

DISPOSAL OF UNCOLLECTED GOODS AMENDMENT BILL 2015

Second Reading

Resumed from 19 November 2015.

MS J.M. FREEMAN (Mirrabooka) [9.01 pm]: The fact that disposed goods are referred to in the Residential Tenancies Amendment Bill will give the parliamentary secretary the opportunity to wrap up our last discussion when he replies to the second reading debate on the Disposal of Uncollected Goods Amendment Bill 2015.

What a dry little subject this is. But it all comes about because of property laws. This legislation does not apply to any residential tenants. This applies to situations in which goods are left for repair or other treatment and there is no contract for disposal. Members will have to go on a bit of a journey with me because I have spent the last couple of hours looking at the Residential Tenancies Act and the parliamentary secretary might appreciate that my preparation for this bill is even less than it was for the last bill. I am interested in taking members on a journey. I am the lead speaker. I have 59 minutes, but I will not take 59 minutes. Do not worry about that. I am sure I will not, but we never know.

This is about a trader being able to dispose of uncollected goods. Primarily, as I understand, it applies to motor vehicle goods that someone such as a panelbeater ends up with. These changes came about because of the Motor Vehicle Industry Advisory Committee, which comprises the RAC and the Institute of Automotive and Mechanical Engineers. The issue here is the storage of bulky goods and, in particular, cars valued beyond the \$300 mark. Goods have different classifications. Someone does not have to worry if a poor old person such as me leaves multiple umbrellas in multiple shops all over Perth; they can be disposed of or kept for a certain period, as I understand. This bill inserts a new definition for “relevant amount”, so that it increases from \$300 to \$3 500. Under the 1970 act, goods worth less than \$300 can be disposed of in a certain manner. As I understand, under the act, goods can be stored for a certain period and then they can be disposed of. Someone cannot make profit out of a disposal; they can simply cover their costs.

I will take a few moments to look at the parliamentary debate on the Disposal of Uncollected Goods Bill 1970. Mr T.D. Evans, the member for Kalgoorlie, had probably done slightly more work on his second reading speech than I have on this bill, as it was a very important bill, because prior to that, no legislation was in place for the disposal of goods. Therefore, many people had been left with goods for a considerable time. He said the following —

The principle of the proposed Act is that the goods will be classified. I refer to goods which have been brought into the possession of somebody else, and which have been bailed by somebody—the bailor.

I would be helped by the parliamentary secretary’s understanding, but if someone has some goods left in their possession, they effectively become the bailor in the old terminology of the common law concepts of the bailor. My understanding is that in 1970 there was some controversy around that and that controversy ended up in the newspapers. Mr T.D. Evans asked a question that I ask as well, because this bill increases the value of \$300 to \$3 500. I am sure that between 1970 and 2016 this question has been answered, so I will put it on the record and ask it again. At what point is the value of the property possessed by the bailor assessed? In this case, the member used the example of a motor car —

At the 30th June, 1970, it could be worth one figure, but because of a change in the model and a number of other factors, including economic recessions and so on, by the 31st December, 1970 —

That is a quick economic recession between 30 June 1970 and 31 December 1970 —

it could be worth only half that figure.

The example in this case is a panelbeater who has been called by the police to pick up a car that has been left at the side of the road.

Acting Speaker, I am sorry; I am supposed to be in the Chair.

The ACTING SPEAKER (Mr P. Abetz): That is all right. You are forgiven.

Mr W.J. Johnston: You could seek leave to continue your remarks.

Ms J.M. FREEMAN: I could seek leave to continue my remarks.

A member interjected.

The ACTING SPEAKER: That is fine; just continue. Member for Midland, you are not in your seat. Just continue.

Ms J.M. FREEMAN: A tow truck driver might be called by the police to pick up the vehicle—I am not sure whether currently the police would take it back to the police yard or to a panelbeater—and take it to

a panelbeater and it is left there. The panelbeater does not know the owner of the vehicle and so they are stuck with a car on their premises for a long time and they need to dispose of it because it has become an uncollected good. The question that was posed was: how do we assess the value? If they picked it up in November, when the Disposal of Uncollected Goods Amendment Bill 2015 was introduced into Parliament, and they are assessing it now during the second reading debate a year later in 2016, the fact is that a motor vehicle will lose value over that period. The question was about how that was to be assessed for the purposes of the legislation. The member for Nedlands at the time, Mr Court, who was then Minister for Industrial Development, basically batted off the question, but I figure that over the past 46 years we may have developed a better understanding of how that assessment goes.

