

Consumer Comment

JUNE - JULY 2009

From the President

We have canvassed an expanse of issues since the last newsletter - as you will glean from the following which I'm just going to list - articles on many of these topics can be found in this issue.



Thank you yet again to all CAWA members who have volunteered quantities of their time and talents for the benefit of consumers. A huge welcome to our new members - I think we have grown a bit recently. Everyone is a consumer so CAWA has a big responsibility in purporting to represent the best interests or the majority view of everyone, every taxpayer, every baby. It is only through a membership that is broad and multifaceted that we can debate at a sufficiently high level to enable confidence in our submissions. It is wonderful to have new members with experience, skills and perspectives to enhance our collective wisdom.

Yes well, the Daylight Saving Referendum went as we alluded it would - ho hum.

The Treasury (www.treasury.gov.au) has developed the issues paper, Consumer voices: Sustaining advocacy and research in Australia's new consumer policy framework, to raise issues about government support for consumer advocacy and policy research and to seek public and stakeholder comments in relation to these issues.

The Department of Commerce held a workshop recently to discuss the Issues Paper. CAWA was well represented. The Department of Commerce (Consumer Protection Division) (DOCEP was easier to get the tongue around than DOCCPD) has seconded Duane Poi to WACOSS to help with a joint submission from WA Stakeholders. Duane seems to have a good grasp of the outcomes of the workshop and is also doing some further

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Profile - Dr Eileen Webb



Currently, I am an Associate professor in the Faculty of Law at the University of Western Australia and a former Associate Dean of the Faculty.

My tertiary qualifications include an undergraduate degree in Arts majoring in the Japanese language, and a first class honours degree in Law.

I have also completed a Master of Laws which focused on the interaction between the Trade Practices Act 1974 (Cth) and real property law and is presently undertaking doctoral studies on the impact of section 51AC of the Trade Practices Act 1974 (Cth) (unconscionable conduct in small business transactions) on retail tenancy.

My research interests lie in the areas of Consumer Law, Property Law, particularly leasing, and Trade Practices.

I have published numerous journal articles and book chapters and is a co-author of two legal textbooks. She has completed consultancies for public and private organisations including the Australian Competition and Consumer Commission, the Western Australian Small Business Development Corporation and the Department of Consumer and Employment Protection.

Eileen's teaching responsibilities are in Property Law, Current Issues in Consumer Law and Policy and Evidence. She has been the recipient of two University Excellence in Teaching Awards, one in the Individual category and the other for Inclusivity in her approach to teaching. So far as consumer interests go its mainly misleading or deceptive practices, warranties, product liability - but I am interested in everything really. I am quite into property issues.

As for me, the person - I am married, with two children, and lots of pets - four dogs, two cats and eight goldfish. We foster dogs through 'best friends animal rescue' but end up keeping them!

I am quite into animal rescue matters and am involved with the Rainbow Bridge Foundation.

For my many sins I support the Freo Dockers. I love travel and dancing!

Eileen Webb

(Continued from page 1)

consultation. The new deadline for the joint submission to Treasury is the 31st of July 2009.

Hopefully an outcome of Consumer Voices will be the establishment of a Western Australian Consumer Advocacy Centre – we keep hoping – where advocacy, education and research can embrace all areas of consumer concern including the laws and standards pertaining to health, safety, housing, the Environment and of course the ever important issues of shopping trolleys and Christmas Trading Hours.

Noelene is determined to keep GM issues alive and kicking. Consumers want rigorous science, and confidence that outcomes, whether personal, environmental or economic will benefit consumers now and in the future. We are not yet convinced that all outcomes will be positive and are most disappointed about Government approval of GM production in our previously untainted state. Noelene has told us that the National Council of Women's Seminar on GM has been postponed as a result of the Government's 3% cut in expenditure.

It seems the Building Disputes Tribunal is to be incorporated into the State Administrative Tribunal, a disappointing outcome for consumers. We foresee the new process as being more formidable in approach with a higher requirement for legal representation and higher costs. Our submission on the proposal seems to have been given little weight if any in the decision. Many of our members have had firsthand experience with the BDT and feel our views should be fundamental to deciding its outcome. We are hoping for a last minute reprieve from the Minister.

John has been researching The Private Health Insurance Act and has brought our attention to Section 55(5) (2) (g) which appears to allow discrimination in the value of benefits to which a person becomes entitled. John has spoken to the Dental Association and asked them to look at the Act under these rules.

We have sent a submission to the Minister for Competition and Consumer Affairs, Canberra, and Consumer Policy Framework Unit, The Treasury, Canberra on Draft Trade Practice (Industry Codes – Unit Pricing) Regulations 2009 with letters also sent to West Australian Federal Members seeking their support for the changes indicated in the Submission. We support unit pricing and look forward to seeing it implemented as widely as possible with standardised units e.g. per kg, not per 100g.

Our vigilant Rhonda has a keen eye for "No refund" notices which misinform consumers and has brought a recent example of "No refund on sale items" to the notice of Consumer Protection who investigated the complaint. The Respondent has accepted the Department's corrective advice to replace their refund signs with those supplied by the Department and which comply with the legislative requirements under the Fair Trading Act 1987.

From the President continued . . .

We are waiting for the imminent latest draft report on the Retirement Villages Legislation which will give us a final opportunity for comment. Retirement Villages represent a significant portion of the over 50s accommodation market and we would like to see more transparent and less complex financial arrangements for moving to a Retirement Village. "Lease for Life" contracts can be very confusing and may be a poor investment compared to owning a home or a strata-titled unit or villa. Most operators are out to make a profit too.

Apparently "Lifestyle Villages" are regulated by the Caravan Parks Act and as such may not provide adequate protection to vulnerable consumers looking for a safe retirement housing investment with sufficient return to enable ongoing care. Then of course there are the Hostels and Nursing Homes which provide the ongoing care and I haven't enough room here to even begin on that thorny subject.

Genette Keating

***Thanks to all the people who have contributed to this Newsletter:
Eileen Webb, Jim Dalton, Genette Keating, Garry Newcombe, Sue
and John Robertson and Verity Cripps.***

***As always, a special thanks must go to Joan Milne for her work in
proof reading the Newsletter.***

Lanie Chopping, from the Economic Regulation Authority (ERA) contributed the following information to help to explain what the function of the ERA . Genette Keating is a member of the Economic Regulation Authority Consumer Consultative Committee (ERACCC).



Economic Regulation Authority
WESTERN AUSTRALIA

The Economic Regulation Authority (ERA) is the independent economic regulator for Western Australia.

It has two main functions, to act as Western Australia's economic regulator and to provide independent and transparent advice to the State Government.

In its regulatory role, the Authority assesses the terms and conditions, including prices, offered by owners of monopoly gas, electricity and rail infrastructure to others who want to use it. For example, electricity transmission and distribution lines (the poles and wires) are a monopoly owned and operated by Western Power. Electricity retailers, such as Synergy, pay Western Power to transmit and distribute the electricity the retailers sell to customers. The Authority determines what Western Power can charge for its services, for which there is no competitor. There are similar situations in the gas and rail industries and regulation for all is designed to ensure fair prices, quality services and choice for all consumers.

In its regulatory role the Authority licenses providers of gas, electricity and water services and monitors compliance with licenses. This role includes responsibility for making and amending some of the mandatory codes that energy providers must comply with (for example, codes that make rules about how energy retailers can market their products to customers).

In its advisory role, the Authority inquires into and reports on matters referred to it by the State Government. The Authority is not a decision-maker in this role but simply makes recommendations to the State Government. The Authority has undertaken inquiries into issues such as water pricing, school bus operators, grain marketing and competition in the water and wastewater industries.

The Authority's functions are designed to maintain a competitive, efficient and fair commercial environment for the benefit of the Western Australian community.

Economic Regulation Authority is located at:

Level 6
Governor Stirling Tower
197 St Georges Terrace
PERTH WA 6000

Postal Address:
Economic Regulation Authority
PO Box 8469
PERTH BC WA 6849

Telephone: +61 8 9213 1900

Further information can be found at: <http://www.era.wa.gov.au>

Consumer Protection Awards 2009

CAWA would like to congratulate the winners of the Consumer Protection Awards in 2009.

Rona Okely Award Winner: Sandie Groves, financial counsellor, Busselton Anglicare Financial Counselling Service

Sandie works as a financial counsellor for the Busselton Anglicare Financial Counselling Service. She has been assisting consumers in the Busselton, Margaret River, Augusta and Nannup areas for the last 15 years. Apart from consumers from low socioeconomic backgrounds, Sandie also works with many Indigenous consumers and consumers from culturally and linguistically diverse backgrounds. She negotiates with creditors regarding repayments on loans, mortgages and credit cards, explains the debt recovery process to consumers and makes referrals. Sandie helps consumers develop sustainable budgeting plans and financial management skills. She provides education and information to enable people to manage their personal and economic lives better.



L-R Minister for Commerce, the Hon Troy Buswell MLA, Sandie Groves and Rona Okely

The Finalists – Richard (Dick) Fletcher Award Winner: Citizens Advice Bureau (CAS)

The Citizens Advice Bureau (CAB) is a not-for profit agency funded mainly by grants. CAB has a strong emphasis on education and outreach and uses its networks to reach vulnerable people and provide them with the information and referral services that empower them to help themselves. CAB is one of the few services offering Western Australians, probate, legal and mediation services at low cost. It contributes to consumer education through its information and referral service.



