICK MAZZA: I also support the amendment. It covers the issue I originally had about it being in writing. We now have a prescribed form that will provide more detail and clarity for tenants and landlords. I think the updated clause on supplementary notice paper 96, issue 8, is a lot neater and more consistent with section 85 of the Residential Tenancies Act 1987 and giving of the notice. Therefore, I support the amendment.

Amendment put and passed.

Clause, as further amended, put and passed.

Report

Bill again reported, with a further amendment, and, by leave, the report adopted.

Hon ALANNAH MacTIERNAN: I move that the report be adopted. Sorry; this is the sheet I was given and it is not quite working out. I move that so much of standing orders be suspended so as to enable the bill now to be read a third time forthwith.

Point of Order

Hon NICK GOIRAN: We have just granted leave for the report to be adopted. I think the minister was quite right in the first instance.

The ACTING PRESIDENT (Hon Dr Steve Thomas): The question is that the report be adopted. Those of that opinion say “aye”. Those of that opinion say “no”. I believe the ayes have it. I thought we had done that.

As to Third Reading — Standing Orders Suspension — Motion

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [5.09 pm] — without notice: I move —

That so much of standing orders be suspended so as to enable the bill to be read a third time forthwith.

HON NICK GOIRAN (South Metropolitan) [5.10 pm]: Mr Acting President —

The ACTING PRESIDENT: Is this on a point of order?

Hon NICK GOIRAN: No. I rise to speak on the motion that is before the house. I have said previously that good reasons need to be given by government for the house to suspend standing orders. That is what we would expect to happen in the ordinary course of events. No explanation has been provided by the government for why it is necessary to suspend standing orders at this time. There is no point in having standing orders if the suspension of standing orders becomes routine and we just continue to suspend standing orders, as has been the case with this government in the last two and a half years. Standing orders are suspended only in exceptional cases. The bill that is before the house at the moment is the Consumer Protection Legislation Amendment Bill 2018. There is nothing urgent about this bill. There is no good reason why the third reading of this bill cannot be done when this house resumes in October. What is the matter of great importance that demands that the house suspends standing orders today to get this done at this time? That is not clear to me, and no explanation has been provided by government about why that is the case.

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [5.11 pm] — in reply: I thank the member for the comment. I understood, when I was given leave to move the motion, that there was general support. The Consumer Protection Legislation Amendment Bill 2018 has been forensically examined by this house. A great deal of accommodation has been made to address all the concerns of members. Important protections are contained in this bill that we need to progress. To hold up this legislation for another fortnight is

Hon Michael Mischin; Hon Rick Mazza; Hon Nick Goiran; Acting President; Hon Alannah MacTiernan; Hon Aaron Stonehouse

completely unnecessary and will do nothing to improve the good order and governance of this place. We have been given an indication that members on all sides support this bill. Absolutely no good will be served by delaying this piece of legislation another fortnight. It is important that this legislation is progressed and moves forward and that we provide the opportunity for the protections that we have talked about to be put in place. Given that this legislation has support across the house, there is absolutely no reason that we would want to sit on this legislation for another fortnight.

The ACTING PRESIDENT (Hon Dr Steve Thomas): The question is that so much of standing orders be suspended to enable the bill to be read a third time forthwith. An absolute majority being required to pass the suspension motion, and having counted the house and an absolute majority of members being present, and there being no dissenting voice, I therefore declare the motion is passed.

Question put and passed with an absolute majority.

Third Reading

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [5.13 pm]: I move —

That the bill be now read a third time.

HON AARON STONEHOUSE (South Metropolitan) [5.13 pm]: I rise to speak on the third reading of the Consumer Protection Legislation Amendment Bill 2018. I am trying to compile my thoughts and notes quickly in order to do so, because normally we would expect to be given a bit of time to range over the bill and the many amendments that have been made. This is a very complex piece of legislation. It is an omnibus package of reforms and amendments. The bill amends some 10 acts and comprises 94 clauses that deal with wideranging and complex issues. I will reflect on some of the amendments that were made and on the final form of bill as it is now, rather than speak to the policy of the bill, of course.

I think it is important to note that the Legislative Council has made some very significant amendments to this bill, and its final form is a little different from what was introduced to this place weeks ago. I think it is worth reflecting on the fact that the legislative process we have in place works very well. For instance, in clause 67 the chamber added to the category of eligible people for whose safety furniture may be affixed to a wall to include not just children, but also people with a disability. That is very important, and without the work of the Legislative Council, that amendment would not exist, and people with a disability would not be afforded the same protections as children are afforded in this bill. The chamber also agreed to amendments that ensure that the property of lessors is protected and that if damage is done to a wall, tenants are obligated to repair the damage and return the wall to its original condition. Again, that is a very important amendment. Neither of those amendments would have been considered or added to this bill if the process we have in place had not been followed and the Legislative Council had not done the great work that it does. I am very happy to see this bill pass with those amendments. I think the Committee of the Whole House has enhanced the bill and provided additional protections—for not just the property of lessors, but also vulnerable people who have a disability and may be at risk from falling furniture. With that, I commend the bill to the house and look forward to its passage.

HON NICK GOIRAN (South Metropolitan) [5.16 pm]: I rise to indicate my support for the passage of the third reading of the Consumer Protection Legislation Amendment Bill 2018. I make the point to members of the government that they have just decided to dispense with the standing orders to ram this bill through today. Guess what! It still has to go to the other place, so there is absolutely no urgency. This law will not come into effect until October anyway. Why we needed to dispense with the standing orders to ram it through today is beyond me. We could quite easily have complied with the normal conventions and procedures of the house. We could have done this in October and there would have been plenty of time to deal with it next month. I have been informed by the shadow Attorney General that the government has a number of regulations that it needs to prepare in any event, so I find it appalling that this government is once again dispensing with the procedures, customs and practices of this house for no good reason.

Question put and passed.

Bill read a third time and returned to the Assembly with amendments.