

FAIR TRADING AMENDMENT BILL 2021

Second Reading

Resumed from an earlier stage of the sitting.

MS L.L. BAKER (Maylands) [3.00 pm]: I will resume where I left off before lunch. I am sure members will be interested to hear what I am going to say next. The Fair Trading Amendment Bill tries to harmonise with and make a far easier passage for federal changes to consumer law. The bill will allow us streamline what WA is doing in consumer law with the federal law.

I pause to say that before I stood, the member for Swan Hills reminded me that we shared a position on the Economic Regulation Authority's consumer group for some time.

Ms J.J. Shaw: It was the consumer consultative committee.

Ms L.L. BAKER: It was the consumer consultative committee. I should never forget that; it has a long title. That was in another of our previous incarnations.

This bill covers three areas. I spoke before the break about complementary medicines, in particular, my interest in Indigenous intellectual property as it might impact on the potential for economic benefit for our Indigenous community in coming years. We need to regulate around this to support how Indigenous intellectual property is used, particularly in medicines and other consumer goods. This bill also covers consumer guarantees. The example provided relates to "lemon" contracts whereby someone goes out and buys a car or a white good and finds it has multiple problems. The protections afforded them have not been particularly rigorous, but this will enable us to move forward to protect consumers far more rigorously. There will be civil law remedies, fines and the like, if somebody enters a contract and finds they have bought a lemon—a car or something similar. Earlier, the member for Mirrabooka mentioned the Shonky Awards and a very shonky washer-dryer that took a six-and-a-half-hour cycle to dry one load of clothing. This bill will enable that to be covered under a consumer guarantee. The bill also deals with unfair contract terms. For example, a rental agreement that puts undue pressure on the person renting a property and perhaps locks them into unfair and unreasonable commitments if the contract is broken and they have to move out or something fails. They are three of the issues that this legislation will cover.

I turn to a few other things under consumer law that are particularly relevant and that my constituency is interested in. Something that came to mind were issues that arose before the puppy farming legislation was passed. There was a long lead time during which we discussed with the community why backyard breeders and bad breeding of dogs was abhorrent. Some of the issues that came to the fore was that dogs and companion animals—indeed all animals—are classified as goods and services under Australian Consumer Law. That might sound okay on one level, but a problem was brought to our attention during research on the puppy farming legislation. When somebody goes to a pet shop, buys a puppy and takes it home and then finds out that that puppy has parvovirus or some other deadly disease and the puppy is either permanently disabled or dies, they will seek recompense from the pet shop. Basically, their option is to take back what they consider to be a new family member and ask for a new one. That simply does not ring true when people are talking about their family pet. Work has been done in most developing countries to take animals out of consumer law under the category of goods and to recognise that they are sentient creatures and should be given far better consideration, particularly when the animal that has been purchased has been found to be very sick. What kind of recompense can they seek? Under law at the moment, it is mainly financial or exchanging the pet. It does not recognise that, effectively, this is the loss of a family member.

The other thing that comes to mind with consumer law, given the interests I have been developing over the last 10 years, is food labelling and how consumer law has been revolutionised around this, particularly in America, Turkey, Singapore, New Zealand. Australia is slowly coming into line with this. I refer in particular to a Senate inquiry on labelling and the definitions of meat and other animal products. The Senate inquiry released its report in 2021, under the previous federal government. I think the inquiry was chaired by a National Party senator. The report made a number of points that I want to refer to in my speech today. An article on the report stated —

- Demand for centre-of-plate protein growing worldwide as our global populations grow.
- This demand cannot be met by traditional protein production alone, thus diversifying protein production with sustainable alternatives will be required.
- This presents an untapped opportunity for countries that move swiftly to capture market share in alternative proteins, and Australia has the agricultural capacity, commercial appetite, infrastructure, and research know-how to seize it.

The CSIRO indicated that a \$70 billion export market is at stake here if we jump on this market trend and help our agriculture sector diversify into these areas. The evidence presented underscored economic and agricultural opportunities in this area. Consumers in Australia are savvy about this and becoming more savvy about it. We have

had a rapid take-up of flexitarian diets. I talked in this house before about that. People do not want to eat as much red meat as they have previously and they alternate their diet with more plant-based options.