L-R Minister for Commerce, the Hon Troy Buswell MLA, Citizens Advice Bureau's Sandra Brown (CEO) and Diana Fletcher.

Kidsafe WA Award Winner: Farmsafe WA Alliance

Farmsafe WA Alliance is an independent, not-for-profit, non-government organisation which promotes safer farming practices and child safety on farms programs. Child death rates due to injury are higher in rural and remote Australia than for children in metropolitan areas. In Australia, there is about one farm-related child death every fortnight, with one-quarter of these fatalities involving visitors to farms.



L-R Minister for Commerce, the Hon Troy Buswell MLA and Farmsafe WA Alliance's Tony Hiscock.

Farmsafe WA Alliance delivers child safety on farms programs in a number of innovative ways, including involvement in workshops, presentations, demonstrations at agricultural field days and open days, Safety in Schools programs and through play group networks. Farmsafe WA Alliance has also produced a child safe play area demonstration site, a brochure and a DVD. The organisation promotes the importance of providing safe play areas, setting rules and no-go zones on the farm and supervision of children. Community service announcements, radio interviews, and newspaper articles are important ways used for raising awareness. Farmsafe WA Alliance also presents at conferences and is active in the development of state and national strategies.

You can direct credit your membership fees into the CAWA account.

The details you need are:

BSB: 306 050

Account No: 4158656

If you have any problems contact the Treasurer through the CAWA website.

Alternatively, the money can be mailed to the treasurer, at:

The Treasurer

Consumers' Association of WA (Inc)

Locked Bag 14

Cloisters Square WA 6850

Your \$900 tax bonus

Angela Pownell from The West Australian contacted Verity Cripps seeking a comment on Tax Agents taking 12½ % from the Governments \$900 bonus. The following article was published mid-June.

Some tax agents are depriving struggling families of the full \$900 Federal Government stimulus bonus by charging hefty fees to pass on the cash.

Consumer groups condemned the practice and have advised people to ditch agents who charge a fee.

A spokesperson for Treasurer Wayne Swan said it was "very disappointing" and urged people who had been charged to report their tax agent.

Helen Goodall said that she was shocked to get only \$787.50 after the Australian Taxation office told her that her \$900 bonus had been paid to her tax agent.

When she queried the shortfall, her agent, TCP Travellers Refunds, told her it had taken \$112.50, 12.5% of the \$900, as a fee before depositing it into her bank account.

Miss Goodhall, of East Victoria Park said it was fair that the company deducted a fee for doing her tax return, but she felt deprived to be charged so much just to receive the Government handout.

"They just forwarded the money and put it into my bank account. They didn't do anything," she said. "I feel it is wrong that tax agents are cashing in on our tax bonus at a time when every penny counts."

When Miss Goodall used the services of TCP Travellers Refunds for her 2007-8 tax return, she agreed to pay 12.5% of her tax return as a fee.

TCP Travellers Refunds told her in an email: "As per the terms and conditions to which you have signed, the usual fee (12.5%) applies the same as your 07-08 tax return."

Consumer watchdog Choice said it was aware of the practice and that most tax agents had not charged a fee.

"Some agents will charge a fee for services but these are in exceptional circumstances and this has been handled badly," Choice's Elise Davidson said. "This is a high fee for this service."

Consumers' Association of WA secretary Verity Cripps said agents should not be charging for transferring the money. "I would change my tax agent very quickly if he did that to me," Mrs Cripps said.

TCP Travellers Refunds did not respond to requests for comment.

CONSUMER COMMENT

We get the impression, as we motor about, that there's plenty of bush out there but close investigation usually causes disappointment. Even King's Park, which is one of WA's major tourist attractions, has a very low diversity of plant (and animal) species and is full of weeds, despite the number of staff employed to manage it. Pristine bushland remnants that are still accessible to the public are magic, fragile, ever diminishing places? Once they're gone, they won't regenerate.

A trailer load of garden waste can destroy an acre of bushland and our bush also has to cope with spring swathes of *Watsonia* and other weeds which displace the indigenous species. It's not difficult to put litter where it belongs and pulling out a few weeds provides very cheap exercise. There are ample tip facilities but some people can't see the big problems just the petty personal insignificant ones.

If we can't deal with the small problems like "I don't want to dirty the ashtray" or "the tip is 5 km away" or "I'll have to pay to dump stuff", what happens when the big problems also become insurmountable? Daily I see bushland razed for development and increasing weed and litter problems everywhere else. The situation is already clearly out of control. If we as a community don't value our environment there will be no hope that future generations will ever enjoy the amazement of walking through pristine intact bushland – it's very hard to find now. Even land set aside under Bush Forever is generally not managed and will soon just be degenerated and weedy.

Generational succession is a concept that, in planning, we leave something untouched for future generations – I personally think we should have a department for it. I'm not anti progress but we've left some very big footprints on the road to growth and development and we've made some big mistakes in the past by not considering the future effects of our efforts (or lack of them). Imagine how we might have done things differently in hindsight. It's hard to put a value on what a couple of acres of accessible natural bushland could be worth in a hundred years – I doubt there's a need however because at the current rate of destruction, there won't be much left and (alternative fuels notwithstanding) access will be limited.

Any suggestions as to how to get people to stop jogging, get off their bikes, out of their health clubs and get some fresh air and exercise and make some small beneficial contributions to our world at the same time would be most welcome. Businesses who provide recyclable/reusable and biodegradable packaging should be rewarded. Companies whose packaging forms a large proportion of the litter stream should be required to contribute to its clean up.

Consumers too are like fragile flowers. If we just grow prettily and never have any power then it will be too late for our interests when we have rubbish thrown at us and the bigger players exercise all the control.

Genette Keating

The future of the Building Disputes Tribunal

The Standing Committee on Legislation inquiry into the operation of the State Administrative Tribunal (SAT) started in mid 2007, but has only just reported after the change of government. It made its own request for submissions in June 2007 by both newspaper advertisement and direct request. The MBA and HIA submissions you refer to would have been through this process directly to the Committee. I don't know if CAWA made a submission, but Ms Genette Keating of the Consumers Association of WA is listed in the report as a stakeholder.

While this review was happening, and linked to submissions government might make about the future role of SAT, the (then) Attorney General suggested that SAT take over the jurisdiction of the BDT. The (then) Minister for Consumer Protection agreed to this rather than to continue to establish the BDT as an independent tribunal.

After the change of government our new Minister (the Hon. Troy Buswell) asked Building Industry Development to outline how a new process could work, with the Building Commission handling the front end and the SAT providing the tribunal service. We then developed with SAT an outline of how such a process might work. This outline was sent to MBA, HIA and CAWA for comment. The submissions from MBA, HIA and CAWA on the proposed process were forwarded to Minister Buswell in April. We expect the Minister to respond shortly to both the Legislative Council report and the recent submissions forwarded to him, including the CAWA one.

All three submissions stated a preference for the Tribunal to remain separate, however the Hon. Troy Buswell has decided that the Building Commission and the State Administrative Tribunal (SAT) will manage building disputes in place of the Building Disputes Tribunal. To effect this change legislative amendments are required. It has been suggested that the building disputes jurisdiction could operate under a distinctive label within the SAT to address the concerns of stakeholders that a specialist industry focussed building tribunal remain.

CAWA's submission is reproduced on the following pages. Thanks must go to Jim Dalton for giving up Easter to write our submission.

23 April 2009

Mr. Peter Gow
Executive Director
Building Industry Development
Department of Treasury and Finance
Level 6, 200 Adelaide Terrace,
EAST PERTH WA 6004

Dear Mr. Gow,

Thank you for your letter of 17 March 2009 seeking the Consumers' Association of WA's (CAWA's) support for your proposal to disband the Building Disputes Tribunal (the Tribunal) and split its role and functions between the proposed Building Commission (the Commission) and the State Administrative Tribunal (the SAT).

For the reasons set out below, the CAWA does not support the proposal.

The CAWA has had a close and constructive working relationship with the Tribunal since its establishment in 1992 as the Building Disputes Committee. Many members of the CAWA have served as Consumer Members of the Tribunal, and indeed three continue to serve in that capacity.

The Tribunal has always performed its functions in an appropriate and professional manner and it has provided the consumers of this State, and the building industry, with a speedy, inexpensive and "user friendly" dispute resolution mechanism. This is particularly apparent when the Tribunal's processes and procedures are compared to those applied in the Courts and the SAT which are invariably more expensive, take longer on the average to achieve a result, and almost invariably require a party to engage professional legal representation. It is far easier and cheaper for a consumer or builder to progress a matter through the Tribunal than through any of those other forums.

Before considering the Model for Change discussed in your paper it may be appropriate to address some of the general propositions set out in the paper and to highlight some other issues which the CAWA considers important and which do not seem to have been considered or addressed.

Perception of Bias

The Tribunal is a specialist tribunal that deals with building issues. It is crucial that in

The future of the Building Disputes Tribunal continued . . .

the performance of its function it must have Members with solid and broad experience of building matters. It is simply nonsense to suggest that because a panel contains a Builder Member it is biased towards builders who appear before the Tribunal. On the same logic it could be said that it is biased towards consumers because there is a Consumer Member on the panel, or towards parties that are legally represented because the presiding Member is a lawyer. Tribunal decisions are usually made by consensus, but are on occasion made when the legal and consumer representatives out vote builder members. The three person Tribunal provides a balance of expertise and representation for both parties.