The genesis of the Disposal of Uncollected Goods Bill 1970 was a Law Reform Commission report of April 1970 that made reference to criticism from the press about the hardships imposed by the law on bailees. Part of the issue was that if people had uncollected goods, they could not necessarily, without risk and without the law behind them, dispossess themselves of those goods, even though the owner's identity or whereabouts were unknown to them and even though the owner may, through their lack of contact, appear to have lost all interest in resuming possession of the goods. There were some legal cases with regard to that. The difficulty experienced prior to the Disposal of Uncollected Goods Act 1970 was that people ended up with goods but there was still a risk for them as the bailee in what is known as a gratuitous bailment. An example is the poor old tow truck driver who picks up a car that is left in their panelbeating business. They are suddenly left with a good that can expose them to risk if they dispose of it.

In New South Wales, a trader cannot dispose of an uncollected motor vehicle unless the police commissioner has given them a certificate stating that the vehicle has not been recorded as stolen. My question for the parliamentary secretary, which I hope he will respond to in his reply to the second reading debate, is whether we have the same situation in Western Australia.

There are two categories of bailees. One is the situation in which someone goes in and takes possession of goods because they are a bailiff going in and taking them from profit. My understanding is that this legislation is really about gratuitous or involuntary bailees, but I am happy to have that clarified as well by the parliamentary secretary.

As I understand it, the goods prescribed in the legislation are goods that can be disposed of. Really, this seems a perfectly reasonable piece of legislation, given that it has not changed in that period. I will be happy to hear the parliamentary secretary explain why, but it seems a bit odd to me that we have not set the amount by regulation. Why did the government think we have to set the amount in the legislation? It would seem a bit odd if we were to be here in another 46 years, changing the equivalent amount from \$300 to \$3 500.

The ACTING SPEAKER: Members, can we take our conversations outside? It is a bit distracting for the member for Mirrabooka.

Ms J.M. FREEMAN: My question is: this legislation does not cover the disposal of goods in tenancies; does it cover the disposal of animals as uncollected goods?

Mr R.S. Love interjected.

Ms J.M. FREEMAN: No, I am getting told it is not covered by —

Mr A. Krsticevic: It only covers goods for repair, so if you're dropping off goods that need to be repaired, whether it be to a mechanic or to someone, that's what it covers. If you happen to leave an umbrella behind or something else, accidentally —

Ms J.M. FREEMAN: One can take an animal for repair to a vet! How does a vet dispose of an animal that someone has taken for repair?

Mr A. Krsticevic: I don't think it's covered under this particular piece of —

Ms J.M. FREEMAN: I am sure that if the member for Maylands were here, she would be appalled at my thinking of an animal as a good!

Mr W.J. Johnston interjected.

Ms J.M. FREEMAN: That is a different issue; that is an issue of following up on an outstanding debt, but they are still left with the animal, and then the question becomes: how do they dispose of the animal?

I apologise to the parliamentary secretary; I realise it is late and I do not want to harp on this. I understand that the disposal of uncollected goods is when people bring them in. This is particularly about when someone comes in with their Datsun 120Y—which I am told by my colleagues was an awful car, but I have fond memories of Datsun 120Ys—and the reality is that the cost of fixing it is far beyond their capacity to pay, so they leave the vehicle at the repairers. They are uncontactable; they have left it there. They may have been given a quote, but they did not give any indication that they would have the work done, so the garage is left with a car that has not

been repaired and that has costs associated with it, and it has to dispose of it. My understanding is that that is the primary area that this legislation is used for. When we go back and look at the original debate in *Hansard*, we see that it seemed to be pretty much based on vehicles that are left at garages. There are probably quite a few vehicles that are left with the police after having been confiscated, so I suppose the parliamentary secretary could advise Parliament whether the police use the Disposal of Uncollected Goods Act to dispose of goods. Does it cover the police as well? Do the police have to use it for impounded vehicles? It would be worthwhile knowing how the police dispose of those vehicles. Do they do that under different legislation, or do they have to use this legislation?

I have asked a few questions, so I am making the parliamentary secretary work for his money, but I will not make him work for much longer now. My last question is: what records need to be kept once something is disposed of? It is not clear to me; I really only have the amendments, so it is probably worthwhile for the parliamentary secretary to inform Parliament. If someone goes through the procedures and disposes of the goods, they cannot keep the money other than for the storage, repair, disposal or other costs incurred because of the goods. How do they keep those records to make sure that they have not profited from the disposal of those goods?

