

CONSUMER PROTECTION LEGISLATION AMENDMENT BILL 2018

Second Reading

Resumed from 28 November.

MR J.E. McGRATH (South Perth) [12.03 pm]: I am not the opposition lead speaker on the Consumer Protection Legislation Amendment Bill 2018.

Mr W.J. Johnston: The member for Hillarys spoke yesterday.

Mr J.E. McGRATH: He is still to speak, is he not?

Mr W.J. Johnston: No.

Mr J.E. McGRATH: The Consumer Protection Legislation Amendment Bill 2018 reminds me how the world has changed in consumer protection. I recall as young guy buying my first car. I bought it from James Clay Motors, a dealer on Stirling Highway, Nedlands. The car was a very hot looking Valiant; it was a very sexy car! When I was driving home down Stirling Highway, the car's air conditioning pump broke and the front of the car filled with water. I realised then that I had bought a lemon. Unfortunately, there was not much I could do about it.

Ms J.M. Freeman: There's a report all about buying lemons. I can send it to you!

Mr J.E. McGRATH: Yes!

I liked the car. When I got home, my father said, "What were you doing buying this car? You shouldn't have done it. Here is a lesson for you." We finally got rid of it and found another car dealer who got me into a Holden, which was not so sexy but a lot more reliable. Back then, there was no protection for buyers. Buyers bought at their own risk. Progressively, governments of various persuasions have brought in consumer protection laws for people who buy things in good faith. When there is a problem with something they have bought, they can go to Consumer Protection. I think consumer protection laws have cleaned up industries, such as the used car business and other businesses, because retailers know that unless they provide a proper service and endorsement and a product that works, proper protections for buyers mean that they will not stay in business for long. Having said that, the lead speaker who will handle this legislation for the opposition, the member for Hillarys, is back, having spoken to a group of young schoolchildren. I am very pleased that he has arrived back in the chamber.

The ACTING SPEAKER (Mr T.J. Healy): The member for Hillarys cannot make a further contribution. He has lost that opportunity, unfortunately.

MS C.M. ROWE (Belmont) [12.06 pm]: I rise today to make a relatively short contribution on the Consumer Protection Legislation Amendment Bill 2018. I take this opportunity firstly to again acknowledge the hard work of the Minister for Commerce and Industrial Relations and congratulate him on bringing this important bill to the chamber.

The bill makes amendments to 10 acts that come within the Consumer Protection and Building and Energy divisions of the Department of Mines, Industry Regulation and Safety. The area of the bill that I will speak on relates exclusively to changes to the Residential Tenancies Act 1987, specifically changes that ensure that tenants can affix furniture to walls to protect children from the risk of furniture fatally falling on them. This change follows a recommendation of a Western Australian coroner's inquiry into the tragic death of little Reef Kite, a beautiful 21-month-old baby boy. On 13 October 2015, Reef's mother, Ms Skye Quartermaine, put her son down for his regular daytime sleep at about 11.30 am, and like many parents of young babies and toddlers, she went into her child's room on a number of different occasions during his sleep to check on him and in fact change his nappy. When she went in at 2.45 pm, she found Reef pinned underneath a fallen chest of drawers. He was completely unresponsive. A short time later, Reef was tragically declared dead. The coronial inquiry heard that the drawers of the chest easily slid forward on the rollers and that once a few drawers had slid open, the unit toppled over very readily. The police from the investigating forensic team presented a re-enactment video to the inquest. Senior Constable Steven Barnes, who was part of the investigating team, said in an ABC news article on 23 October 2017 —

It was hard enough for an adult to stop the drawers falling forward ...

...

A young child wouldn't have a hope.

Ms Quartermaine had purchased the drawers only a few months earlier and she had asked her landlord whether she could secure the furniture to the wall. The landlord refused to approve the request to anchor the furniture. It is

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sickening to think that such an essential safety measure could be legally rejected by a landlord. The consequences of this for Ms Quartermaine are devastating and irreparable, and it was entirely preventable. Since her son's death, she has been advocating for these legislative changes to be introduced so that landlords cannot prohibit tenants from bracketing furniture to the wall, to save other families from experiencing the grief that she has had to endure due to the loss of her son, Reef. Ms Quartermaine said —

“My family will always be incomplete,” ...