If the argument is that there are Builder Members of the Tribunal who are also Members of the Builders' Registration Board (the Board) then the answer is that there are currently only four. The Chairman – whom the legislation requires is to be the Chair of both the Tribunal and the Board – two out of a panel of 24 Builder Members and one Consumer Member who the Minister has appointed to both the Tribunal and the Board.

The Tribunal, like all tribunals exercising a specialist jurisdiction (including SAT), has members appointed because of their special expertise in a wide range of fields such as law, medicine, engineering etc. It is disingenuous to suggest that the presence of a particular skill taints a tribunal with some form of bias towards the profession of the expert member.

It is instructive to look at the figures in the Annual Report, which show, for example, that in 2007-08 the Tribunal received 818 complaints and made 634 Orders to Remedy and Orders to Pay. 425 Orders to Remedy were in favor of the consumer. 209 Orders to Pay totalled around \$1.3m of which just over \$1m was payable by builders to consumers. These figures certainly provide no support for the myth that there is a bias in the Tribunal in favor of builders.

Reasons for Decision

The delay in providing reasons for decision is an issue, which impacts on both consumers and builders, and the CAWA has had concerns about this for some time. Having said that, the number of cases in which a delay occurs is small given the overall output of the Tribunal. In 2007-08 the Tribunal made a total of 634 Orders and had only 55 requests of written reasons for decision and of those requests only a handful suffered a significant delay.

As you point out in your paper the Tribunal is reliant on the Board for its funding but it is also reliant on the Chairman and the Board executive for the management of its administration. It is the CAWA's view that careful and proper management

by the Board can effectively address the problems with the delays with reasons for decision in particular by engaging some full-time members. The issue of delays in reasons for decision, while important and requiring immediate attention, cannot in our view justify such a radical step as the de-facto abolition of the Tribunal.

Front End Dispute Resolution

Currently, all complaints are lodged with the Tribunal where they are assessed by the Tribunal staff and dealt with according to the issues they contain. A complaint may be about faulty or unsatisfactory workmanship or it may be about contractual issues or it may be a combination of both. In 2007-08 around 25% of the complaints contained contractual issues.

The Tribunal staff determines whether or not a workmanship complaint needs to be referred to the Board for an inspection. Contractual complaints are not referred to the Board and are referred straight to the Tribunal for consideration and determination. Complaints having both contractual and workmanship elements are referred to the Board first and then to the Tribunal to consider both elements at the one hearing.

The discussion paper is silent on what will happen with the contractual matters. It is not discussed in the narrative and is not referred to in the flowcharts. It leaves the impression that the Commission will address the workmanship issues and presumably the balance will be addressed by the SAT. Does this mean that consumers will have to lodge their workmanship complaint with the Commission and their contractual complaint with the SAT – in effect having to lodge two complaints where currently they only have to lodge one? Will the complainant be required to pay an additional fee? Will the fees be at the SAT level, which is presently much higher than the Tribunal?

The Tribunal is currently mandated to be an inexpensive, non-legalistic – consumer friendly venue for dispute resolution. You have already indicated via email that consumer costs would increase if the dispute resolution goes to SAT. CAWA is opposed to changes that would entail increased costs and cause confusion about where consumers would go to seek redress.

The scheme set out in the discussion paper and flowcharts is functionally almost identical to the present operational profile of the Tribunal. All of the processes mentioned in the proposed model are currently available and used by the Tribunal. The significant disadvantage for consumers in the proposed model is that it will require them to deal with two organisations – the Commission and the SAT – which will undoubtedly mean longer time to obtain a resolution and increased cost.

The future of the Building Disputes Tribunal continued . . .

Loss of experience and expertise

The majority of the Tribunal Members and staff has been with the Tribunal for many years and has developed the skill and expertise for this particular and unique jurisdiction. It is their skill and dedication that has kept the Tribunal functioning effectively in spite of high and increasing workloads and inadequate funding and resourcing by the Board.

Yet, as we understand it, no discussions have been had with the Members or staff on the proposed model and no indication has been given as to how many might be required, the nature of their duties or the level of remuneration under the proposed model. In relation to the staff, again as I understand it, they are all Board employees and I presume under the proposed model will have to make a career choice as to whether they wish to remain with the Board or the Commission or be absorbed into the SAT. Tribunal Members would also be faced with a similar decision. Loss of any significant numbers of either Members or staff would very seriously impact on the effectiveness and continuity of the services provided by the Tribunal and as such would be of serious concern to consumers and the CAWA.

SAT's capacity to deal with additional workload

The discussion paper presents the SAT as an alternative processing model to the Tribunal and makes a number of dot point comments about the SAT's abilities on a number of issues. In fairness and for the sake of balance it must be said that:

- ◇ the Tribunal is a totally independent and impartial tribunal for the resolution of building disputes;
- ◇ building practitioners and consumers have access to Tribunal facilities that are appropriately equipped to conduct and record formal hearings although the Board has been considering the refurbishing of the facilities for some time;
- ◇ the Tribunal has suitable members with the appropriate expertise;
- ◇ out of more than 40 presiding, builder and consumer Members there only three who sit on the Board – the Chairman who is required by the legislation, one builder and one consumer;
- ◇ the Tribunal's decisions are predictable, consistent and in accordance with the law
- ◇ the Tribunal has its own separate list and its own building industry and consumer specialisation;
- ◇ the Tribunal would be able to complete its work in a more timely fashion with some full-time membership and better resourcing by the Board;
- ◇ the Tribunal and the Board currently monitor proceedings to ensure that Tribunal Orders are complied with.

However, the discussion paper does not address the implications for resources and process of the SAT taking over the Tribunal's workload. As we understand the SAT currently receives around 50 applications a year for leave to review a Tribunal decision. In most instances leave is not granted or the application is withdrawn. Less than 20% or some 10 matters are actually reviewed.

The Tribunal's workload in 2007-08 was more than 800 complaints. Around 200 of these were resolved by an order made under delegation but the balance went on to the Tribunal for resolution. The Tribunal sat for 335 days and heard 616 matters. The difference in the volume and nature of the workload between the Tribunal and the SAT is significant and substantial. In relation to building disputes the SAT has only been a forum for review and has not been required to function as a primary level decision maker and it has always been at the review or appeal level.

The discussion paper is silent on any detail as to how the SAT proposes to deal with this significant increase in the workload and in particular in the likely cost to participants especially consumers. There is also a perception that the SAT is too costly and legalistic; that it is just a step down from the District Court. There is anecdotal evidence that consumers feel intimidated by the members and surroundings and feel they are almost forced to the additional expense of engaging a lawyer. We would reserve any further comment until there are some more substantial details on the processes the SAT is intending to adopt, the cost of the SAT processes and the costs to consumers.

Conclusion

The proposal set out in the discussion paper raises a number of concerns, which have been addressed above. But more disappointingly in our view is the fact that the paper only considers one option for change – the Commission and SAT option – and even then does not provide any real and measurable assessment of cost or benefit to consumers.

For example, there is no consideration of a Commission and Tribunal option where the Tribunal – properly funded and resourced – is established as an independent tribunal reporting separately to either the Commerce or Consumer Protection portfolio. The Commission could perform the specialised technical role currently performed by the Board. It is a simple logical question that has not been addressed in the discussion paper and on its face it would provide the cheapest, quickest and most consumer friendly mechanism to resolve building disputes. If there is to be a change then all options should be considered and in this instance it is clear that they haven't.

There is no real detail of the role in the new system regarding the current Members

The future of the Building Disputes Tribunal continued . . .

and staff and it seems that the great body of knowledge and experience they possess is discounted or ignored. There is no consideration or examination of costs and the proposal makes no fundamental improvements to the current system and potentially adds unnecessary time, cost and complexity for consumers. The CAWA can not support the proposal as currently presented.

Any proposal that would ultimately be more expensive and legalistic is unacceptable to consumers.

Yours sincerely

Genette Keating
President Consumers' Association of Western Australia (Inc)

A couple of words on volunteering

Jack gives his money to a good cause – he receives a tax deduction.

Jill gives her time to work for the good cause – she receives personal satisfaction, which is great but how about a little tax relief or other incentive for those of us who sacrifice our time for a cause - we know our value to the community and perhaps with a bit of help we'd be even more productive.

Genette Keating

Thanks must go to John Robertson for providing the following information, gleaned from a mammoth read of the HBF constitution and the Private Health Insurance Act 2007.

On 12 August 2008 Valdene Buckley & John Robertson of Consumers Association of WA met with Dr Terry Pitsikas (a past President) and Dr Stuart Gairns, the Chief Executive Officer of the Australian Dental Association (WA Branch) Inc. ("ADA WA"). For discussion was Valdene's concern relating to Hospital Benefit Funds ("HBF") decision to enter into a scheme involving preferred provider agreements ("PPA") in relation to dental services.

A PPA in essence involves that dentists in private practice might enter into an agreement with health insurer to provide dental services to 'members' at lower rates agreed both by the dentist and the health insurer. Both Medicare Private and HBF have PPA. The health insurers in return encourage 'members' to use preferred providers by giving significantly greater benefits back to 'members' choosing a preferred provider than 'members' who choose not to participate in the scheme.