MR W.J. JOHNSTON (Cannington) [9.20 pm]: I rise to make a contribution to the Disposal of Uncollected Goods Amendment Bill 2015. I expected the shadow minister to speak for longer, but she is obviously rushing out because she is supposed to be in the chair. I understood that another member would make some remarks before me but, one way or another, I get the joy of making some comments. I will start by making an observation about a very good friend of mine who is a vet. When people bring their pets to him, he will often advise them that the cost of the work they are asking for on an animal will mean the probability of success is lower than the value of the decision. However, of course, people are emotionally involved with their pets, so they will urge the vet to do all the work. Then, sadly, when nature takes its course, people neither collect their pet's remains nor pay the vet's bill. The vet ends up having to carry the expenses. The cost of running a vet surgery is actually a lot higher than people realise. There are not just the labour costs for the facility's staff, but also the cost of the facility itself. Although most of these places start out in houses, they end up being heavily modified. That was certainly the case with my friend's practice. Of course, he then had to have another house to live in as well as the house that he operated in. The surgery had to be in a prominent location otherwise he would not get any passing visitors. Most people will go to a vet that they know and therefore they have to be in prominent locations. That was a problem for him, particularly when he first started out and did not have a long history of working with local residents to build up his practice. Now, after working many years, he has an excellent practice and has been able to specialise. As an aside, he also used to say that medical general practitioners had it easy because they only had to worry about one species; he has to be an expert in dozens!

I want to make some comments about the examples given in the parliamentary secretary's second reading speech about repairing vehicles. I accept that the current \$300 limit is way too low. I understand that with the way it has been calculated over the last 46 years, inflation has taken this figure to \$3 500. I accept that that is a reasonable figure but for some people, \$3 500 is a lot of money. They could have a car or something that is worth that sort of money. I understand and appreciate that, and I agree with the need to alleviate the costs on, say, the motor repairer so they do not have to continue to hold their clients' assets over excessive periods. However, even at \$3 500, it still might be the single largest asset that a person has. The fact that a person does not return to pay for the work done on a \$3 500 or \$3 000 vehicle probably demonstrates that the person who has not paid the bill has more problems than just their need to repair the vehicle. Sometimes, these running repairs on unreliable vehicles are a major problem. I am sure that the Acting Speaker (Ms J.M. Freeman) has residents in her electorate who come to see her, as residents in my electorate come to see me, with the challenges they have because the cars that they keep on the road with sticky tape and glue, which they need for work, are, not surprisingly, unreliable, and some major bill is a real challenge. Sometimes it might be cheaper for them to simply replace the vehicle with another cheap vehicle. However, they go to a payday lender and borrow a couple of hundred dollars to get the vehicle repaired. Then, within a short period—not due to the mechanic's lack of capacity, but just because of the nature of the 120Y, or whatever they happen to be driving around—suddenly, they are faced with even more repairs.

I remember when I was an apprentice fitter and turner in an engine-reconditioning shop, the old red motor was always pretty easy to fix. Now, even cars that are less than the \$3 500 limit have a lot of technology in them and complexities to repair them and purchase parts. I think for an original little Kia, to purchase a replacement gearbox is actually more expensive than to buy the car because of the way —

Ms R. Saffioti interjected.

Mr W.J. JOHNSTON: Indeed, because the S-Cargo is a grey import, so spare parts are not commonly available. If people bought one of those London taxis, they would end up in the same spot.

Again, this is not a red tape reduction strategy. The legislation is not about reducing red tape, it is about changing the impact of regulation. No regulation is being removed or taken away; it just changes the point at which

different actions are required by the regulations. As I said before, I am perfectly comfortable with the fact that \$3 500 is the proper indexation of the \$300 from 1970. In 1970, \$300 was probably two weeks' wages for a skilled tradesman in the building industry. Now, \$3 500 is probably a little bit less than the equivalent amount for a skilled tradesman in the building industry. I am not saying that it is an unreasonable amount. I am just saying that for people who cannot afford to pay for the repairs, \$3 500 will still be a lot of money.

The government was determined to get this bill through Parliament in rapid time. On 19 November last year, nearly a year ago—11 months ago—the then parliamentary secretary gave his second reading speech. There was no discussion of the impact of this change on the owners of the uncollected goods. It would be interesting to find out, and I would be pleased if the parliamentary secretary could give us some detail about, what consideration the Department of Finance's regulatory impact unit had on this bill. Perhaps he could tell us when the regulatory impact unit looked at the bill. He is going off to get advice—excellent. What consideration did the regulatory impact unit have on the owners of the goods, not just on the businesses that will have an increased limit? As I said, the bill does not reduce red tape, despite the fact that that is how the government presents the bill. It is just a change to the regulation. It is very welcome to see the member for Gosnells in the chamber! I do not want to unnecessarily delay the house. I know the parliamentary secretary understands that I do not ever want to unnecessarily delay the house. However, I want to get clear the answer to that question, and I am sure that the parliamentary secretary has obtained the advice that he needs. It would also be good to know why this relatively small piece of legislation was not considered a priority by the government over the last 11 months and was not brought to this place for discussion at any time up until now. This legislation is not particularly controversial, and no-one is going to doubt the need to bring these valuations up to an appropriate level.