“My child will never grow up. I'll never see him graduate high school or get married for the first time, because of one little bracket that could have saved his life.”

That is from an article on the ABC news website from 11 June this year titled “Perth toddler Reef Kite's death under chest of drawers examined in coronial inquiry”. This tragic incident is not isolated. According to the Australian Competition and Consumer Commission, approximately 50 people are hospitalised every week due to injuries from toppling furniture and televisions. Since 2001, 22 children have died in Australia due to toppling furniture and televisions.

I refer to an article published in *The Sydney Morning Herald* on 25 June this year titled “Blake's parents warn of dangers of falling furniture after his death”. In August 2016, three-year-old Blake Shaw, described by his mother as “perfect” and “one of a kind”, was tragically killed when an unsecured bookcase fell on top of him. Blake was not touching or climbing on the bookcase; he was simply sitting on the ground when it toppled over. This just shows how these terrible accidents can happen in an instant—literally in the blink of an eye—leaving families torn apart in grief. The chief executive of Kidsafe Victoria, Melanie Courtney, said —

“If the furniture's not secured and if it's not stable furniture, it doesn't take much for that to topple.”

She also said —

“The slimline TVs that we have now, they —

She is referring to children —

can just push them or grab them and it doesn't take much for them to fall but they can have a really big impact when they do fall,” ...

As a mother of two young children, I know firsthand how curious young children and toddlers are, especially when they are first learning to explore the world and they want to crawl everywhere and climb on everything. However, many families may not be aware of the risks of toppling furniture. This was sadly the case for the Cammilleri family in WA, whose two-year-old daughter Jasmine was crushed and subsequently killed when an unsecured 37-inch television fell on top of her in February 2013. I quote from the ABC news article of 5 April 2016 titled “Mother's safety plea at inquest into death of toddler crushed by TV”. Mrs Megan Cammilleri told the coroner's inquiry into her daughter's death that her daughter was a “dream” child who liked climbing on things. As I mentioned before, all children do. This is not the fault of the parents and I am certainly not trying to insinuate that. Mrs Cammilleri had momentarily left Jasmine watching a DVD and went into another room to make a phone call. A short time later, Mrs Cammilleri heard her daughter scream and a loud thud. When she went back into the room, she found Jasmine lying on her back, unresponsive, with the television on top of her. Mrs Cammilleri told the coronial inquiry that she was not aware of the risks associated with not securing a TV to the wall. Since the devastation of the accident that killed Jasmine, Mrs Cammilleri has tried to use the loss of her daughter as a way to raise awareness of these risks in the hope others will not have to suffer the pain she and her husband have had to endure.

The devastating loss of children such as Jasmine, Blake and Reef has highlighted the risks of unstable furniture and TVs in homes. These deaths have raised community awareness about the tragic consequences of not securing furniture and TVs by bolting them to walls. In Reef's case, his mother was aware of the consequences and risks, but was prohibited from securing her furniture in her rented home after her landlord refused to allow her to bolt the chest of drawers to the wall. The landlord was allowed to do this under the current legislation. It is clear that the current laws are not in line with community expectations, and we have acted to rectify that. If someone wants to secure their furniture or TV in a rented property, they should be able to do so. In Reef's case, he would still be here if that had been the case. This law could have saved Reef's life. That is why this legislation is very important. It can save children's lives and, therefore, save other families from having to endure the eternal grief of losing a child. That is why I commend the bill to the house.

MR R.R. WHITBY (Baldvis — Parliamentary Secretary) [12.15 pm]: Like the member for Belmont, I would also like to talk about the Consumer Protection Legislation Amendment Bill 2018 and, specifically, look at the part of this bill that focuses on the issue of securing furniture in rental accommodation. This part of the bill should

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become known forever more as Reef's law. As the member for Belmont explained, Reef Jason Bruce Kite died on 13 October 2015. He was a healthy and active baby boy who was just three months off his second birthday. Coroner Sarah Linton found that he died of an accident—a simple and completely preventable accident—in his own bedroom in his Yokine home, a place in which he should have been safe and secure. Reef died of crush asphyxia. He had been asleep, got up and either tried to climb up or open the drawers of a tallboy chest of drawers in his room. It fell forward and crushed him. I quote from the coroner's findings —

Testing by the officers from the Forensic Crime Scene Unit revealed the chest of drawers tipped with ease when minimal force was applied. As the momentum of the chest of drawers increased, the drawers came out on the metal runners, causing the chest to fall forward heavily. Senior Constable Barnes agreed it was almost like a domino effect, in the sense that after one drawer came out, all the others quickly followed.

