

CONSUMER PROTECTION LEGISLATION AMENDMENT BILL 2018

Introduction and First Reading

Bill introduced, on motion by **Mr W.J. Johnston (Minister for Commerce and Industrial Relations)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR W.J. JOHNSTON (Cannington — Minister for Commerce and Industrial Relations) [12.18 pm]:
I move —

That the bill be now read a second time.

The Consumer Protection Legislation Amendment Bill 2018 amends 10 acts that sit within the portfolio of the Department of Mines, Industry Regulation and Safety, specifically within the consumer protection and building and energy divisions. The bill will make important amendments to the Residential Tenancies Act 1987, ensuring that tenants can affix furniture to protect children from the risk of toppling furniture and clarifying issues that have arisen regarding rights and obligations with respect to conduct of hearings in the Magistrates Court, liability for payment of utility charges and damage to common property. The bill also makes amendments that will improve the administration of a range of occupational licensing schemes, reducing unnecessary red tape, facilitating the use of online systems for submitting applications and information, and clarifying the entitlement of consumers to access several industry-specific insurance and compensation schemes. Lastly, the bill amends outdated penalties in a range of acts to ensure that they remain in line with community expectations and continue to provide an effective deterrent. I will now provide some details about the key reforms included in this bill.

The amendments to the Residential Tenancies Act 1987 implement the recommendation of the State Coroner in the November 2017 report into the death of two-year-old Reef Kite. The toddler was tragically killed in 2015 in his home by a falling chest of drawers. Evidence was given at the inquest that the drawers had not been secured at the rental premises because of lack of permission from the landlord. The coroner recommended that the state government give consideration to amending the Residential Tenancies Act to ensure that a residential tenancy agreement cannot preclude a tenant from affixing furniture for the purposes of child safety. This bill provides an opportunity for the government to act to implement that recommendation in a timely fashion.

The bill also restores discretion of the court to appoint any person to assist a party in proceedings relating to tenancy disputes. In an attempt to provide greater consistency in decisions about representation, amendments were made to the act in 2011 to provide that a party to a tenancy dispute could authorise a property manager or an advocate employed by a not-for-profit association as an agent. This has, however, led to some concern that the court may not have the power to appoint another individual when the circumstances require. The amendments restore that broad discretion.

The Charitable Collections Act 1946 will be amended to provide the Commissioner for Consumer Protection with a range of investigative powers consistent with powers that already apply under the Fair Trading Act 2010 to other licensing legislation administered by Consumer Protection. Consumer Protection has been making increased use of online transactions in the performance of its occupational licensing functions. This bill will facilitate online lodgement of information by replacing the requirement for applications to be supported by statutory declarations in some acts with a legislative prohibition on the submission of false or misleading information. The bill contains amendments to provide greater flexibility with regard to the surrender of licences and certificates by real estate and settlement agents and real estate sales representatives. It also adjusts penalties in respect of occupational licensing regulations following a systemic review of penalties undertaken by Consumer Protection in 2016–17.

Finally, the bill addresses concerns with regard to access to industry compensation and insurance schemes by clarifying the circumstances in which consumers can access these schemes. Amendments to the home indemnity insurance scheme are proposed to permit a claim when the State Administrative Tribunal cancels, or fails to renew, the licence of a builder on the grounds of insufficient financial resources. This will remove the requirement for the builder to initiate formal proceedings for insolvency before a claim can be made in those circumstances. Provisions dealing with access to compensation under the fidelity funds in the event of a defalcation by a real estate or settlement agent will also be amended to permit a claim on the relevant fidelity fund when a consumer suffers financial loss as a result of a defalcation by a real estate or settlement agent in the period immediately following cancellation or suspension of the agent's licence.

I commend the bill to the house.

Debate adjourned, on motion by **Ms L. Mettam**.