The opportunities for Australia was quantified in research presented to the inquiry from the Australian Farm Institute, AgriFutures, CSIRO, Food Innovation Australia Ltd and others that project new protein industries will generate billions of dollars in additional economic value by 2030, creating thousands and thousands of jobs. This includes job growth in regional areas, new infrastructure investments, new revenue streams for Australian farmers and value-adding of crops they grow.

One example of an activity of this kind of diversification that is happening in America is a colleague of mine in California who is currently in negotiations with a dairy farmer who has had to face going out of business. They have a similar situation to the market capture and ceilings that are in place by third parties as the dairy industry faces here. The market in California in the dairy industry is in a bit of a crisis for the same reasons ours is. My friend has gone to this farmer who is facing having to sell his generational farm. He has already had to get rid of 200 head of cattle. He was not happy about that, as you can imagine, as these farmers spend a lot of time with their animals. He was not at all happy to have to get rid of those cows. He has 50 head of cattle left. My friend produces plant-based dairy products and serves most of the American market and exports. I think she is one of the top 50 businesswomen in America at the moment. She has offered to transition his dairy farm to provide the biomass product that she will need in her business for the next 50 years. In doing so, it will ensure that the farmer and his children have sustainable generational security in their farm. In addition, she happens to have an animal rescue ranch called Rancho Compassion and has offered to give his remaining 50 cattle a home for life. I hope to see that kind of activity that both responds to the very strong consumer demand for plant-based alternatives coming out of America and other countries and recognises the incredible role the agricultural sector will play in helping us to meet the crises in food security we will face.

It is difficult to talk about food security in Australia because we have so much land and so much food. It is really hard for people to even imagine that in 2050 someone living in America who orders a steak will have to pay \$US250. This is in 2050; that is not far away. It is hard for Australians to get their heads around what is coming, but it is coming and we need to help our agricultural sector to get on board and capitalise as well as it can for what is coming.

The lack of evidence demonstrating any concern about consumer confusion over labelling was very evident in submissions to the Senate inquiry. The report states —

In considering the current state of plant-based product labelling in Australia, the Inquiry committee heard from the Australian Competition & Consumer Commission ... Australian Food and Grocery Council ... Australian Farm Institute and Woolworths, which each reiterating there was no substantive evidence of widespread consumer confusion caused by current labelling practices.

That is labelling in the plant-based food industry. The report continues —

The Inquiry committee also heard that a cross-sector, industry-led working group by the Minister for Agriculture previously reviewed this issue, recommending in March 2021 that voluntary guidelines for labelling ...

I should also say that the inquiry resulted in a split decision. Somewhat befuddlingly after all the evidence provided to the contrary that there was no confusion about food labelling—there was no problem and nothing to see here—the report was released with a dissenting report. The committee's report said that we should change food labelling to make it harder for plant-based foods to get onto the shelves without significant change. The report went on to state —

In a split decision, the dissenting report supports the recommendation for voluntary guidelines as called for in the submissions of the Australian Dairy Industry Council, WA Farmers, Australian Food and Grocery Council and others. The dissenting report also offers relevant and specific proactive policies for new sectors like plant protein to help reach Australian agriculture's goal of a \$100bn food and fibre sector by 2030.

I will pick up on that topic in this house later but consumer issues, consumers' voices and their contribution to markets, and consumer protection should be of paramount importance to any legislative body, particularly the Western Australian Parliament. I am highly supportive of the bill because it will bring in some really significant improvements across the board for small business and consumers, and create a far clearer system for everyone.

Before I sit down, I would like to congratulate my colleague the member for Swan Hills for bringing this bill to the house and wish her great success in getting it through Parliament.

MR C.J. TALLENTIRE (Thornlie) [3.14 pm]: I, too, am very pleased to rise to speak on the Fair Trading Amendment Bill 2021. The bill presents several amendments to consumer protection law that are extremely valuable and extremely useful. I especially want to focus on country-of-origin labelling, the need for further work on consumer protection under the Building Services (Registration) Act and the right to repair measures in this legislation.