This is detailed by HBF as follows: *'HBF introduced the participating dentist scheme as a way of increasing benefits back to members. In the past, when benefits have increased the dentists have increased their prices and members were no better off'. Using the preferred provider scheme every member on the policy is entitled to one free scale and clean per year under item D14. The cover, 'Essentials Standard' would [also] return 60% of their fee as a benefit' as opposed to a significantly lower figure if consumers want to use a dentist of choice who is a non-preferred provider. 'On the smaller items such as consultations, there is not a huge difference but in the fillings and the crowns there is a huge difference. For example, a crown is approximately \$1200.00 and a participating dentist would return you \$720.00. Even if a non participating dentist charged a lesser fee, HBF could only pay the set benefit of \$408.00.'*

Therefore, it follows that HBF 'members' can pay the same premium and yet receive significantly different benefits depending on whether or not they are part of a PPA.

At the meeting Dr Stuart Gairns stated that ADA WA was opposed to the PPA scheme on a number of bases. Briefly, these serious concerns related to (not in order of importance) – privacy issues, professional standards being endangered and consumers/patients free choice of dentist being eroded. In 2007 HBF had 60% of the WA Health Benefits Fund market, accordingly, its ability to affect dental services in WA is significant. For this reason, the discussion that follows focuses on the PPA provided by HBF.

The effect on free choice was the concern of most interest to Valdene and the immediate driver of her interest.

Dental Preferred Providers continued . . .

A part result of the meeting with ADA WA was continuing discussion by telephone which led to an interest in the provisions of the Private Health Insurance Act 2007 ("the Act") which controls the Health Benefit Funds throughout Australia (it being a Federal Act). The idea was to look at whether the PPA scheme was one effectively approved by the Act.

ADA WA provided a copy of the Act for John Robertson to look at. On perusal of the Act the following was noted.

'Division 3 – Overview of this Act

Section 3 – 10 complying health insurance products (Chapter 3)

*Chapter 3 requires insurers who make private health insurance available to people to do so in a non-discriminatory way, to offer *products that comply with this Act, and to meet certain other obligations imposed by this Act in relation to those products.'*

It appears possible that the PPA scheme is discriminatory because persons choosing their own (non preferred provider) dentist would be penalized for their choice by significantly lesser benefits being provided despite paying the same premium.

'Division 55 Principle of Community Rating' –

This part is 'To ensure that everybody who chooses has access to health insurance, the principle of community rating prevents private health insurers from discriminating between people on the basis of their health or for any other reason described in this Part.'

Section '55-5 (2) Improper discrimination is discrimination that relates to

[The relevant section]

*(g) the amount or extent of the benefits to which a person becomes entitled during a period under a *complying health insurance policy, except to the extent allowed under section 66 – 15;'*

Section '66-15 Entitlement to benefits for general treatment'

Neither:

(a) The community rating principle in Section 55-5; nor

(b) The community rating requirement in section 66-1(1) (b); prevents a private health insurer from determining a person's entitlement

under a *complying health insurance policy to a benefit for *general treatment (other than *hospital -substitute treatment) in respect of a period by having regard to the amount of benefits for that kind of treatment already claimed for the person in respect of the period.'

Note that Section 66-15 (b) above refers to a benefit singular not plural or varying benefits. Section 66-15 does not appear to affect the meaning of Section 55-5(2) in any relevant way.

Note that Section 66-1(1) states 'An insurance policy meets the community rating requirements in this Division if:

[The relevant section]

(b) the policy has no terms or conditions that would allow the insurer to *improperly discriminate against a person insured under the policy;'

The term 'improperly discriminate' by the Act refers back to Section 55-5(2) and (3).

'Division 63 Basic rules about complying health insurance products'

'Section 63-5 Meaning of a complying health insurance product

(1) A complying health insurance product is a *product made up of complying health insurance policies.

(2) A product is all the insurance policies issued by a private health insurer:

That *cover the same treatments; and
That provide benefits that are worked out in the same way and
Whose other terms and conditions are the same as each other'

It appears possible that the PPA scheme does not 'provide benefits that are worked out in the same way.', and it seems possible that 'other terms and conditions' may **not** be the same as each other.

The above matters of interest were raised with ADA WA which in turn raised the same with its Federal body in Sydney.

It is understood that the Federal body was not moved by these matters of interest to obtain legal opinion on whether the Act had been breached.

Unit Pricing Regulations

Ian Jarratt, from the Queensland Consumers Association sent us a copy of his organisation's submission on unit pricing. Upon consideration of the Queensland submission and after discussions Verity Cripps produced a submission that reflects CAWA's views. It must be acknowledged that the submission that follows is an edited version of the Queensland version, and as such, thanks are extended to Ian Jarratt.

SUBMISSION ON DRAFT TRADE PRACTICES (INDUSTRY CODES - UNIT PRICING) REGULATIONS 2009

Mr Chris Bowen, MP
Minister for Competition and Consumer Affairs
PO Box 6022, Parliament House
CANBERRA ACT 2600

Dear Minister,

The draft regulations containing the Retail Grocery Industry (Unit Pricing) Code of Conduct released for public consultation on 23 March 2009 should be changed substantially to achieve the desired outcomes for consumers and the economy.

The overall objective is strongly supported – to establish a compulsory national unit pricing system for grocery products sold in supermarkets and on line – and several of the provisions will be very beneficial for consumers, for example requiring that unit prices be shown on printed advertisements showing a selling price.

However, several key features of the Code will greatly reduce consumer awareness and use of unit prices. This is extremely undesirable because unit prices allow consumers to easily compare the price and better assess the value for money of different package sizes, brands, substitute products, etc. Research has shown clearly that this can lead to major savings in grocery costs, which will be extremely valuable for consumers during these tough economic times.

Major benefits will be obtained only if Australia has a world-class system which enables consumers to easily NOTICE, READ and USE unit prices.

Overseas experience, and the voluntary unit pricing systems introduced recently by some Australian supermarkets, indicates clearly that the draft Code will not result in a world class system. Like the initial GROCERY choice system, it fails to meet consumer needs in several critical areas.

The key changes needed to the draft Code to provide the required world-class system are:

SPECIFY MINIMUM PRINT SIZES FOR UNIT PRICES, NOT JUST REQUIRE THEY BE 'PROMINENT' AND 'LEGIBLE'

Print size, especially height, has a critically important effect on the prominence and legibility of printed information. This is why minimum print sizes are specified in several states in the USA and Sweden. This results in unit prices which are very easy to notice and read, and presentations much superior to those provided when retailers have complete or great flexibility on print sizes. They are also much superior to the presentations now provided by some Australian supermarkets which we are concerned will be allowed under the draft Code.

USE KILOGRAM AND LITRE, NOT 100g AND 100ml, AS THE STANDARD UNITS OF MEASUREMENT FOR WEIGHT AND VOLUME, WITH OTHER UNITS SPECIFIED FOR SOME PRODUCTS AS REQUIRED.

100g and 100ml as the standard units of measure result in too many low unit prices, which means differences between sizes, brands, etc are often tiny. For example, there may be only 6 cents per 100g difference between the unit prices of 525g and 825g packs of corn flakes, but this represents an 8 percent saving. Consequently, many consumers will wrongly regard small differences in unit prices as unimportant. Also, consumers are accustomed to per kg as the compulsory unit of measure for the unit pricing of many other products, such as meat, smallgoods, fish, fruit and vegetables, and cheese.

Clause 11 does require that per kg or per litre be the standard unit of measurement for some grocery categories. We support this attempt to achieve the objective outlined above but consider that it does not go far enough. Per kg and per litre should be the units of measure for all food products which, when packaged in random weight packs, must be unit priced per kg under state and territory trade measurement legislation. These products are more numerous and in more forms than those listed in clause 11, - which are only fresh meat, fresh vegetables, and cheese. Also, in clause 11, per kg should be specified as the mandatory unit of measure for the unit pricing of many other products which are conventionally sold, and consumers think of in units of measure of 1 kg or 1 litre. This will increase consumer comparison of unit prices of packaged and unpackaged products, and between product forms, eg. fresh and frozen, and ensure that unit prices are not very low.

Accordingly, additional products which should be priced per kg in clause 11 include: sugar, rice, flours and bread and cake mixes, washing powder, and bulk pet food. Also, products like laundry detergent, and ice cream, should be unit priced per litre.

We strongly support the unit pricing per 100 sheets of products sold on a roll, for example toilet paper, and its extension with appropriate changes to the unit of measure, for example per 100 bags, to other products sold per item on rolls. This measure and approach also should be extended to other similar products not sold on rolls, for example boxes of facial tissues and freezer bags.

We also recommend further consideration of 5 as the cut off point for using per 10 as the measure for items sold by number.

Unit Pricing Regulations continued . . .

REDUCE THE FLOOR AREA PROVIDING EXEMPTION FOR STORES

Not requiring the provision of unit prices by stores with less than 1000 sq m of floor area will exclude many medium sized stores and there is no guarantee that exempt stores will choose to provide unit prices voluntarily. This would result in a significant number of consumers not having access to unit prices. The area for exemption should be reduced substantially.