Senior Constable Barnes indicated that the forensic officers at the scene were very surprised at how easily the drawers came out ... it would be very difficult for an adult to stop the chest from tipping over, and impossible for a ... child.

The coroner continued —

... I am satisfied that after waking up from his nap, while playing in his bedroom Reef came in contact with the chest of drawers, which toppled forward onto him. The weight of the chest of drawers resulted in crush asphyxia, which caused his death.

Mr Acting Speaker, I do not know about you, but I think we have all gone to that place called Ikea and assembled furniture. Sometimes it is quite a challenge to put it together, but often part of the kit comes with a hook or a bracket to secure furniture to a wall. I know I have probably been guilty, as others have, of viewing that particular item in the packet of contents as an unnecessary piece of equipment that causes an unnecessary extra job. I think the experience of Reef and his family is a very sobering message to everyone in the community. I will quote some of the statistics that highlight the issue for young children. Kidsafe WA says 27 children a year are killed as a result of unintended or accidental injury. That is not about the incidence of furniture falling on them; it is about accidental injury. The WA Consumer Product Advocacy Network did a review into furniture-related injuries of kids who presented to Princess Margaret Hospital for Children as a result of such injuries. That inquiry found there were 271 furniture-related injuries to children in the five years to December 2016. Of these, 148 involve furniture tip overs and most occurred with children aged under three. The most common form of furniture was a chest of drawers and the second was TV cabinets. Many reputable retailers inform customers of the danger and sell tip kits, wall anchors or brackets. Part of the reason we have introduced this legislation and that we are speaking about it in the Parliament today is that we want to get the message out to the community as much as possible that it is a real danger and there is a very simple thing we can all do to prevent it in the future. The coroner's recommendation to the government was as follows —

... I recommend that the State give consideration to amending the *Residential Tenancies Act 1987* to ensure that a residential tenancy agreement cannot preclude a tenant from affixing a fixture, if the fixture relates to anchoring a television or item of furniture to a wall for the purposes of child safety. Rather, the Act should provide that for those specific fixtures, such an item may be affixed with the lessor's consent (and the lessor shall not unreasonably withhold such consent).

The coroner made a conclusion in her report that I think is an appropriate comment on the efforts of Reef's mother in all of this. She reported —

It is hoped by Reef's parents that the publicity surrounding Reef's death will help to prevent similar deaths. One way this may be done is to raise the awareness of landlords to the real safety issues that arise with some common household furniture items and the need for them to be flexible in their approach to tenants' requests to secure some items to walls in a rental property.

The government responded to that recommendation and we are responding now through legislation, but there was some more immediate response. Advice was sent out in a bulletin to all landlords through real estate agencies. This bulletin is dated October 2017. I quote a few lines from it —

Landlords have a responsibility to ensure rental premises are safe to live in. Under common law, landlords have a duty of care to tenants, as well as to anyone the tenant invites into the property.

...

It is important to remember a hole in a wall can be patched or repaired at the end of a rental agreement, but a child's life cannot be replaced.

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Between 2000 and 2015 at least 14 children under the age of 9 died in Australia after domestic furniture fell on them.

That was a bulletin to landlords across Western Australia issued in October last year.

Of course, we come to today's legislation, which I think should be resoundingly supported across the chamber. I just want to finish now on Reef's mother, Sky Quartermaine. The member for Belmont mentioned some of the comments from Ms Quartermaine, but I just want to add to them. We should always remember that the effort Ms Quartermaine made in promoting this issue is legacy for her son. I will read a quote from her that appeared in an online article dated 7 October on PerthNow. She said the following about the legislation we are introducing today. I quote —

"I'm pretty excited actually. I'm so happy to hear that the new laws are finally going through," ...

"We've got to keep spreading the message to 'bolt it back'. Reef must have climbed up the drawers and I lost my child as a result. Don't become complacent.