Given my agricultural background, right to repair measures are dear to me. I know the member for Roe would share my interest. I have heard stories of farmers whose very expensive agricultural equipment, such as John Deere tractors, harvesters or whatever, often worth \$800 000 or more, breaks down—it might be only a software problem but quite often a mechanical problem—and the only way they can get that expensive piece of machinery currently stationary in a paddock moving again is by engaging a John Deere-accredited mechanic to repair it, which is sometimes impossible because a mechanic might not be freely available. It means that the farmer is beholden to that company and has no right in the marketplace to find someone to repair their machinery at a reasonable price. Many efforts have been made to get around that situation. People can download software available through various torrent systems to hack into the John Deere system. We should keep in mind that John Deere is probably the second-biggest tractor producer globally. I think the biggest company is Belarus. It is based in Minsk but has factories around the world. The Illinois-based John Deere company really does have a reputation for this.

I recently visited Thornlie TAFE and talked to the heavy diesel mechanics students. Students in their training and staff in designing the curriculum face this proprietary stuff. Staff rely on teaching the fundamentals of diesel mechanics and hope that if students specialise or sign up to be John Deere, New Holland, Massey Ferguson or whatever employees, they will be able to develop their careers around that. Again, it is very uncomfortable to think that once people have done their basic training through our TAFE system, they will be beholden to particular brands. Caterpillar is another company that is quite notorious for doing this in the mining sector, although I believe the Caterpillar tractors with the big tracks are quite popular on some broadacre farms.

The issue of hacking the software of agricultural machinery producers is very interesting. It takes me back to the mid-1990s and my days in the Muresk Institute computer lab. We would listen to lectures from a very nice man named Bert Beardmore about using Windows 6 systems. Nowadays, I suppose the Muresk computer lab is helping students to learn how to hack things like the John Deere system. That is where we are with this right to repair movement. In some ways, the agricultural sector is leading the charge on right to repair, and it is a good thing that it has because we want a right to repair in whole a lot of areas.

On the weekend, I was talking to one of my constituents who wants to establish a repair cafe. I daresay they could well encounter the same difficulty obtaining parts for basic consumer appliances, from kettles to vacuum cleaners and whitegoods, and will have to deal with consumers' concerns about voiding warranties simply because they are trying to do basic repairs rather than take an appliance to the manufacturer. Consumers are no longer accepting of the built-in obsolescence that accompanies so many consumer goods—buying an appliance and thinking it will only last a couple of years. People want to be able to repair. I really admire that initiative, and I can see a nice synergy between the Men's Shed movement and the repair cafe concept.

That is at a very small consumer scale, but this legislation goes much more to the Australian Consumer Law protections for agricultural equipment to ensure that people can obtain third-party access to repair supplies, buy equipment when they need it and get their farm machinery up and running, especially in an industry that is so time critical. We are just about to head into harvest now. One can easily imagine farmers with a thousand hectares—in many cases far more than that—to harvest. If rain is forecast for a couple of days, their priority will be to get as much of the crop in as possible before it gets the rain on it and before it sprouts. The value of the grain can drop quite dramatically once it becomes rain affected. There are all sorts of reasons why farmers would want to ensure that their equipment is working at its absolute optimum, and if there is the inevitable breakdown, that it is fixed as quickly as possible.

This is really important stuff. It is vital that we assist the whole movement, and I think it will pave the way. We are already seeing some great initiatives. I know the European Union is looking to standardise things like phone chargers so that we do not have to get a new charger every time we buy a new device, leading to the crazy situation of having a drawer full of old chargers and not knowing which charger went with which device. It is consumerism gone mad, but not by consumer choice; it is forced upon us by thoughtless manufacturing. With better design and with good legislation, such as the EU is bringing in, we can have standardisation of charging systems and charging devices so that we can buy a charger and know that it will work across a range of devices and over successive generations of devices. That is something that is very welcome. No doubt, with the EU being a market of 450 million people, this will have ramifications right around the world and manufacturers will see that they need to fall in line and standardise things.