I also make the point that it can be difficult for small businesses to have to store goods. I note that it is not just goods that have been put in for repair but also goods that have been placed in storage. It is interesting to see the proliferation of storage units across Perth—in fact, across the western world, quite frankly. When we travel in America we see signs all over the place advertising storage units. People may have moved from a four-bedroom house to a two-bedroom apartment, and they intend to buy a big house again later. People are encouraged to put things into storage. One of the things that people should think about is that unless the goods that they are storing have either economic value or emotional value, they should get rid of them. Low-income earners would be better off if they sold the old lounge suite on eBay or Gumtree and did not have to pay for storage, because the storage bills add up very quickly. People need to think about the fact that within three or four months, the cost of the storage will be way in excess of the cost of the furniture that is stored in the storage unit. One of the pieces of advice that financial counsellors give to people who are in financial difficulty is that they should look at the bills that they are paying.

I know of some people who have had an unexpected death in the family, and they have some goods in storage. They have no choice, because the man died intestate, and they are waiting for—there is a word that I am thinking of, but I cannot get it out of my mouth —

Ms R. Saffioti: Probate.

Mr W.J. JOHNSTON: Yes. Probate has not been issued, so they cannot dispose of any of the goods. The goods are being stored because the house that the man was living in was not in good condition and it is being repaired so that it can be sold. The cost of the storage is now building up for the family while the court matters are being determined. Storage can be incredibly expensive. In this case, the goods in storage are quite valuable, so the cost can be justified, although it is still putting a strain on the family.

If people who are moving house have all the furniture that they bought from Vinnie's, they should not pay for storage unless there is something really special about that stuff. It will actually be cheaper to sell the stuff on Gumtree and buy more stuff later. That is one of the things that financial counsellors advise people about. We all know what happens. People put goods of relatively low value into storage, and they expect those goods to be in storage for only a short time, but they end up being in storage for much longer and the cost gets too much for them. The storage company then wants to dispose of the goods because they have not been collected. That actually means that the person has paid twice—they have paid the storage costs for whatever period until they stopped paying those costs, and they then lost the goods. It would have been better if they had disposed of the goods effectively for nothing than to have paid the storage costs and end up without the goods.

It will be interesting to know, when the parliamentary secretary gives his reply, what consideration has been given to the effect of this legislation on the people who have paid for the storage or for the repair of the vehicle, the lawnmower or whatever has been put in for repair. I make the point that these are the sorts of matters that will never be litigated. These matters will never end up in court, because the values are very low, so the cost of hiring even a suburban lawyer will be more than it is worth, and they will never end up in the small claims tribunal. It is disappointing that the opportunity for financial counselling has been reduced across Perth and Western Australia because this government has cut the financial counselling services that were previously

available to Western Australians. That includes William Langford Community House in my electorate, which had its financial counselling service cut because of those changes. That means that people have to make decisions without the benefit of being able to get that sort of practical advice. When people come into my office, I point out, and the people in my office point out, that these are the types of decisions that they can make to try to reduce their costs. We try to refer people to the agencies in the area, but unfortunately there has been a reduction in these services.

I observe that my electorate is an area with many migrants and low-income earners. The suburb of Langford is in the lowest five per cent of incomes in the whole of the country. The people in this area are working as hard as they can to make ends meet. In my electorate we are much more likely to find a person who is on the uncollected goods side of this debate than a person who has had to store the goods. Although there are many small business people in my area, there are also a lot of people on the lower income scale. The only suburb in my current electorate boundary that is above the fiftieth percentile for income is Wilson, and even in Wilson there are a large number of people who are below the fiftieth percentile. As I have said, certainly the suburb of Langford is in the lowest five per cent of incomes in the country—that is to say it is more than 45 per cent below the middle percentile.

The Labor Party supports this legislation, because it is a reasonable change. Although this legislation has been presented as a red tape reduction, it is not actually eliminating red tape. All it is doing is changing the impact of the legislation. That is an appropriate decision. I am interested to know whether the regulatory impact statement included the views of the owners of the goods as well as the people who are on the small business side and who are said to be benefiting from the change to the legislation. I look forward to the balance of the debate and appreciate the parliamentary secretary's attention to my questions.

MR D.A. TEMPLEMAN (Mandurah) [9.40 pm]: I also will make a brief contribution to the debate on the Disposal of Uncollected Goods Amendment Bill 2015. This bill has one of the smallest second reading speeches that I have seen for some time. I commend the parliamentary secretary on his carriage of the Residential Tenancies Amendment Bill 2015, which we just dealt with. I think the parliamentary secretary did very well. We had a conversation earlier today about this bill and its intention. I think there is a general understanding of the sense of essentially updating a bill because its cost provisions are out of date, and that is why the threshold has been increased to \$3 500. The explanation in the second reading speech about how the figure of \$3 500 was arrived at relates to the rate of inflation since 1970 amounting to the current dollar value. I understand that the bill seeks to ensure that it is easier and much more streamlined for a business in particular to dispose of goods in an orderly fashion without the complex process that has been in place, effectively, since 1970—for over four decades.