ENSURE THAT UNIT PRICES ARE PROVIDED FOR THE MAXIMUM POSSIBLE NUMBER OF PRODUCTS ON SALE IN GROCERY STORES OR BY ON-LINE RETAILERS

We are very supportive of the provisions in the draft code which contribute to the above important objective. Accordingly, we recommend that these not be diminished, for example, by not exempting the provision of unit prices for multi-buy offers, or for products on sale in off-shelf locations, eg. end of aisle displays. Such exemptions would greatly reduce the amount and quality of unit price information available to consumers.

It is also considered that the list of exempt products in clause 10 is too extensive. Although currently most consumers may not purchase many of these products at grocery stores some do, and such stores could become major sources of such products in the future. We see no reason why consumers should be deprived of the benefits of having unit prices to assist them buying these products in these stores. It is recommended that this list be critically reviewed with a view to reducing the number of exempt items.

It is also recommended that the provision of unit prices be required for items used for garden or pool maintenance, such as mulch, fertiliser and pool chemicals (per kg or per litre), and for many other items sold on a per item basis, such as optical discs, light bulbs, paper/plastic plates, etc. These products are already being successfully unit priced in Australian supermarkets and we see no reason why they should be exempt.

REQUIRE SUPERMARKETS TO DISPLAY POSTERS AND PROVIDE PAMPHLETS DESIGNED TO INCREASE CONSUMER AWARENESS AND USE OF UNIT PRICING.

Consumers will be most receptive to information about the provision of, and how to use, unit prices when they are actually shopping. Therefore, supermarkets should be required to display/provide high quality and consistent information for several weeks after introducing unit pricing.

CONCLUSION

Without the above changes, the Code will cater more for the interests and requirements of retailers (most of whom until very recently strongly opposed the concept of unit pricing) than for consumers. It will be expensive and difficult to change the

main features of the Code after implementation, so it is in everyone's interests to get the Code correct now.

Statements and comments in the media indicate the draft Code reflects the government's wish to minimise "compliance costs for industry" and "regulatory burden on business". We support these objectives but they should not be considered in isolation. Full account must also be taken of adverse effects of a sub optimal system on the benefits for consumers and the economy.

A substandard unit pricing system will have major negative effects on consumer use. Therefore, we urge that the above recommendations be taken into account in the final Trade Practices (Industry Codes Unit Pricing) Regulations, 2009.

Verity Cripps also wrote to all 14 WA Members of the House of Representatives (listed below) giving a summary of CAWA's views. To date, Wilson Tuckey, Julie Bishop and Chris Bowen (the Federal Minister) have sent acknowledgements of the letter. The body of CAWA's letter is reproduced on the next page.

HON. Julie Bishop, MP, 414 Rokeby Road, Subiaco 6008

Hon. Gary Gray, MP, 1/18 Council Ave. Rockingham, 6101

Steve Irons, MP, 2-4 Mint Street, E. Vic Park, 6058

Ms Sharryn Jackson, MP, Shop 12/12 Forrestfield Market, Forrestfield, 6155

Dr. Dennis Jensen, 6-8 Waverley St. Willetton, 6155

Michael Keenan, MP, 203 Wanneroo Road, TUART HILL 6060

Hon. Judi Moylan, MP, 490 Great Eastern Highway, Greenmount 6056

Ms Melissa Parke, MP 62 Wray Ave., Fremantle 6160

Don Randall, MP, 2851 Albany Highway, Kelmscott 6111

Luke Simpkins MP, PO Box 219 KINGSWAY 6065

Hon Stephen Smith, MP, 953 Beaufort Street, Inglewood, 6052

Dr. Mal Washer, MP, 3 Boas Avenue, Joondalup 6027

Hon. Wilson Tuckey, MP, PO Box 507, Albany WA 6332

GROCERY UNIT PRICING – DRAFT CODE OF CONDUCT

I write to seek your support for changes to the Federal Government's Draft Industry Code of Conduct for Grocery Unit Pricing released for public consultation on 23 March 2009 by the then Consumer Affairs Minister, Chris Bowen MP.

The Code's overall objective – to establish a compulsory national unit pricing system for grocery products sold in supermarkets and on-line – is very welcome, but, several key features of the Code will greatly reduce consumer awareness and use of unit prices.

This is regrettable since unit prices allow consumers to easily compare the relative value of different package sizes, brands, substitute products, etc, leading to major savings in costs which will be extremely valuable for consumers during these tough economic times. For example, in 2008 it was shown that by using unit pricing the pro rata cost of a basket of 25 grocery items could be reduced by 47 percent.

However, major savings will only occur with a world-class system which allows consumers to easily NOTICE, READ and USE unit prices.

Overseas experience and the voluntary unit pricing systems introduced recently by some Australian supermarkets indicate clearly that the draft Code will not result in a world class system.

The key changes we seek to the draft Code to ensure a world-class system are:

- ◇ Specify minimum print sizes for unit prices, not just require that they be "prominent" and "legible".
- ◇ Use kilogram and litre, not 100g and 100 ml, as the standard units of measurement for weight and volume, with other units specified for some products as required.
- ◇ Require supermarkets to display posters and provide pamphlets designed to increase consumer awareness and use of unit pricing.

Without these changes the Code will reflect the views of retailers more than consumers. Yet, until very recently, most retailers strongly opposed the concept of unit pricing. It will be expensive and difficult to change the Code after it is in operation, therefore, it is in everyone's interest to get the Code right before implementation.

Other organisations strongly supporting the proposed changes include CHOICE (the national consumer organisation), the Consumers' Federation of Australia, consumer and community organisations in other states, and Vision Australia, the national body for people who are blind or have low vision.

The Code will be in a "disallowable instrument", the Trade Practices (Industry Codes – Unit Pricing) Regulations 2009, expected to be laid before both Houses of Parliament shortly.

You can help to achieve these changes by ensuring that the Minister for Consumer Affairs, Craig Emerson, is aware of your views before the Code is finalised and laid before Parliament.

Retirement Village Legislation

Irena Dillon, Senior Policy Officer at DOCEP attended the July CAWA meeting and kindly gave us an update on the review of the Retirement Village Legislation. The information below is produced with her permission.

Retirement Village Legislation has been reviewed three times since 1992. The third review, the largest, has consulted retirees as well as key stakeholders.

The review commenced with a series of 18 public meetings, facilitated by Liz Patterson, resulting in approximately 900 retirees being consulted. While most meetings took place in the metropolitan area, meetings were also held in country areas such as at Busselton, Bunbury, Albany and Geraldton.

The results of the meetings were analysed and 76 main issues were identified in an Issues Paper which was released seeking public and stakeholders responses. Approximately 130 submissions were received, most from retirees.

From the responses it was found that the management of retirement villages seemed to be critical to the contentment of retirees. Issues at the Lake Karrynup Retirement village lead to a Parliamentary enquiry chaired by Bob Kucera, the findings leading to a series of on-going prosecutions at the State Administrative Tribunal.

The Draft Report, currently with the Minister, due to be released for public comment at the end of July, contains approximately 100 recommendations that take into account the findings of the Parliamentary Inquiry, as well as the those generated by the review process.

Building regulator joins Commerce

The following information is posted on the Department of Commerce, Better Trading Newsletter.

The new Building Commission consolidates the regulation and development roles of the Builders Registration Board, Painters Registration Board, Plumbers Licensing Board and the Building Industry Development directorate from the Department of Treasury and Finance.

The Building Commission will provide a 'one stop shop' for industry and consumers for registration and licensing, building and plumbing standards, industry development, technical information and disputes.

Legislation to be introduced to Parliament later this year will replace the Builders and Painters Registration Boards with the Building Commission and allow the Building Commission to be funded by registration and licence fees and a levy on building approvals.

The Building Commission will manage the building approvals process under a new Building Act currently being drafted.

Mr Troy Buswell, Minister for Commerce, said that consolidation of building regulation will drive efficiencies in administration and provide critical mass for improving service delivery, especially in regional and outer-metropolitan areas.

The Building Commission would work closely with the department's divisions to support an innovative, safe, fair and profitable building industry that delivers a good deal for consumers and property owners.

The Building Commission is expected to be based in a new office building in West Perth later this year.

Deposits lost with the collapse of business

An increasing number of businesses in Western Australia are closing in the wake of the global economic downturn.

DOCEP's advice on deposits:

- ◇ Only pay a deposit, if required
- ◇ Only pay the minimum deposit
- ◇ Never pay the full amount until delivery
- ◇ Consider paying by credit card as there's a chance of a refund
- ◇ Contact DOCEP if a business doesn't deliver.

The following information is reproduced from the Department of Commerce, Better Trading Newsletter. It was posted on 16 July, 2009.

Deaths in the home due to electrocution have prompted new regulations aimed at saving lives.

In the past 17 years, 29 people were electrocuted in their homes in Western Australia – an alarming statistic. Most of these deaths could have been prevented had Residual Current Devices (RCDs), or safety switches as they are sometimes called, been installed.

From August 9, 2009, the State Government will require at least two RCDs to be installed in each house, in an effort to reduce the number of deaths from electrocution.

The new regulations, prepared under the Electricity Act 1945, will apply to people selling their home and landlords. Each home and rental property must be fitted with a minimum of two RCDs to protect all the power points and lighting circuits.

Home sellers will be required to install the RCDs before the sale of their house, while landlords will need to install the devices **before a new tenant takes up residency or in any case by 8 August 2011.**

An RCD is an electrical safety device fitted to the main switchboard of a home. If an imbalance in the electrical current is detected, it signals there is a leak to earth and the RCD immediately cuts the power supply and prevents electrocution.