On the issue of the right to repair, people have said, “John Deere is a massive multinational company, a very powerful company. What can little Australia do to stand up to it?” Actually, we can do quite a lot. If a company wants to sell goods here, it is bound by Australian consumer protection law. We need to make sure that the various intricacies of our consumer protection law, from the fair trading legislation here in WA right through to the federal legislation, are all nicely in sync. If this is not done, we can be sure that a company like John Deere will seek to exploit any loopholes. We have to make sure it is all organised and properly done.

I think it is important to ensure that the right to repair extends down to things like the capacity to do the diagnostics on a machine, as well. It is very important that we maintain our machinery. We all understand the need to have

our vehicles serviced frequently. Given there is so much electronic circuitry in modern cars but also in agricultural equipment, it is important that the diagnostic work can be done, and not just by a proprietary brand. It needs to be able to be done by a technician who has perhaps been trained on other equipment and is familiar with a range of different brands.

I will raise a further point on this, one that will be of interest to anyone who has had experience with modern agriculture, especially broadacre agriculture, since the advent of precision farming. Farmers plot out in great detail the various physical attributes of their paddocks, from soil type and proximity to groundwater right through to the superphosphate history of the soil and the precise locations within the paddock. Farmers gather data on a particular brand of equipment. If they want to trade in their equipment—perhaps they have had a good harvest and want to buy an even better piece of equipment—they might buy another brand. The question is: can they transfer all the data they have gathered on their old Massey Ferguson system across to their wonderful new New Holland system? That transferability has been a problem for many. If someone has gone to the trouble of plotting their paddocks, with detailed precision farming, it is not fair that they should have to start from scratch and lose the benefit of all that acquired knowledge about the property, and they face a great cost in doing that. This is a very interesting area, and I am very pleased to see how this legislation will facilitate the right-to-repair movement in Australia, and in Western Australia in particular.

I want to touch on the other areas that I mentioned. I think the need for country-of-origin labelling is very important. We currently have increasingly strong country-of-origin labelling on a whole range of products, including fish products, but there is an exemption for pre-prepared foods, especially foods that are served in cafes, restaurants and takeaways. I know the Western Australian Fishing Industry Council is keen to work on this so that there is full transparency—so that restaurant and cafe customers can be certain where the fish product in their meal has come from and there is no getting around it because of the exemption for pre-prepared food. I will perhaps seek clarification on this, but I am not sure whether that exemption also applies to Lite n' Easy and other sorts of pre-prepared meals, which I know are popular with some people. I have not managed to check whether that exemption applies there.

Finally, I want to turn to the registration of people like painters and plumbers in the various trades. My constituent Alan Whitley was telling me just last night about his concerns. He is in his 70s now. He has a lifetime of experience in the various trades, especially painting and carpentry. He is a real craftsman and tradesman and is very proud of the quality work he does. He was lamenting the lack of training and experience of the inspectors from the Department of Mines, Industry Regulation and Safety. Alan suggested that they do not have the same level of training—or, in fact, any real qualification in painting contracting—that he has, yet they are inspecting defective work. I could be wrong; perhaps there has been a misunderstanding, but the information I have is that jobs over \$1 000 require painting contractor registration. The problem is that there are many operators in the field who have not had good training but who are getting the contracts because they are able to undercut those people who have very extensive experience.

That is simply unfair. It is unfair on not just those tradespeople who are really proud of their skills and want to do the best job by consumers, but also the poor householder who ends up hiring people who do defective work. The way I see it, there is too much poor-quality work going on in the building industry. It is wonderful to say that the industry is going gangbusters and we are churning out loads of properties and house and land packages because the building industry is as flat out as members can possibly imagine, but there is far too much defective work going on. That is why we have to check that the quality of inspection work is up to scratch.