I am interested in the parliamentary secretary providing in his second reading response any statistics that confirm the number of goods that are abandoned and that triggered the complex nature of the existing legislation. Given that the disposal of uncollected goods has not been dealt with effectively since 1970—I assume the 1970 legislation was the landmark legislation that established how uncollected goods would be disposed of—I am interested in whether in the last few years there has been a major spike in the number of goods that remain uncollected. Are there any figures or statistics that underpin the compulsion to amend what is very old legislation? Can the parliamentary secretary provide that statistical data and any figures of the total estimated cost to businesses annually? I am sure those figures are available or have been provided. I am very interested in any statistics that underpin the reason that the government has moved to do this. I think we all understand, accept and support the bill, but some background statistical data would be of value.

This may show my naivety, but when we talk about disposal under the existing legislation—this bill is an amendment to the existing legislation—is the means of disposal clarified?

Mr A. Krsticevic: At public auction.

Mr D.A. TEMPLEMAN: At public auction. Is the parliamentary secretary saying that the only option for a business that is seeking to dispose of uncollected goods is to go to public auction?

Mr A. Krsticevic: Unless it is prescribed.

Mr D.A. TEMPLEMAN: Can they not donate the goods for community purposes? For example, if a generous lawn mowing service business has repaired some lawnmowers but those lawnmowers have not been collected, the business may seek to donate them to a worthy community service or community organisation. Does that capacity exist under the definition of “disposal”?

Mr A. Krsticevic: If they try to sell the goods twice by public auction 14 days apart and they do not sell, they can donate them or dispose of them by other means. They have to go through public auction processes 14 days apart.

Mr D.A. TEMPLEMAN: Is that right?

Mr A. Krsticevic: Yes.

Mr D.A. TEMPLEMAN: So they cannot simply say that it is easy to donate them to the local Lions Club or community organisation?

Mr A. Krsticevic: They can, but it's obviously someone else's goods that they are trying to dispose of through a particular process and that process requires them to attempt to sell them twice. If after meeting their obligations they haven't sold on the second occasion, they can dispose of them by any other means they deem to be appropriate.

Mr D.A. TEMPLEMAN: The public auction process would be through an authorised public auction agent, such as Gregsons Auctioneers and Valuers or Graysonline or whatever it calls itself. Would they have the capacity to do that if they used that sort of public auction house?

Mr A. Krsticevic: Yes.

Mr D.A. TEMPLEMAN: That answers that question. That aspect of disposal does not change, effectively.

Mr A. Krsticevic: No.

Mr D.A. TEMPLEMAN: But the threshold will change.

Mr A. Krsticevic: The system as it has always been will stay the same because it is working fine. We are just changing the threshold limit.

Mr D.A. TEMPLEMAN: From a statistical point of view, the contribution made by the member for Cannington was very useful. He raised some very good and interesting points.

Mr W.J. Johnston: Why are you surprised?

Mr D.A. TEMPLEMAN: You always surprise me, member for Cannington. The member for Cannington's comments about the proliferation of storage units was very —

Mr A. Krsticevic: — sound advice.

Mr D.A. TEMPLEMAN: It was. I sometimes look at the member for Cannington as the Dr Phil of the Labor Party! He can elicit secrets from your past during a fireside chat! Dr Phil then divulges —

Mr W.J. Johnston: I once spoke about the past of the parliamentary secretary!

Mr D.A. TEMPLEMAN: Did you? I missed that one.

That was very sage advice. I think the important thing is that the member for Cannington is right. For a lot of people on low or fixed incomes or those having difficulties financially, selling their goods rather than paying the cost of storage is absolutely a very sound financial decision.

I am thankful that the parliamentary secretary answered the question about someone seeking to donate goods. As he said during his interjection response, there is a process and that process involves two attempts at sale by public auction. That criterion must be satisfied before the business has the option of seeking to dispose of the goods.

In his response to the second reading debate, could the parliamentary secretary provide some statistical data about how this Disposal of Uncollected Goods Amendment Bill will reduce costs, as well as provide some statistics about how prevalent the current practice of goods being left in businesses and not collected is? It would be very, very interesting. I remember the good old days when people would take things to be repaired. I remember when there used to be television repair businesses. I am not ancient, I am not a relic, but I can remember that used to be the case. A person would take a television, radiogram or a Kenwood to the relevant repairer and it would be repaired. Now that is not the case, as we know, in this throwaway, disposable society we have become. The stuff the people throwaway during the local council verge pick-ups amazes me. If I had a dollar for every television or fridge with the door removed, as is legally required, that I saw on the verge —

Mr P. Abetz interjected.