RCDs are very sensitive devices. Unlike circuit breakers, which are already installed in many homes and protect against overloading and short-circuiting, RCDs cut the flow of electricity within 10 to 50 milliseconds of detecting 30 milliamps or more of harmful leakage current to earth.

Since 2000, it has been compulsory for all new homes to have at least two RCDs fitted as part of the initial electrical installation. Under the new legislation, it is estimated that within 15 years, 90 per cent of all homes and rental properties will be retrofitted with RCDs.

Two RCDs must be installed to avoid total darkness and loss of all power if one RCD operates. It also reduces the possibility of faulty operation caused by low-level leakage current in some appliances

While two RCDs would adequately accommodate an average-sized 4x2 home, larger homes may require three or more.

The cost of two-single phase RCDs installed by a licensed electrical contractor is approximately \$500 for an average 4x2 residence.

All RCDs have a test button. Homeowners and tenants should press the button every three months. This simple test ensures the device is ready to protect your family.

For more information visit www.energysafety.wa.gov.au/RCD or call 9422 5200.

COAG Reforms to Consumer Policy – Impacts on Consumer Legislation and the Functions of Consumer Protection in Western Australia

CAWA members Eileen Webb, Rhonda Algaba and John Robertson attended a COAG seminar 16th June. At this session, an outline of various COAG reform initiatives currently on foot was provided together with an indication of the implications for Western Australian consumers. In addition, there was a facilitated discussion about the issues paper "Consumer Voices Sustaining Advocacy and Research in Australia's New Consumer Policy Framework".

Thanks to Garry Newcombe from the Consumer Protection division of the Department of Commerce for providing this PPT which summarises the discussion.

Council of Australian Governments (COAG) reform agenda most significant change to consumer policy in Australia since Trade Practices Act 1974.

Reform agenda will impact on:

- ◇ consumer and business laws;
- ◇ relative roles of Commonwealth and States/ Territories;
- ◇ role and structure of Consumer Protection; and
- ◇ relationship between Consumer Protection and existing clients.

Scope of COAG Reforms – subject areas

- ◇ Australian Consumer Law – including product safety.
- ◇ Business names.
- ◇ Business online services.
- ◇ Credit and finance broking.
- ◇ Fundraising and not-for-profits.
- ◇ National licensing for auctioneers, land valuers, real estate agents and reps, settlement agents.
- ◇ Personal property securities – REVS.
- ◇ Trade measurement.

Scope of COAG Reforms – legislation

- ◇ Consumer Affairs Act 1971 and Fair Trading Act 1987 – repeal and replace with new foundation Act.
- ◇ Consumer Credit (Western Australia) Act 1996 – repeal.
- ◇ Credit (Administration) Act 1984 – repeal.
- ◇ Finance Brokers Control Act 1975 – repeal.
- ◇ Bills of Sale Act 1899 – repeal.

- ◇ Business Names Act 1962 – repeal.
- ◇ Amend or repeal another 27 Consumer Protection Acts and enact three referral Acts.

Scope of COAG Reforms – Consumer Protection

- ◇ Finance and Valuations Branch – 17.2 FTE.
- ◇ Trade Measurement Branch – 20 FTE.
- ◇ Registration Services Branch – 32.8 FTE
- ◇ Loss of revenue from business names, credit licensing, finance brokers licensing, REVS.

Scope of COAG Reforms – Timeline for Reforms

- ◇ November 2009 – Commonwealth takes over credit and finance broking.
- ◇ January 2010 – Commonwealth unfair contract terms begin.
- ◇ July 2010 – Commonwealth takes over trade measurement.
- ◇ October 2010 – new WA Fair Trading Act.
- ◇ November 2010 – Commonwealth REVS register begins.
- ◇ January 2011 – Australian Consumer Law commences; Commonwealth takes over business names; and national licensing body commences.
- ◇ July 2012 – national licensing for priority occupations begins.

Australian Consumer Law - General

- ◇ Genesis in Productivity Commission 2008 report.
- ◇ Intended to overcome divergence between TPA Part V and State/Territory Fair Trading Acts.
- ◇ TPA Part V to be amended to include:
 - ◇ new unfair contract terms provisions;
 - ◇ new enforcement powers and penalties; and
 - ◇ best practice provisions from State/Territory FTA's.
- ◇ TPA to be renamed Competition and Consumer Act.
- ◇ Part V will be replicated in Schedule as Australian Consumer Law, to be applied in each State/Territory.

COAG Reforms to Consumer Policy – Impacts on Consumer Legislation and the Functions of Consumer Protection in Western Australia continued ...

- ◇ In WA the *Consumer Affairs Act 1971* and the *Fair Trading Act 1987* will be repealed and replaced with new Act applying the Australian Consumer Law and including relevant local administration and enforcement provisions.
- ◇ Australian Consumer Law to come fully into operation throughout Australia on 1 January 2011.
- ◇ Commonwealth to introduce unfair contract terms provisions and new enforcement powers and penalties on 1 January 2010. Some States/Territories will also introduce unfair contract terms on 1 January 2010.

Australian Consumer Law – Unfair Contract Terms

- ◇ Single biggest reform arising out of Australian Consumer Law.
- ◇ UCT operates already in Victoria, UK and EU.
- ◇ Applies to all standard form contracts – no exemptions.
- ◇ Provides for unfair terms in such contracts to be declared void.
- ◇ Does not apply to upfront price.
- ◇ Not just a consumer protection – business will also be able to rely on the provisions.
- ◇ Contract term will be unfair if:
 - ◇ would cause a significant imbalance in the parties' rights and obligations arising under the contract; and
 - ◇ not reasonably necessary in order to protect the legitimate interests of the party who would be advantaged by the term.
- ◇ in determining if a term is unfair, court is to take into account extent to which it would, or there is a substantial likelihood that it would, cause detriment to a party if relied on.
- ◇ Act will set out examples of terms that are likely to be unfair, such as:
 - ◇ term allowing one party to avoid performance of contract;
 - ◇ term allowing one party to unilaterally vary terms of the contract;
 - ◇ term imposing penalties on only one party for breach of contract.
- ◇ Specific terms will be able to be prescribed as unfair.

Australian Consumer Law – Enforcement Powers

- ◇ Major new provisions:
 - ◇ civil pecuniary penalties;
 - ◇ disqualification from carrying on particular business activities;

- ◇ substantiation notices;
- ◇ non-party consumer redress;
- ◇ infringement notices; and
- ◇ public warnings.

Australian Consumer Law – Product safety

- ◇ Will be uniform product safety laws.
- ◇ State will lose capacity to permanently ban or recall products.
- ◇ State will only be able to make interim bans.
- ◇ Commonwealth Minister will have exclusive power to ban products.
- ◇ On-going enforcement of product safety laws will be joint responsibility of ACCC and State/Territory consumer agencies.

Credit - General

- ◇ Significant changes to administration of credit and finance (mortgage) broking laws as from 1 November 2009.
- ◇ For WA, with one exception, not significant change to the content of the laws.
- ◇ Draft legislative package released by Commonwealth Government 27 April 2009 for four weeks public consultation.
- ◇ Commonwealth legislation to be introduced into Parliament by late September 2009.

Credit – Key Changes

- ◇ States to refer power to Commonwealth under 51 (xxxvii) Constitution – text based referral to enable Commonwealth to enact National Consumer Credit Protection Bill.
- ◇ ASIC to be responsible for administration of the laws. States/Territories may still be able to take action on credit matters under FTA or industry specific legislation.
- ◇ All Australian credit providers and finance brokers will require an Australian Credit Licence.
- ◇ UCCC will become National Credit Code as Schedule 1 to NCCP Act.

COAG Reforms to Consumer Policy – Impacts on Consumer Legislation and the Functions of Consumer Protection in Western Australia continued ...

Credit – Licensing Regime

Two stage process:

- ◇ all current credit providers/brokers will have two months to register with ASIC between 1/11/09 and 31/12/09;
- ◇ once registered, will have six months to apply for ACL between 1/1/10 and 30/6/10.
- ◇ Anyone commencing business after 1/1/10 will first require an ACL.

Credit – Changes to Law

Three major changes to content of law:

- ◇ responsible lending obligations;
- ◇ mandatory EDR;
- ◇ application to residential investments.

Credit – Changes to Law – Responsible Lending Obligations

- ◇ All licensees will be required to ensure they do not provide, suggest or assist with a credit contract that is unsuitable for the borrower.
- ◇ Licensees will be required to assess if the credit contract meets the consumer's requirements and that the consumer has the capacity to meet the financial obligations.
- ◇ Licensees to give consumer Credit Guide as soon as it becomes apparent they are likely to give credit assistance.

Credit – Changes to Law – Dispute Resolution

- ◇ As condition precedent to getting an ACL, all licensees must be a member of an ASIC approved EDR.
- ◇ Three-tiered dispute resolution process established – internal dispute resolution, external dispute resolution, courts.
- ◇ Plaintiffs will be able to choose between State Magistrates Court and Federal Court.
- ◇ Plaintiffs also able to choose small claims procedure with awards limited to \$20,000 and lawyers only admitted by leave of the court.
- ◇ No jurisdiction for State Tribunals and no conciliation process.

Credit – Changes to Law – Residential Investments

NCC will extend to cover credit provided to purchase, renovate or improve the value of residential property.