I have a lot of people with a trade qualification in my electorate who are very proud of their work but who are upset by the amount of undercutting and poor-quality work that is going on. As I hear about some of these things, I am expecting a wave of concerns from people who have bought properties and found out after being in the property for 12 months that the paint is peeling off because the painter who was paid the full rate did not know the right way to prime the surface, or what the right combination or methods for varnishing were—all of that sort of stuff. It is very technical work and people have to be properly trained in it. If we do not watch out, we will find that we will have a wave of complaints from people who are suffering from defective work, which means extra expenses because they have to get the work redone. Hopefully, it is just matter of getting the work redone. I have heard that sometimes the footings were not properly done and so there were serious structural problems with the person's home. The home is likely to be a person's biggest asset at a cost of \$500 000 or so, yet there is a serious crack in the wall because the footings were not properly done. That is a real concern of mine. For good consumer practice, it is essential that we are right on top of those matters.

I commend this legislation. It is a very positive step forward in a really important area. We need to do all we can to make sure that Australian and Western Australian Consumer Law is as strong as possible. I commend the bill to the house.

MS J.J. SHAW (Swan Hills — Parliamentary Secretary) [3.32 pm] — in reply: I begin by thanking all members for their contributions to this debate today. It has been very interesting for me because it is the first time I have had

carriage of a bill through Parliament. I do not always sit for the entire debate on a particular bill, but I have for this one. It has been incredible listening to the diversity of views and the very interesting questions that members raised.

Before I address the questions that have been specifically raised by members in the second reading debate, I want to take a moment to thank the officers from Consumer Protection for their work on this matter. They have been fantastic in the way they briefed me and particularly good to me as a newbie in all this. We first started looking at these issues in 2017. It has been a very long process. I would like to acknowledge Robyn Peterson, Peter Willings and Karine Broux for their fantastic work on this. Thank you very much.

It might be handy for me to first of all address the issues raised by the member for Roe. Assuming that I adequately satisfy his concerns in this phase, hopefully we can move swiftly through the other steps of the bill. I would like to thank the opposition for its support of the bill. The member noted that in 2018 when the original Fair Trading Act amendments were put forward, the issue about the sovereignty of Parliament came up. The government and opposition agreed to carve out those parts from the bill to allow the rest of the amendments to proceed and agreed to work through the issue of the sovereignty of Parliament, particularly through the Standing Committee on Uniform Legislation and Statutes Review and also with the upper house to develop the disallowance mechanism.

I will also briefly acknowledge the member for North West Central, who I understand is now the new shadow Minister for Commerce. She was in the chamber listening to the debate. I congratulate her on her election and appointment to that role. No doubt she will have a great deal of interest in how the amendments we pass today move forward.

The member for Roe concentrated on the disallowance procedure. He raised an issue about the time lines and asked about future Parliaments considering changes in a timely manner. He also asked what would happen during the caretaker period. The amendments at proposed section 19B(3) are for a disallowance period to continue to run from one term of Parliament to the next to ensure that a break due to Parliament being prorogued will not prevent the amendments being dealt with in a timely manner. This same adoption provision has been used in the Legal Profession Uniform Law Application Bill, which was passed in March. It is intended to be in other uniform legislation schemes unless there is a specific reason to depart from that. Parliamentary Counsel is now working with the relevant agencies to develop a process for the identification and tabling of commonwealth amendments to ensure they are tabled as quickly as possible. The member also said we needed to make sure that our internal processes were up to scratch.

We are continuing to proactively raise any issues that are specific to Western Australia. There is a mechanism for Western Australia to raise its concerns. The commonwealth Treasury convenes a policy network in which Western Australia participates and issues are negotiated. The intergovernmental agreement itself outlines the process for changes to the Australian Consumer Law. The Minister for Commerce is given notice of proposed amendments, so we would expect to have a significant amount of warning about any impending amendments. Prior to amending the ACL, the commonwealth must consult with the states and territories and provide them with an opportunity to vote. All changes must be supported by at least four jurisdictions, including three states, but in all practicality, no changes have been made that have not been unanimous. This has been a very collaborative and consensus-based process to date, and we certainly hope that continues.