Mr D.A. TEMPLEMAN: Exactly, I am looking at myself from all directions!

We know what is thrown away. Unfortunately, quite often to repair that stuff ultimately costs more than the value of the product. It is a pity that the member for South Perth is not in the house, because I would be able to tell my story of the watchmaker in South Perth, but I want to save it for another time. I was hoping that the member for South Perth would be in the chamber, because that watchmaker, a very good and reputable watchmaker indeed, is a constituent of his and, I believe, a Liberal Party member. I had an exchange with him a few months back quite by chance when I put a watch in for repair. He made some interesting comments about the Liberal Party's land tax. They were unsolicited. I just said, "How are you going there? Could you fix this watch?" He had a great accent. I asked whether the watch was valuable. It was a Tintin watch, which I had

bought in Belgium and I wanted to get it fixed up for my son. I took it in and the watchmaker said, “This watch is crap.” Sorry, he did say that, but I am not allowed to say it because it is unparliamentary, so I withdraw that. I asked him how things were going and he said, “Liberals Party—very upset with the Liberals Party. The land tax—bad.” He went on about the land tax. He kept saying the “Liberals Party”. I was telling the member for South Perth this story and the member for South Perth said it was so-and-so and that he was a member of the Liberal Party. He said he was a branch member and did not come to any branch functions, but paid his membership. The member for South Perth told me that the watchmaker had been emailing him regularly about the land tax. The watchmaker was very angry and he kept saying “The Liberals Party—they lose the election next time.”

Ms R. Saffioti: Did he fix your watch?

Mr D.A. TEMPLEMAN: He fixed my watch; he got it working. I always admire these people. I realised that these repair people are artisans. It will be sad that the skills of watchmaking, French polishing, tuck pointing—all of these artisan skills—will be gone when all those people have gone. They are remarkable skills. The watchmaker said, “The Liberals Party—bad party. I’m very upset with them.” I do not know whether we can get an accent in *Hansard*. I was hoping that the member for South Perth would be here because I always have a good talk with him about this story.

With that slight diversion from the bill, I would like those statistics. Does the parliamentary secretary have some of that statistical data?

Mr A. Krsticevic: I haven’t really got anything. I can provide something to you later.

Mr D.A. TEMPLEMAN: I would not mind knowing what volume of goods is left uncollected in businesses throughout WA.

Mr A. Krsticevic: I will take that on notice and get back to you.

Mr D.A. TEMPLEMAN: So the parliamentary secretary will report to me as soon as possible?

Mr A. Krsticevic: Yes, but I need a pair.

Mr D.A. TEMPLEMAN: I have already had discussions with the member for Vasse, the new government Whip. She is going to be much tougher than the member for Carine on pairs. He will be applying for a pair to go to the loo, under the member for Vasse. I hear that she is tough. I hear that she went to the party room this morning and put her case very strongly. The regime under the member for Vasse will be much more stringent and much tougher than under the member for Carine. He was a weak lettuce compared with what we will see in the next four weeks.

Ms R. Saffioti: There are not many people in the chamber.

Mr D.A. TEMPLEMAN: I know there are not many people in the chamber; I have probably bored them to death. My good friend the member for Bunbury is here. He is a man of repute, and a man of skill. The member for Bunbury told me that his most important achievement this evening was tasting the salamis provided at the —

Mr G.M. Castrilli: You’ve got to know the good stuff.

Mr D.A. TEMPLEMAN: The member would know the good stuff, and I think he would make some good stuff. I have diverted. I have been badly led astray by the member for Bunbury and his appalling interjection about salamis. I will now conclude my comments.

MR C.J. TALLENTIRE (Gosnells) [9.57 pm]: I rise to voice some thoughts on the Disposal of Uncollected Goods Amendment Bill 2015. I begin by wondering why we are locking ourselves into set figures. Why are we not indexing the amounts? The previous parliamentary secretary who had carriage for this part of the commerce portfolio in the Assembly began his speech by saying that the Disposal of Uncollected Goods Amendment Bill will amend the Disposal of Uncollected Goods Act 1970 to raise the monetary threshold from \$300 to \$3 500. It is quite foreseeable that in a few years we will be back here to amend the figure again because \$3 500 will not be sufficient to cover things, and we will all be getting complaints from our constituents saying that it is an unwieldy bureaucratic process to dispose of goods of a certain value. Why would we not index something like this? I see that in so many other areas.

Mr A. Krsticevic: The figure of \$3 500 was obviously set in this bill but it also indicates that in future it will be part of the regulations. It can be set in the regulations. Once this bill goes through, the threshold will be \$3 500. In the future, it can be amended in the regulations so we will not have to bring a bill to Parliament again to do that; it will be done by regulation.

Mr C.J. TALLENTIRE: So it will simply be a matter of regulations coming through here.

Mr A. Krsticevic: That is correct.