"If you're a tenant, often landlords don't let them bolt furniture to the wall. I didn't think that was fair and didn't want Reef's death to be in vain. He's not here but now he's always going to be remembered because he changed the law.

"A hole in the wall can be patched easily but you can't replace a child's life, you can't fix the hole in your heart."

That was Reef's mum, Sky Quartermaine, and I think that is a lasting message that this chamber should hear.

I commend the bill to the house.

MR S.A. MILLMAN (Mount Lawley) [12.24 pm]: Firstly, I place on the record my thanks to the member for Baldvis for his contribution to the debate on the Consumer Protection Legislation Amendment Bill 2018. I think he has articulately and compassionately captured the grief of the loss of Sky Quartermaine. I hope that these legislative amendments consequent on the tragic death of her son, Reef Kite, do some justice for her. I hope they properly recognise and respect the tragic loss of life. Sky Quartermaine and Reef Kite were residents in Yokine in the electorate of Mount Lawley when this tragic event took place so I thought it was incumbent upon me to make a contribution to this debate. I understand that Ms Quartermaine now lives in Bunbury, but this event deeply affected the local and Western Australian people. I will come back to that issue a bit later in my contribution.

Although this legislation remedies what existed at the time that tragic event took place, it does many other things as well and I think the minister should be commended for that. This legislation picks up on a number of regulatory improvements that need to be made to update our statute book and provide justice and fairness for people in Western Australia. A lot of attention has been given to amendments to the Residential Tenancies Act, but in addition this bill, if passed by the Parliament, will give greater powers to the Commissioner for Consumer Protection to monitor compliance with the Charitable Collections Act. The reason I think that is an important amendment is the increasing number of scammers and internet scams that seem to persist and predominate in our community. We have already seen the steps that the McGowan Labor government and Minister Johnston have taken to tackle the scourge of scams in our community through initiatives such as WA ScamNet and its promotion. WA ScamNet states that scams, rip-offs and frauds are becoming more and more commonplace. The Department of Mines, Industry Regulation and Safety's WA ScamNet was developed as one method of combating this ever-increasing problem.

Through WA ScamNet, one can anonymously report criminal activity and suspicious behaviour either online, at Crime Stoppers or by phoning 1800 333 000. WA ScamNet also promotes awareness of various scams. I want to go through a number of the scams it has alerted us to recently. I get these examples from its website and I thank the minister for the work he has done in promoting this issue and in resourcing the website so these issues can be brought to the attention of the community in Western Australia. The first one it talks about is fake charities. Scammers impersonate genuine charities and ask for donations or contact people claiming to be collecting money for relief efforts after natural disasters. The scam works by fake charities trying to take advantage of people's generosity and compassion for others in need. Scammers will steal their money by posing as a genuine charity. Not only do these scams cost people money, they also divert much-needed donations away from legitimate charities and causes. Fake charity approaches occur all year round and often take the form of a response to real disasters or emergencies such as floods, cyclones, earthquakes and bushfires. With what is taking place at the moment in New South Wales with the treacherous floods and in Queensland with the bushfires, we can see exactly the sorts of natural disasters that might give rise to these sorts of scams. These can include charities that conduct medical research or support disease sufferers and their families. Scammers may also play on peoples' emotions by claiming to help children who are ill.

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Fake charities operate in a number of different ways. A person may be approached on the street or at their front door by people collecting money. Scammers may also set up fake websites that look similar to those operated by real charities. Some scammers will call or email requesting a donation. ScamNet has helped the community by promoting awareness of existing scams. Everyone is aware of the fantastic work of the Smith Family charity, but its name is being used in a door-to-door fake fundraiser, with scammers asking for donations for Kickstart Kids. With the Boston marathon tragedy, scammers circulated spam emails purporting to contain links to websites with information on the Boston explosions but in fact contained links to malicious content that may infect a person's computer or allow scammers remote access to it. There is the Telethon phone scam. If anyone receives a call from Telethon asking them to make a donation, it may be a scam. The charitable trust has received reports of phone scammers pretending to be collecting money for Telethon, but according to Telethon, no unsolicited calls are made to private residences during the annual Telethon appeal. There was the hurricane Katrina scam. Days before hurricane Katrina slammed into the gulf coast of the United States, fraudsters began registering Katrina-related websites in the hope of profiting from an anticipated outpouring of charitable donations for storm victims. There are many others, including the Ugandan scam, the Zimbabwe scam and scams concerning various natural disasters.