The next question the member asked was about the plan to communicate with small businesses in Western Australia about the changes that are being made now, particularly those changes that will pick up the post-2018 commonwealth reforms. Consumer Protection has been working with the Small Business Development Corporation throughout the process of drafting and the passage of this bill. Consumer Protection is very supportive and will continue to work with SBDC to ensure that small businesses are provided with adequate support. The immediate impact on small businesses will be quite limited, as the three bills that will be automatically incorporated will not impact significantly on local industry, but we will monitor the potential amendments and ensure that education and awareness campaigns are undertaken for consumers and businesses, as required. We can use a range of options to do that, including media, social media, information campaigns and educational materials. Consumer Protection regional officers are available to liaise directly with small businesses in regional areas, which is obviously of great interest to the member.

All the substantive amendments to the Australian Consumer Law are subject to a rigorous consultation process that is made public. That consultation is usually led by commonwealth Treasury in accordance with regulatory impact assessment requirements. Western Australia will be involved in and consulted on the preparation of the list of stakeholders who will be directly notified of the consultation.

The next issue the member raised was agricultural machinery. Obviously, the member for Thornlie also made a very interesting contribution on that matter. We acknowledge that high-value goods are typically agricultural products. The member for Roe noted that the equipment is expensive and the software is very complex. It is a significant issue when that type of machinery breaks down. I imagine that is particularly the case in the middle of the harvesting period when the last thing anyone wants is an interruption, especially when the weather window might be quite tight, and you have to just get on with it and do the job. As the member noted, the commonwealth Productivity Commission has been looking into this matter and issued a report on 29 October 2021, acknowledging the significant barriers on some products and specifically addressing the right-to-repair issue. That certainly is front of mind for the

commonwealth government. The consumer guarantees under the Australian Consumer Law will apply to farm machinery if it is valued at less than \$100 000. That limit was increased from \$40 000 in July 2021. One of the reasons for that increase was a recognition of the fact that the lower limit did not adequately protect purchases of small business equipment, and that review considered farm machinery in particular. As the member noted, the issue of right to repair is currently under consideration by the commonwealth. The commonwealth Productivity Commission's report has recommended that a repair supplies obligation be introduced for agricultural machinery.

The member also raised the issue of unfair contract terms. Although there are limits to the application of consumer guarantees, agricultural businesses will benefit from the proposed amendments to unfair contract term provisions that are included in the bill currently before the commonwealth Parliament. If that bill passes through the commonwealth Parliament, it will become the first amendment bill to be incorporated under the new adoption mechanism. It will expand the coverage of unfair contract term protections to a broad range of businesses, including farming businesses, and will provide improved mechanisms for enforcement. An additional set of amendments that are currently being considered by the working groups that are expected to be released for public consultation next year will also address the issue raised by the member of ensuring that manufacturers meet their obligations to indemnify traders in situations in which consumer guarantees do not apply. One option under consideration in particular is the introduction of penalties for failure to comply with those obligations.

The member raised scams, and that was also raised by the member for Cockburn. Consumer Protection provides information and guidance to consumers on identifying and dealing with scams. In 2002, Consumer Protection was the first consumer protection agency in Australia to introduce online information to assist with the identification and reporting of scams. That website has now been upgraded and there is an ongoing process of improvement to make sure that it is relevant and useful for people. It now gets about 10 000 visits every month. As pointed out during the debate, many scams rely on banking, email or telephone services. Unfortunately, those are beyond the legislative control of the state.

However, importantly, the consumer affairs ministers and intergovernmental forums that administer the ACL meet regularly with the commonwealth minister and the Australian Competition and Consumer Commission to discuss consumer issues more broadly, and this is certainly one of those issues. Countering scams has been identified by the new commonwealth minister as a priority issue and was discussed at the most recent ministers' meeting in September. The Minister for Commerce will be working with other ministers to further initiatives in this area. I would encourage all members to raise awareness of the work of Consumer Protection. The member for Cockburn mentioned that he runs forums. I have run consumer protection forums in my own electorate. They have been incredibly well attended, particularly by seniors. Again, I tip my hat to the great work that Consumer Protection does in this space. It has always been very willing to make itself available to members, so I strongly encourage all members to avail themselves of the services of CP.