Mr C.J. TALLENTIRE: Should we wish to, we will be able to move disallowance motions to the regulations and all those usual procedures will apply. So effectively, the government is allowing for a more supple process. I would still raise that issue about the option of indexing. We do that with penalties. We do that in most pieces of legislation now when there is some monetary value to be ascribed. We say that it should be indexed. I think what the parliamentary secretary is saying has some merit but I think indexing is probably still a better way.

I want to consider some things that would be subject to this legislation—the kinds of uncollected goods. When I visit my drycleaner, Maddington Dry Cleaners, I always notice a sign. Carlton D'Souza runs a very good business and does a fantastic job of dry-cleaning my suits. He has a sign that says that if something is not collected within three months, the business reserves the right to dispose of the clothes. He has forewarned customers that is his intention. If for some reason I were to forget a suit and three months goes by, I would have to accept that I was forewarned that my suit would not be there when I eventually remembered to collect it. I think there are other ways around this and it makes me wonder why some business owners are complaining. Dry-cleaning is only one example.

I have seen similar notices at bike shops as well. A similar situation would arise when people leave their bikes to be repaired and do not come back in time to collect them. They may well be disposed of or sold on Quokka or Gumtree—one of those sites. Again, people have been reasonably warned. Signage is in place. People get their little receipt when they leave their bikes and say, "I'll be back on Tuesday next week." On the back of that ticket it may say that if a person fails to collect their bike after two or three months, the item will be disposed of. I think that is the case with all kinds of goods. The member for Mandurah was talking about repairs and what have you. This is not an unusual situation.

It becomes a particularly difficult matter for pets left in boarding kennels. I know that is a big problem for people who run boarding kennels, mostly in the member for Southern River's electorate because the kennel zone is in his electorate. I have heard of sad cases in which people have put their animals in to board and have not come back to collect them. It may have been the case that they never intended to collect the animal. They may have wanted a softer way of disposing of it. They may not have had the heart to take it to the vet and say, "I can't afford to keep this animal," or, "I am downsizing and I am not allowed to have the dog in the retirement village I am moving to," so they leave it at a boarding kennel. I know that is often the reason boarding kennels ask for payment in advance, to test that someone has some degree of liquidity. It does not get around the problem when someone pays for two weeks of boarding and does not pick up the dog. The boarding kennel is left with the serious decision of what to do with the animal. It may be that the person has been detained overseas or there may be a perfectly harmless explanation for why the animal has been forgotten or left in the kennel. There is often talk about putting a dog's value on its head. In some cases that could be around \$1 000 or \$3 000. That is a sad circumstance. I think local governments and pounds also face this sad situation. Sometimes animals are confiscated because they have been found on the street. I know the City of Gosnells is frustrated by individuals who consistently let their animals escape the confines of their backyards and that they have to put animals in the pound. They will give notice to the owners and hit owners for fines. That is what they are liable for, but people sometimes refuse to pay fines. They come up with all sorts of stories about how the animal was let out, it was not their fault and therefore the City of Gosnells should not force them to pay the fine. That can sometimes result in a dispute with the animal owner and before we know it there is an outstanding amount of a few thousand dollars and people refuse to take charge of that animal. That is a sad situation.

I recall debating in this place the Criminal Organisations Control Bill. Hon Christian Porter was the Attorney General at the time and had carriage of the bill in this place. The bill went through the consideration in detail stage. The shadow Attorney General led the debate for us. It struck us as very odd that should an organisation be deemed a criminal organisation, its members would have their firearms confiscated. Confiscation sounds reasonable. In fact my immediate reaction was: why would the firearms just be confiscated; why would they not be destroyed? The bill passed this house in its original form. I only have it on the word of Christian Porter that the bill was eventually amended. The initial reading of it was that the guns would be put into storage until such time as the gun owner was able to demonstrate they were no longer a member of a criminal organisation or that the criminal organisation was deemed to be a non-criminal organisation—something like that. The expensive responsibility of the state taking charge of firearms on behalf of people who had been involved with criminal organisations struck me as absurd. We did not agree to an amendment at the time the bill was debated. This is going back a few years and I must admit that perhaps due to my inexperience at the time I did not insist on an amendment going through this place. Hon Christian Porter said he would see to it that that was amended between this place and the other.

Dr A.D. Buti: I remember that, member for Gosnells.

Mr C.J. TALLENTIRE: I hope that that amendment went through. If we are confiscating firearms and taking on the responsibility and expense of storing them, I think that is absurd. If a member of an organisation that is found to be a criminal organisation has a firearm, and that firearm was confiscated, I think it should be destroyed. To me, that seems a reasonable way to deal with the issue. It certainly avoids the state going to the expense of storing and running a registry of confiscated firearms. It would be absurd to run all of that.