The point made by Consumer Protection WA and ScamNet, and assiduously and repeatedly referred to and promoted by this minister, is that we need to be diligent, disciplined and on the lookout for these sorts of scammers. It is for that reason I am so proud that on 4 December—just next month—I will be hosting a senior citizens' forum at the Dayspring Centre in Waverley Street, Dianella. Together with the Council on the Ageing and Dr David Cook, a cybersecurity expert from Edith Cowan University, we will be conducting a cyber safety and security forum for senior citizens in my electorate of Mount Lawley. Dr Cook is a constituent of mine as well. He is a great contributor to our community. He is well regarded as a world-leading expert in the area of cybersecurity and cyber safety. One of the great ways in which we can help people to protect themselves from being targeted by these scams is to give them the skills and resources to be on the lookout for these things and take the necessary precautionary steps. The morning tea I am hosting at the Dayspring Centre in Waverley Street, Dianella will be directed precisely to that issue. We have been out doorknocking and letterboxing to encourage local senior citizens in our neighbourhood to come along, including the retirement villages of Menora Gardens Village and RSL Care Pearson Village. I also place on the record my appreciation of Marlene Robins from the Council on the Ageing, who is also helping to promote and facilitate the senior citizens' morning tea.

From that dissertation we can see that this bill achieves more than just the commendable and worthwhile amendments to recognise this government's action to change the circumstances that tragically led to Reef Kite's death. It is an omnibus bill that deals with a number of issues. That is testament to the hard work and dedicated effort of the minister. I come back to the tragic circumstances of Reef's death. I am hopeful that by tackling this issue and passing this legislation, we can do honour and credit to Reef's memory and to the tragic circumstances that surrounded his death, and that we can provide some degree of comfort and compassion to Ms Quartermaine, who has welcomed this legislative amendment. I take members to an excellent article written by Nic Perpetch of the ABC on 23 October last year. This is at the time the coronial inquiry was examining the circumstances of the death. The article is called "Perth toddler Reef Kite's death under chest of drawers examined in coronial inquiry" and states —

The drawers on a heavy piece of furniture which crushed and killed Perth toddler Reef Kite slide forward easily on their metal rollers and the whole unit can quickly topple over, an inquest has been told.

The video of a police re-enactment showing how unstable the unsecured chest of drawers which asphyxiated the 22-month-old could be was shown at the hearing into his death.

"It was hard enough for an adult to stop the drawers falling forward," Senior Constable Steven Barnes ... told the court.

"A young child wouldn't have a hope."

The article continues —

Outside court, ... Skye Quartermaine pleaded for regulations to be changed so landlords could not prevent tenants from securing furniture to the wall, as had occurred with her.

"I would fully advocate and work with anyone willing to help change the law to allow parents to bolt that furniture without no ramifications for it," she said.

I am just going to go through the particular tragic circumstances on that day in October 2015 as outlined in the article. It states —

Ms Quartermaine had put Reef down for his regular nap in his bedroom at their Yokine home about 11:30am on October 13, 2015.

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She checked on her son several times, even changing his ... nappy at one point.

But when she came back at 2:45pm, she saw the 1.25 metre tall chest of drawers had fallen over and pinned him underneath.

The court was told he was facing the bedroom door and lying on his right side.

...

She lifted the piece of furniture off him, revealing a mark on the left side of his face where a drawer had hit him, and picked up her unresponsive son.

She ran to her neighbour's home and he tried to resuscitate Reef before paramedics transported him to Princess Margaret Hospital, but he was declared dead at 3:34pm.

"My family will always be incomplete," she said outside court.

"My child will never grow up. I'll never see him graduate high school or get married for the first time, because of one little bracket that could have saved his life."

She had bought the chest of drawers three months earlier at a pine furniture shop.

She said it did not come with brackets to fix it to the wall or a warning, and her landlord refused to let her secure it to the wall.