The member noted in his closing comments that we had adopted most of the recommendations of the Joint Standing Committee on Delegated Legislation. I want to labour this point because it goes to the issue of parliamentary sovereignty. We absolutely accepted the intent of the recommendations. We agree that parliamentary sovereignty is a very important issue. We believe that the drafting that we adopted in place of the recommended drafting will actually give much greater effect to the will of the Parliament and allow it to more effectively exercise its sovereignty, because it will allow reference to any committee considered appropriate by the Parliament, given the narrow remit of the delegated legislation committee. The member for Churchlands also raised that in her comments, and I will come to those.

I also want to briefly talk about the repeal of section 36, because I know that the member received briefings on that. I thank the member for his very kind comments about Julie Armstrong. I think that she has done a wonderful job, providing support to all members and answering their questions through all this, so I thank the member for his kind comments. I know it is something that the member has raised even with me in the corridor this morning. This section in particular deals with unsolicited calling—that is, door-to-door sales and telephone canvassing where the selling is not the place of business. When the national law scheme was introduced in 2010, the permitted calling hours for unsolicited selling in Western Australia were different from those proposed in the ACL. We wanted to maintain that difference. In WA, people were allowed to call between 9.00 am and 8.00 pm. For the rest of Australia, it was only 9.00 am to 6.00 pm. Section 36 allowed us to be special while further consideration was given to the issue. However, in 2014, following consultation, our hours were changed by regulation to be consistent with the ACL. As a result, there is now no need for that special provision. The Parliamentary Counsel's Office recommended that we repeal the section and the regulations made under that section for the sake of clarity.

I thank the opposition for its support for the bill. I hope that my responses have given it the clarity that it seeks and adequately appease any concerns that members opposite might have. I am very happy to go into consideration in detail if they would like; it is 3.45 pm on the last sitting day, but I am happy to do that if they would like.

There were a couple of questions raised by government members and I will briefly address those. The member for Riverton raised some issues on fishing industry labelling. The commonwealth government is looking at that

issue. It made a policy commitment and it is discussing fish labelling with the states. That will come through the intergovernmental process. The member for Thornlie also raised that issue. He talked about Lite n' Easy and pre-packaged meals. My understanding is that the labelling laws refer to supermarket labelling, so not necessarily to that particular issue, but, as I say, the commonwealth policy is under development, and we will see how that develops over time.

The member also raised issues about the medical industry and the substantial transformation process of labelling. He talked about the fact that transparency will increase and consumers will now be able to make informed choices. This issue will be addressed when we pick up the commonwealth changes that have been made since 2018, so I want to acknowledge that issue.

I thank the member for Churchlands for her contribution. I think she gave a great overview of the breadth of the national consumer protection scheme. She raised the issue of the ongoing monitoring of commonwealth amendments, and I think that is a very important matter to raise, because, obviously, those amendments need to come before the Parliament in an appropriate time frame. Consumer Protection is working with the Parliamentary Counsel's Office on a process to identify amendments as and when they arise across an ever-increasing number of bills. The mechanism in this bill is now likely to be the vehicle through which we adopt uniform schemes across a range of portfolios. It is not going to be the job of Consumer Protection to narrowly look at this; we are going to have to keep our eye on this across government. The Parliamentary Counsel's Office will be responsible for identifying and tabling those amendments as and when they arise, so within government we are currently working through how we will make sure we are on top of it when those changes are made. We are already notified when the federal government makes information standards or regulation changes under the ACL. Those changes have to be published within 28 days of creation by the commonwealth and then be republished in Western Australia. We do that as a matter of course and we have not missed one yet, so the team has a good hit rate on that front.

I want to acknowledge the member for Churchlands' membership of the Joint Standing Committee on Delegated Legislation and thank her for the outline of the committee's remit. You learn a lot in these processes! As the member noted, that committee's remit is very much to look at whether the amendment is within power, that there is no unintended effect on individuals' rights and interests, and that there is an effective mechanism for the review of administrative decisions, among other things. It is not to consider wider policy issues. Those wider policy issues are beyond the remit of the delegated legislation committee. It may be that it is more useful for the Parliament to refer those matters to other committees if there is an issue that we are uncomfortable with and if either house wants to trigger a motion to disallow. This was actually part of the upper house committee recommendations that we modified to provide Parliament with that flexibility and to give fuller effect to the Parliament's will.