The issue of thresholds could have been much better handled if indexing was in this bill. That would have made a big difference. I note that the origin of this legislation goes back a long way. When the Disposal of Uncollected Goods Act 1970 came into force, Hon Arthur F. Griffith, MLC, Minister for Justice, was responsible for a report entitled “Project No 7: The Disposal of Uncollected Goods Report” dated April 1970. A fair amount of study went into this issue. The report found that it was important that there be —

... a means of relief to persons in possession of goods otherwise than pursuant to a contract of bailment. Further, the costly procedural provisions contained in most of the Acts render their use impracticable to bailees in possession of goods of low monetary value.

I guess that is what it really comes back to. If we are talking about something of high value, there will not be an issue. It will be claimed by someone who can claim ownership or it will be something that whoever has responsibility for it will be able to find a means of disposing of it and liquidating it. For example, if one of the Dutch Masters’ paintings was found in an attic, one would know that there would be a way of selling that through Sotheby’s or Christie’s or some such auction house and realising a pretty sum for it. But that is not what we are talking about here. We are talking about items that are of relatively low value but are nevertheless property and need to be respected as such. That is why we have this procedure in place and the legislation before us is necessary. The relevant amount will be increased to \$3 500, but I think an indexing system would be a preferable one. I conclude my remarks.

MR A. KRSTICEVIC (Carine — Parliamentary Secretary) [10.10 pm] — in reply: Firstly, I thank members opposite for their contributions to the second reading debate on the Disposal of Uncollected Goods Amendment Bill 2015. I also thank the member for Mirrabooka for her words during not only this debate but also the previous debate on the Residential Tenancies Amendment Bill. I give her an undertaking that when it comes to domestic violence and residential tenancies, I will ensure that I work very closely with the department to progress those matters as quickly as possible. Irrespective of the other amendments and the context of the bill, the member is right; there are much more important areas that we should be focusing on and progressing as quickly as possible. I give the member for Mirrabooka that undertaking. I am still of the view that the amendments in the Residential Tenancies Amendment Bill will, hopefully, improve the process and make it that much easier.

To return to the Disposal of Uncollected Goods Amendment Bill, obviously, this bill does not change the process for the disposal of goods. All it really changes, as members opposite have indicated, is the value. The value of \$300 in the 1970 act has been indexed by the Reserve Bank uplift factor to a value of \$3 500 in today’s value. The bill also allows for future changes to be made in the regulations. Therefore, this legislation will make it that much easier for that to happen.

A couple of questions were asked about the process. Firstly, members referred to notifying the police. The value of the item being dealt with determines the process that needs to be followed. If the item is valued under \$300, then the Commissioner of Police needs to be served with a notice at some point in time in that process. A notice has to be issued and then six months later a second notice has to be issued. For items valued under \$300, the Commissioner of Police has to be issued a notice and other processes have to be gone through. If the item is worth over \$300, the person in possession has to go to court and seek a court order for disposal. Increasing the amount from \$300 to \$3 500 will reduce the number of times people have to go to court, which will save court time and associated costs. Reducing the number of times that people need to go to court is where the red tape reduction and savings are within this bill.

History has shown that when goods are sold—they need to be sold by public auction—money flows to either the person who is owed the funds and is trying to get rid of the goods or back to the owner. If the owner is not there, it goes to Treasury. I do not think that Treasury has got a cent out of this process in the last 15 years. Obviously, there is no money left once everyone else takes their cut. I am not sure how much of that goes to the actual owner of the goods. The other part that is important is that it applies only to goods that are put in for repair. I think it was mentioned earlier that the motor trade is really the significant player in this game when old cars of no value are sometimes just left. It is not necessarily that someone cannot afford to get a car back, but that they do not want to get it back. They could not be bothered. It is too much hassle so they leave the car there and let the repairer worry about it; it is the repairer’s problem. Obviously, the repairer will go through quite a significant process to get rid of the goods. Generally, they are worth more than \$300, so they have to go to court. That makes it all much more complicated. Raising the relevant amount to \$3 500, with the value of used cars

Ms Janine Freeman; Mr Bill Johnston; Mr David Templeman; Mr Chris Tallentire; Mr Tony Krsticevic

nowadays, will make it easier for people in the motor trade to comply with the legislation, albeit they still have to go through quite a costly process. As I think the member for Cannington said, storage costs will quickly outweigh the value of the goods if they are not moved on quickly. The Department of Finance was involved in the costing side of it and the value savings for everybody involved in that process.

The bill is very simple in what it tries to do. I will not hold up the house any longer than I have to. Everything has pretty much been covered. Hopefully, this will reduce the impost on some of the people left with these items, and make it a little bit easier. I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Mr A. Krsticevic (Parliamentary Secretary)**, and transmitted to the Council.

House adjourned at 10.15 pm