Business Names

- ◇ Referral of power to the Commonwealth.
- ◇ ASIC to take over administration of business names from 1 January 2011.
- ◇ Predominantly online registration, no direct counter service.
- ◇ Regional and suburban coverage to be provided by contracted network.
- ◇ Objective names test to be used.

Fundraising and not-for-profits

- ◇ Added to COAG agenda in April 2009.
- ◇ Real scope of reforms not yet clear.
- ◇ Initially to look at common chart of accounts and harmonising fundraising laws.
- ◇ May ultimately affect all incorporated bodies and all charities.

National Licensing

- ◇ To be based on application of Victorian legislation – no referral of power.
- ◇ Initial priority areas include auctioneers, land valuers, real estate agents and reps and settlement agents, as well as builders, painters and plumbers.
- ◇ National licensing body to be based in Melbourne.
- ◇ Draft legislation due out in October 2009.
- ◇ Intended to ensure licensed persons can operate throughout Australia and licensing is consistent.

Trade Measurement

- ◇ One area the Commonwealth already has constitutional authority.
- ◇ Will be administered by National Measurement Institute.
- ◇ Commonwealth seeking to attract all existing staff.
- ◇ WA office will remain at Osborne Park.

COAG Reforms to Consumer Policy – Impacts on Consumer Legislation and the Functions of Consumer Protection in Western Australia continued ...

Personal Property Securities - REVS

- ◇ Referral of power to the Commonwealth.
- ◇ Affects number of areas but REVS of most general impact.
- ◇ National register to be established by Commonwealth.

Consumer Voices

- ◇ Issues Paper released by Commonwealth Minister on 8 May 2009.
- ◇ Purports to relate to the whole Australian consumer policy framework but no consultation with States/Territories – not a joint paper.
- ◇ Submissions requested by 17 July 2009.
- ◇ Partial response to Productivity Commission recommendations regarding research and advocacy.
- ◇ Commonwealth considers it will have a more dominant role in consumer policy post COAG reforms.
- ◇ Consumer Protection is seeking input from local advocates before finalising possible submission.
- ◇ Productivity Commission recommended that the Commonwealth should take the lead role in developing arrangements to provide additional public funding to:
- ◇ help support the basic operating costs of a representative peak consumer body;
- ◇ assist the networking and policy functions of general consumer advocacy groups; and
- ◇ enable an expansion in policy-related consumer research.

Advocacy - Examining

- ◇ Effectiveness of existing institutional frameworks for consumer advocacy at Commonwealth and State/Territory level.
- ◇ Ways support for consumer advocacy can be improved.
- ◇ Effectiveness of Commonwealth consumer policy consultation processes.
- ◇ Effectiveness of existing government support for consumer advocacy.

Research - Examining

- ◇ Current gaps in consumer policy evidence in Australia.
- ◇ Approaches to provide mix of advocacy focused and objective qualitative and quantitative consumer policy research.
- ◇ Effectiveness of existing government support for consumer policy focused research.

This media release appears at:

http://www.commerce.wa.gov.au/ConsumerProtection/Content/Shopping/For_traders/When_consumers_want_a_refund.html

Issue Date: Wednesday, 17 September 2008

National survey of consumer redress in shops

Consumer Protection WA along with its counterparts in all other Australian States and Territories has completed a compliance survey of "no refund" signs in fashion and clothing retail outlets with only 72% of stores checked getting it right.

Officers checked a sample of 349 small to medium size fashion outlets across the country to ascertain how often traders display 'no refund' signs or otherwise promote policies that are less than the minimum statutory rights consumers have when returning goods.

In WA out of 40 shops checked, only 27 were fully compliant while 13 outlets returned results indicating various areas of non-compliance.

"It is very important for traders to understand that their customers have specific legal rights when they find themselves with products that are faulty, wrongly described, different from samples or do not do what they are supposed to," WA Consumer Protection Commissioner Anne Driscoll said.

"I was disappointed to learn that some stores were indicating by signs, messages on their sales dockets and by other means, that customers were either not entitled to refunds at all, or were restricted to credit notes and other remedies of the store's choosing.

"This is in conflict with consumer protection laws concerning refunds and the stores who had it wrong on this occasion will receive education material and be advised formally to revise their practices.

"Subsequent checks and call-backs will not be so lenient and traders who mislead their customers into believing they do not have any rights to refunds, or advise of restricted circumstances that are not supported by law can face fines of up to \$100,000 for companies," Commissioner Driscoll said.

All consumer protection agencies across Australia have committed to a strategy of trader education and compliance and retailers of all types of goods can expect to come under the scrutiny of future surveys.

No Refunds - No Way continued ...

The national survey results were:

State/ Territory	Sites	Compliant		No Refund	No Refund Sale Items	Exchang e Only	Credit Note Only	No Refund (Hygien e)	Other Policy
		Yes	No						
SA (62.5%)	40	25	15	6	3	1	1	1	3
ACT (65%)	40	26	14	3	5	1	0	0	5
NSW (85%)	40	34	6	4	0	0	0	2	0
VIC (58%)	36	21	15	3	1	2	0	1	8
TAS (75%)	40	30	10	1	2	2	1	2	2
WA (67%)	40	27	13	2	6	0	0	1	4
QLD (82%)	40	33	7	5	0	0	0	0	2
NT (75%)	73	55	18	5	4	2	0	1	6
TOTALS	349	251	98	29	21	8	2	8	30

"We will be working with traders as well as undertaking various education activities to ensure retailers and consumers, have access to information about their rights and obligations, so everyone gets a fair go," the Commissioner said.

**CAWA is interested in receiving articles from other
WA consumer groups who would like material
published in our Newsletter.**

**Requests and articles should be forwarded to the
Editor, Valdene Buckley by emailing
valdeneb@tpg.com.au**

**The following info for traders is posted on the Department of Commerce's website:
http://www.commerce.wa.gov.au/ConsumerProtection/Content/Shopping/For_traders/When_customers_want_a_refund.html**

When customers want a refund

Your customers can return goods for a refund (or for a repair, replacement or a credit note) if the item:

- ◇ has a fault that wouldn't normally have been detected at the time they bought it;
- ◇ is not the same as described by the salesperson, or on a label or sign, or in an advertisement, or does not match the sample they were shown;
- ◇ is not suitable for the customer's intended use as they described to the salesperson before they bought it.

What sort of remedy?

Do you offer a repair or a replacement item; or do you refund their money or offer them a credit note?

The rule of thumb here is: what is "fair and reasonable"?

Consumer Protection believes that, if it is possible to have the item repaired to your customer's satisfaction, then you should be given the opportunity to do that, providing the time to do it is not excessive.

If it can't be repaired, or the customer does not want to wait for a repair, then you should offer a replacement or refund. In such instances, you can offer a credit note, but the choice of a replacement, a refund or a credit note is the customer's - not yours.

The goods do not have to be returned with the original packaging, but your customer must be able to show proof of purchase, such as a receipt. Price tags, credit card statements and cheque butts are not necessarily considered proof of purchase.

Your customers have no legal right to a remedy if they have simply changed their mind, or the item is an unwanted gift, or the wrong size etc. However, under such circumstances, if the salesperson agreed at the point of sale to give a refund if the item proved not suitable, this may become a 'condition of sale' and they may insist on a refund.

Some stores have a very flexible and customer-friendly policy of exchanging goods. They do this for good will, not because the law requires them to.

"No Refunds" signs

Under the Trade Practices Act and Fair Trading Act, certain store signs relating to refund practices are illegal.

Here are some examples of illegal signs:

"No refunds" "No refunds on sale items" "No exchanges"

The GM food debate

On 10 March 2009, Noelene Hartley and Valdene Buckley attended a public forum: GM crops: the risks and benefits with Moe Parr (USA) who was sued by Monsanto & Ross Murray (Canada).

When I attended a GM Forum - see details above - I went not as a convert, but to find out more from people who have had first hand experience with growing Genetically Modified (Engineered) crops. After intense critical listening, I now find I am very concerned about the long term benefits of growing of these crops commercially in WA. The following points seem to be in issue:

- ◇ GM canola is being marketed as higher yielding but the test commercial crops in the Eastern States in 2008 do not support this view. (I am aware that there were drought conditions.)
- ◇ Argument about lowering pesticides is questionable, given the GM - Monsanto - sprays do not kill some of our most rampant weeds.
- ◇ The loss of long term markets into Japan and Europe.
- ◇ The inability to segregate GM from non-GM varieties, given that cross pollination can occur over a 20 km radius from the parent crop. Ross Murray was adamant that at best we would merely slow the process down by a few years.
- ◇ Becoming a mono-crop economy - consumers and farmers having no choice, and the choice controlled by Monsanto who are at best a company with a very poor ethical record.
- ◇ The legal requirement imposed by Monsanto on farmers who sign up to the scheme - that they must sell all this grain and each year buy new seed, fertiliser and herbicides from Monsanto. If Monsanto comes to control the entire market, we need to ask ourselves if prices still be fair in the future.
- ◇ The legal onus (As a farmer's daughter I think this is a huge issue!) is on farmers to keep their crops GM free and not on Monsanto to avoid contamination. Since the grain will be tested at CBH, Monsanto will be able to identify farmers who have inadvertently grown their product. In the US and Canada farmers in this situation have been subjected to litigation.
- ◇ Possible health risks - stomach ailments, enlarged livers and male sterility were mentioned. I found it difficult to 'believe' the risks - there seemed to be a lack of independent research on which to base judgments. However, there is (I think) a question mark about health issues that should be resolved before embarking on growing that cannot be reversed.
- ◇ The lack of independent research on which to base judgments. (Again I think this is a huge issue - our unis are no longer independently funded - much of the research dollar comes from corporations with vested interests.) Kim Chance, as you are no doubt aware tried to set up research looking at animal feeding to a fourth generation, however the research was blocked when Monsanto would not release the seed. (This situation seems to hark back to the mis-information around cigarettes in the 1950s.)

