

Division 54: Commerce —

[Supplementary Information No A23.]

Question: Ms S.F. McGurk asked: We are trying to understand why the line item “Industry and Innovation” in the table titled “Details of Controlled Grants and Subsidies” on page 496 had \$1.9 million in 2013–14 but has no money in 2014–15 and the forward estimates. What assistance was being given to improve local content under that line item? Have the industry partners been advised of any changes to those arrangements and have they given any feedback to the government?

Answer:

This question specifically relates to Page 496, Details of Controlled Grants and Subsidies and activities related to industry, science and innovation. Historically grants for these programs have been either in a line item titled “Science and Innovation” or separately as “Royalties for Regions – Various Projects”.

The 2013/14 Budget papers show that funding for Grant Payments related to Science were transferred to the Office of Science, Department of the Premier and Cabinet (2013/14 to 2016/17 of \$25.7 million, \$22.3million and \$18.7million respectively). The remaining amount for Industry and Innovation within Commerce under this line item was \$1.968 million for 2013/14. This related to small contractual commitments that were largely programs coming to completion and a range of small grants to industry.

From 2014-15 both Regional Telecommunication Program and Local Content focussed grants are supported by the Royalties for Regions program and included under a specific line item on page 496. (\$6.5 million for 2014/15, \$11.5 million for 2015/16 and 2016/17 and \$20 million for 2017/18).

Funding for industry and innovation has moved also to an industry partnering model. Current sponsors of activities include – Chevron, Mitsubishi Corporation and Woodside. This sponsorship funding does not appear in the Controlled Grants section as it is not sourced from Government funds.

[Supplementary Information No A24.]

Question: Ms J.M. Freeman sought information on the implications that the Associations Incorporation Bill, which is yet to be brought to the house, will have on school P&C associations specifically.

Answer:

Both the *Associations Incorporation Act 1987* and the proposed Associations Incorporation Bill require an association to include provisions in its Rules regarding the holding of general meetings, and the requirements for giving notice of meetings and notice of motions. In neither case, however, does the legislation specify the content of these provisions or restrict the ability of an association to determine what provisions will best suit its particular needs.

Parents and Citizens Associations (P&Cs) are required to comply with both the Associations Incorporation Act and legislation administered by the Department of Education. This legislation requires the Rules of a P&C to be approved by the Minister for Education. However, to make this process easier a standard set of Rules has been developed by the Western Australian Council of State Schools Organisation (WACSSO) for use by P&Cs.

In accordance with the requirements of the *Associations Incorporation Act*, the Rules developed by WACSSO make provision for notices of meetings and notices of motion. The relevant clause requires, among other provisions made in relation to notices, that any motion for approval to expend P&C funds is to be dealt with at a general meeting. The Department notes that, in our experience, the management committee of an incorporated association is usually given some degree of flexibility in managing the finances of an association. This is not, however, a matter which is the subject of assessment by the Department when an association is incorporated.

The *Associations Incorporation Act* does not mandate the content of the provisions – it only requires that an association make provision for the holding of general meetings and the requirements for the giving of notice of meetings and notice of motions. Other than to satisfy itself that an association has made provision for these in its Rules, the Department of Commerce does not approve the contents of the provisions. This is a matter for each individual association.

If P&Cs find that particular Rules are overly restrictive their concerns should, in the first instance, be raised with WACSSO. Officers of the Department of Commerce would be happy to work with WACSSO and the Department of Education to develop an alternative provision if they feel that the input of the Department would be of benefit. The Associations Incorporation Bill will not impact on that process, and the implementation of the

new legislation will provide an opportunity for peak organisations such as WACSSO to review their current Rules.

[Supplementary Information No A25.]

Question: Ms J.M. Freeman sought information on the implications of Australian Consumer Law provisions for providers of parking and what Consumer Protection doing to ensure that consumers are not being disadvantaged by the misleading use of traffic and parking infringements by private car parking operators.

Answer:

A number of companies provide private car parking management services to land holders such as shopping centres and even for vacant lots. In instances known to Consumer Protection there is signage erected stipulating the grounds upon which parking for a fee or otherwise is permitted. In the event that the person parking a vehicle does not comply with the conditions the company issues a ‘breach notice’ requiring the driver of the vehicle to pay the estimated liquidated damages suffered by the parking provider.

If the ‘breach notice’ is not paid, parking management companies have a variety of debt recovery actions they may seek to follow including debt recovery action in the Magistrates Court. On a periodical basis some companies apply to the Department of Transport for details of vehicle registration. The Department of Transport has advised that it does not automatically provide the information unless sufficient reason is provided or where a Court directs its release.

Consumer Protection is aware that some parking management companies also instigate action to ‘black list’ vehicle registration details and if the vehicle is detected in one of their car parks it is wheel clamped until the outstanding debts have been paid. The terms and conditions of parking at the site state that these are the consequences of parking whilst having an outstanding debt. The parking management company runs a website which enables the public to check on any listing of their registration details and will correct any improper listings should vehicle ownership have changed since the original parking violation was detected.

Consumer Protection has not found any evidence of breaches of the Australian Consumer Law. Signage at car parks has been clear and accurate. Companies retain sufficient photographic evidence of the parking breach to substantiate the breach notices issued.

Reports of instances of inappropriately wheel clamping a vehicle are rare. One such instance was reported to Consumer Protection in May 2014 and is currently being investigated.

[Supplementary Information No A26.]

Question: Dr G.G. Jacobs asked: How many of the full time equivalents in the table under “Consumer Protection” are involved in the legal branch, if any? How many cases for breaches of the consumer protection act have been challenged legally or been taken to court in the last 12 months?

Answer:

The Legal Services branch of Consumer Protection has 11.8 FTE staff of which 7.8 FTE are lawyers.

In the past 12 months there have been 68 substantive court or tribunal matters, resulting in orders in relation to 80 discrete parties, including:

- 2 decisions of the Court of Appeal, comprising 1 Real Estate And Business Agents Act 1978 licensing appeal & 1 Settlement Agents Act Fidelity Guarantee Account respondent appeal
- 5 decisions of the Supreme Court, comprising 1 respondent application under the Retirement Villages Act; 2 Australian Consumer Law civil penalty and injunction actions; and 2 respondent appeals from Magistrates’ Court prosecutions
- 2 decisions of the District Court, comprising 1 Australian Consumer Law civil penalty action; and 1 Associations Act recovery action
- 41 decisions of the Magistrates’ Court, comprising prosecutions under numerous Acts
- 18 decisions of State Administrative Tribunal, comprising 17 disciplinary proceedings; 1 application for review of licensing decision.