The member also raised the implications of disallowance and said that we would need new legislation. I want to make it crystal clear that it is for that particular issue within that particular amendment. It does not mean that we throw the baby out with the bathwater and lose this very elegant solution to adopting uniform legislation. I thank the member for her contribution; it was very helpful.

I thank the other members for their contributions. A few general policy issues were mentioned as part of the debate. The members for Cockburn, Riverton and Mount Lawley all emphasised the importance of developing a framework that provides businesses and consumers with certainty. All of them noted that we have potentially challenging economic headwinds ahead and that we need to give confidence to people in these uncertain times. The member for Mount Lawley, in particular, recognised the fantastic economic circumstances that we find ourselves in and that as a government we need to do all we can to preserve that and acknowledge that this legislation will be a core pillar of that.

The member for Mirrabooka made a fantastic contribution outlining the history of the consumer protection movement. I found that really interesting, and enjoyed all the attention she gave to the Shonky Awards. The member for Maylands discussed the classification of dogs as goods and opportunities associated with alternative proteins. The member for Thornlie talked about builders' registration processes and quality of work issues. Those are broader policy issues that perhaps do not fit within the remit of this bill; nonetheless, they are very important and it was interesting to listen to members' views on those matters.

I thank all members for their contribution. It was highlighted during the debate that the purpose of this bill is to improve the operation of consumer law in Western Australia by providing a mechanism to update the contents of the Australian Consumer Law as it applies in this state to provide for consistency with the national consumer law going forward. The amendments will enable all businesses and consumers to better understand their rights and obligations and enjoy the full range of protections provided under the national law. The bill will update the ACL as it applies in WA to incorporate the amendments made to the commonwealth legislation between October 2018 and 1 June 2021. It will reduce the lag between future amendments being made to the ACL as it applies in all other states and those amendments being made to the ACL as it applies in WA. Importantly, the mechanism incorporated in this bill is intended to ensure that our state consumer protection provisions align with the national regime, but

will respect the sovereignty of this Parliament. These changes will make a substantial difference to the people of WA, as will all future amendments to the national regime. I thank members for their support of the bill and commend it to the house.

Question put and passed.

Bill read a second time.

[Leave granted to proceed forthwith to third reading.]

Third Reading

MS J.J. SHAW (Swan Hills — Parliamentary Secretary) [3.52 pm]: I move —

That the bill be now read a third time.

MR P.J. RUNDLE (Roe) [3.52 pm]: I will wind up debate by saying thanks to the parliamentary secretary, the member for Swan Hills, for her comprehensive answers to all my questions on the Fair Trading Amendment Bill 2021. As I said, the opposition will support the legislation, but I wanted just a couple of questions answered, and she has done that well and truly. I thank her advisers and the team who have helped out with the legislation. It is important to recognise for small businesses how important it is. As the parliamentary secretary said, she will communicate the effects of the legislation when it goes through and, as I emphasised before, the right to repair, which will hopefully flow through once the Productivity Commission reports. It will be a breakthrough for the agricultural sector when that eventually works its way through.

I echo the parliamentary secretary's comments to welcome our new member for North West Central and shadow Minister for Commerce, as it is my first opportunity to do so. I am sure that she looks forward to new legislation coming through at some stage.

Dr A.D. Buti: What an improvement!

Mr P.J. RUNDLE: There is no doubt that she will be an improvement and I am sure she will miss doorknocking the streets of Exmouth and Carnarvon while she is contributing to commerce legislation. I will wind it up to give time for the acting Leader of the House, who has managed to make it through his first week as Leader of the House. It might give him time to run home to Armadale. There is still about two and a half hours before darkness sets in!

The opposition is very supportive of the legislation.

MS J.J. SHAW (Swan Hills — Parliamentary Secretary) [3.55 pm] — in reply: I close by acknowledging that this is a first for the member for Armadale and me this week. We have had to ride shotgun with each other. I thank the member for Armadale for that, and I thank all members for their support of the bill.

Question put and passed.

Bill read a third time and passed.