Senior Constable Fiona Thorpe, formerly of the coronial investigations team, told the inquest there was no evidence of criminal wrongdoing, rather the drawers had slid out and the unit had fallen on Reef.

These are the tragic circumstances of this death. The article continues —

The police re-enactment video showed that as soon as police opened a drawer it slid all the way out on metal runners, and after a few drawers were opened it toppled over.

Senior Constable Thorpe said children under five were most at risk.

"They don't understand the concept of danger," she said.

She urged parents to select safer furniture, fix it to the wall and place locks on the drawers.

Kidsafe WA chief executive Scott Phillips said —

'If you're two or three everything looks like a ladder'

He gave evidence and explained that one or two children died every year from furniture-related injuries across Australia. I again thank the member for Baldvis for reciting those tragic but very important statistics in order to illuminate and inform the debate today. The article continues —

He recommended retailers provided information at the point of sale on the dangers, or include a bracket to secure the furniture.

"If you're only two or three, everything looks like a ladder, and you will try," he said.

He said Kidsafe WA was working with Consumer Protection to prevent landlords from stopping parents securing furniture to walls.

That is precisely the objective of this legislation and that is what it will achieve. He continued —

"They really shouldn't be knocking back any request by a family in a house to secure furniture to make their children safe," he said.

There really should not be any knocking back of any request by a family in a house. With the passage of this legislation, this will be a permitted activity. Before I finish I will quote from paragraphs 49 and 50 of the coroner's report. At paragraph 49 the coroner states that she had noted —

... during the inquest that there can be an issue for tenants obtaining permission to fix furniture to walls, which Reef's mother indicated had been a problem for her in this case. Mr Phillips acknowledged this problem and advised that as part of the education plan, the Advocacy Network has arranged for Consumer Protection to put out some instructions to landlords to emphasise that landlords have a responsibility to ensure that rental premises are safe to live in, and encouraging them to give tenants permission to anchor furniture in a bid to protect children. As noted on the website, "A hole in a wall can be patched or repaired at the end of a rental agreement, but a child's life cannot be replaced." It also notes that if the rental property is rented furnished, the landlord should secure any furniture that may pose

a hazard. The Consumer Protection website includes a link to the ACCC Product Safety Australia website article on toppling furniture, as described above.

The coroner found at paragraph 50 —

Nevertheless, the difficulty remains that under the current legislation governing residential tenancies, landlords are entitled to decline consent to a tenant affixing any fixture and remove any fixture that a tenant has affixed to the rental premises without the landlord's consent. I note that depending upon the terms of the residential tenancy agreement, the *Residential Tenancies Act* . . . provides that the lessor shall not unreasonably withhold such consent, although that obviously leaves open the question of what is unreasonable.

With the passage of this legislation, hopefully, through this place, that is a question that will no longer need to be debated because it will be within the power of tenants to take the necessary steps to ensure that their furniture is safe for their families.

This is incredibly important legislation. It will change the dynamic in order to give greater power to tenants in a responsible way that will allow them to take the necessary steps to protect their families. It is an enduring tragedy that Reef Kite lost his life in these circumstances. I can only express my deepest and most sincere sympathy to his mother, Skye Quartermaine, and his family. This is precisely the sort of work that the Parliament should be engaged in—namely, keeping our community safe, responding to tragic circumstances and making sure that there is fairness and equity in dealings between people.

I congratulate the minister for all the work he has done tackling scammers and in amending the Residential Tenancies Act. I commend this legislation and I call for its speedy passage.

DR A.D. BUTI (Armadale) [12.40 pm]: I will make a contribution on the Consumer Protection Legislation Amendment Bill, which seeks to amend 10 acts under the portfolio of the Minister for Commerce and Industrial Relations that relate to the Department of Mines, Industry Regulation and Safety, specifically within the consumer protection and building and energy divisions. I commend the contributions of the members for Baldvis and Mount Lawley, who made some moving remarks on the tragic death of Reef Kite.

One of the beauties of this bill is that it aims to amend 10 other pieces of legislation, so it has a wide scope and important consequences. It is also a very nice mixture of increasing regulation in some areas and decreasing regulation in others. Often we have debates in this place about red tape and inhibiting business or individual freedoms. I think this legislation will increase regulation or powers, particularly for tenants, on safety issues, but also will reduce unnecessary red tape in other areas.

The problems caused by furniture not being affixed to a stable structure is, of course, a safety issue that can have incredibly dire consequences, and the ultimate price is that one could lose a child. There could be nothing more horrendous than having your child killed in your own home by something that could easily be fixed. That will be addressed legislatively by the bill before us. But that is just the legislation. The minister and the government can do only so much. Of course, now it is up to the public to become aware of their rights and to act upon that and to be aware of any dangers that may lurk as a result of furniture and other loose items not being properly affixed to a stable structure. The issue of fixtures on property comes back to the law of property for things that are chattels and fixtures. Tenants have been in a precarious position when trying to ensure the safety of their children because property law goes back many centuries with regard to what are fixtures and what are chattels and the legal consequences that attain to that for tenants and property owners and so forth.

In many respects, this bill, particularly its amendments to the Residential Tenancy Act 1987, is a legacy and also a fitting memorial to the unfortunate death of Reef Kite in 2015. The State Coroner's report was handed down in November 2017. As the member for Mount Lawley said, this legislation will give much more power to the tenants. It is only power to protect children and other people in the house. I do not think we could ever argue against the need for a legislative framework to be in place to ensure that people can properly protect the children and others who live in their house. This measure comes out of the unfortunate and tragic death of Reef Kite and the State Coroner's report of November 2017.

This bill contains other important provisions relating to the Charitable Collections Act 1946 that are very important in allowing the Commissioner for Consumer Protection to have increased investigative powers. The whole area of charities and charitable collections has been rife. Maybe "rife" is too strong a word, but some practices in that area should not have taken place and do not provide proper protection for people. The issue of what is a charity is a very complex issue that has federal taxation implications. We have a classic law when it comes to what is a charity, and then, of course, the legislative framework, and at the head of that is the taxation act that governs the Australian Taxation Office. The classic law of charity comes out of the branch of law court equity. Basically, to be a charity, the organisation must be able to fit in to certain charitable purposes, such as the alleviation of poverty and the enhancement of education.

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I think I will leave my contribution there and sit down.

MS J.M. FREEMAN (Mirrabooka) [12.47 pm]: What a great contribution by the member for Armadale! I thank him. I rise to speak about the Consumer Protection Legislation Amendment Bill, which is very important legislation, particularly in response to the State Coroner's report on the tragic death of Reef Kite. It is important that we in this place remind ourselves of the important work the coroner does and how we should reflect on the important recommendations the coroner makes.

This legislation is important, but I congratulate the Minister for Commerce and Industrial Relations on what I think is even more important legislation that is in the other place and has just come back from a committee. That legislation will effectively ensure that our consumer laws are contemporary. Our laws have constantly lagged behind federal laws because they work on a federated system where one of the state jurisdictions adopts them and that then changes the laws of other jurisdictions. I understand that ours will be done by regulation and I congratulate the minister on finding a way through to ensure that happens.

We have to remember that Western Australia was at the forefront of consumer law. We have had some of the best members in this place who ensured that those laws were pursued. Indeed, Yvonne Henderson in her time as the Minister for Consumer Affairs pursued and delivered to the Western Australian public nationally consistent laws. Those laws are very important. I again congratulate the minister for that.

We should consider whether Australia needs lemon laws to protect consumers against defective goods or contracts that are of an unsatisfactory quality or performance standard at the time of purchase. Those who have bought a lemon know that sometimes the processes can be such that we cannot get a refund; the red tape involved does not allow us to get what we want. Australians expect that most goods they buy will last longer than a few days or weeks; if they do not, there should be some recourse.

I also raise the importance of payday lending laws, and the fact that they have stalled in the federal Parliament. We need good and proper regulation around payday lending because it is a risk to our communities.

Mr W.J. Johnston: Can I interject on you?

Ms J.M. FREEMAN: You absolutely can interject on me.

Mr W.J. Johnston: When I became minister I asked about our capacity to regulate payday lending, but the commonwealth bears the sole jurisdiction to do so. I look forward to the commonwealth acting more comprehensively in its jurisdiction.

Ms J.M. FREEMAN: We all do.

Debate interrupted, pursuant to standing orders.

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