Valdene Buckley

CONSUMER COMMENT

The issue of GM is complex and it is difficult for consumers to know what to believe. Equally credible authorities seem to endorse both the stance for and against. For those wishing to do more research into the issue there are a list of websites below. Please note that the sites were current at 20 April 2009 but some may no longer be active or they may contain updated information.

I particularly recommend that you read Judy Carmen's 'Is GM Food safe to eat'.

Valdene Buckley

Websites supporting trialling GM crops

<http://www.agric.wa.gov.au/content/FOOD/gmtrialsvideo.HTM>

<http://www.grdc.com.au>

Websites against trialling GM crops

<http://www.iher.org.au/Judy%27s%20Hindmarsh%20Chapter.htm>

IS GM FOOD SAFE TO EAT? By Dr Judy Carman. PhD, MPH
Affiliate Senior Lecturer, Dept of Public Health, University of Adelaide, Public Health Association of Australia Spokesperson on GE foods

This document appears as Chapter 5 in the book: Recoding Nature: Critical Perspectives on Genetic Engineering, edited by Richard Hindmarsh and Geoffrey Lawrence and published by the University of New South Wales Press in February 2004. The text of the chapter appears on pages 82 to 93 of the book, while the references appear on pages 228 to 229.

<http://www.geneethics.org>

http://www.non-gm-farmers.com/news_details.asp?ID=1491

Network of Concerned Farmers

A Western Australian website dedicated to keeping WA GM free – looks at current issues from the viewpoint of WA farmers. Julie Newman is the main spokesperson.

<http://www.wilderness.org.au/articles/peter-cundall-gm-rally-wa-oct08/?searchterm=%20GM>

Wilderness Society - 'Keep WA GM free' Rally in Perth

On October 30, 2008 - hundreds of people turned out in a Perth rally to Parliament

The GM food debate continued . . .

House – to send the message to the new Liberal Government that farmers, consumers and environmentalists do not want genetically modified crops being grown in WA.

Email links: to Terry Redman and Colin Barnett. Suggestions about what to include.

Our Right to Know: GM food label petition | Greenpeace Australia ...

Sign the petition asking the Federal Health Minister to introduce comprehensive labelling and testing of food products derived from GM crops.

www.greenpeace.org/australia/take-action/online/genetic-engineering/our-right-to-know-gm-food-lab

http://biologicafood.com.au/index2.php?option=com_content&do_pdf=1&id=82

ABC 7.30 Report 28 Nov: Mixed reaction to GM crop ban (Jan 01, 2008 at 05:10 PM) -

<http://www.iher.org.au/Lea-Stevens-Apr04.htm>

Open letter from the Institute of Health and Environmental Research, Adelaide to Hon Lea Stevens, Minister for Health in South Australia, 16 April 2004

[www.madge.org.au/Docs/Report%20on%20abstracts%20on%20pro-GM website.doc](http://www.madge.org.au/Docs/Report%20on%20abstracts%20on%20pro-GM%20website.doc) -

Report on a List of Abstracts On GM Crop Safety by Dr Judy Carman, July 2006

<http://www.truefood.org.au/newsandevents/?news=34>

Video: Moe Parr talks about getting sued by Monsanto

16 March 2009

In February 2007, Monsanto initiated a law suit against Moe Parr. The biotech company claimed that Moe had encouraged farmers of genetically engineered (GE) soybean to save their seed.

<http://www.truefood.org.au/newsandevents/?news=30>

North American farmers warn of GE crop dangers

26 February 2009

North American farmers Moe Parr and Ross Murray are on the road to share their experiences of genetically engineered (GE) crops with Australian farmers. GE food crops have been grown in North America for over a decade.

WA political party policy re GM

Greens WA

<http://www.wa.greens.org.au/policy/geneticmodification>

Genetic Modification Policy

The Greens (WA) oppose plant and transgenic animal genetic engineering and the release into the environment of genetically engineered micro-organisms, because of the failure of the genetic engineering industry to demonstrate that it is operating safely and ethically in these areas. Genetic engineering offers the potential for enormous good and enormous harm and therefore should be treated with caution. The Greens (WA) support current human biomedical genetic engineering research which is conducted in accordance with scientific principles and appropriate ethical principles.

Goals

The Greens (WA) want:

- ◇ the principle of unsafe until proven otherwise be applied to the release of genetically altered organisms into the environment
- ◇ independent research carried out under appropriate conditions of safety for those involved and for the public and biosphere at large
- ◇ no adverse impact on non-GE producers or consumers
- ◇ no approval of the patenting of life forms.

Initiatives

The Greens (WA) will encourage and support legislation and actions that:

- ◇ maintain Western Australia's moratorium on GMO crops
- ◇ introduce mandatory notification, assessment, licensing and monitoring of all genetic engineering proposals, including strict environmental impact assessment by an independent scientific panel
- ◇ support genetic testing for defined and serious diseases
- ◇ oppose genetic testing for other characteristics including cosmetic characteristics
- ◇ make results of genetic tests available only to the individuals concerned or their parents or guardians unless with the informed consent of those individuals/parents/guardians
- ◇ prevent access to work or health care cover or services being denied on the basis of genetic information relating to the future likelihood of disease or disability
- ◇ oppose research into herbicide resistance in plants as it encourages the continued use of pesticides and herbicides, which is ecologically damaging, and can create weeds, insects and viruses which are resistant to known controls
- ◇ resist monopolisation of seed sources or animal breeding stocks by a limited number of multinational corporations
- ◇ work with governments to protect traditional sources and supply of plant and animal species and varieties, to maintain national seed stock reserves of plant

The GM food debate continued . . .

- ◇ and animal species, and to actively support market access to these reserves
- ◇ support a transition to sustainable agricultural production which prohibit the use of artificial petro-chemical based pesticides and herbicides, and has lower carbon emissions
- ◇ ensure protections against adverse impacts of genetic engineering are properly monitored and any breaches prosecuted
- ◇ support the principle of non-patentability of gene nucleotide sequences, coding or non-coding, from the genomes of all organisms. We oppose the commercialisation of the human body
- ◇ support the patenting of adequately defined products or processes resulting from research on specific gene sequences if they derive from true inventiveness or from suitably described applications of proven originality
- ◇ ensure that patents should be for as short a period as possible, with an upper limit of 17 years
- ◇ support the concept of compulsory licensing if a patent has been granted for three years and the patent holder has unreasonably refused to grant a licence, thus preventing the progress of legitimate research and development on a patented invention.

Food Labelling

The Greens (WA):

- ◇ demand that the consumer be fully informed of the application of genetic engineering technology to food products. Food labels must specify if the organism forming the base of the product (plant or animal), has been genetically altered or if the product contains substances derived from genetically altered organisms; and
- ◇ support the setting up of secure regions where growing or releasing genetically modified organisms is not allowed. This will assist to protect the integrity of existing life forms and give consumers a choice between GE and non-GE products. The location and weather patterns make Western Australia an ideal GE Free Zone.

Nationals WA

http://www.nationalswa.com/news/pdf/090312_TR_RMA%20Breakfast%20vision%20for%20Agriculture.pdf

Quotation from Terry Redmond's speech, *AGRICULTURE IN WA - MAKING EVERY HECTARE COUNT - Food, Fibre and Fuel for the Future* presented to *The Rural Media Association, 12 March 2009*

'With new technologies, we shouldn't be afraid to dip our toe in the pool – or the gene pool, as it may be with GM crops. This is an issue that will continue to create much debate, but I maintain that we will approach it with caution and with our eyes wide open – to both the potential risks and the opportunities.

Liberals WA

http://www.wa.liberal.org.au/index.php?option=com_content&view=article&id=505:fast-tracking-agriculture&catid=54:loop-news-category&Itemid=109

Email: Shadow Agriculture Minister Gary Snook, 18 August 2008

WA Labor

<http://www.wa.alp.org.au/news/0409/15-03.php>

Press release: Mick Murray MLA, Shadow Minister for Environment;

Date: **15 April 2009**

Agriculture Minister Terry Redman has broken his own commitment by placing at least three GM canola trial sites within areas that had declared themselves GM crop free, Shadow Agriculture Minister Mick Murray said today.

<http://www.wa.alp.org.au/news/0409/09-03.php>

Press release: Mick Murray MLA, Shadow Minister for Environment;

Date: **09 April 2009**

The Barnett Government's proposed trials of GM canola crops has hit a major hurdle with the passing of a disallowance motion in the Legislative Council this afternoon, Shadow Agriculture Minister Mick Murray said today.

<http://www.wa.alp.org.au/news/0409/08-05.php>

Press release: Mick Murray MLA, Shadow Minister for Environment;

Date: **08 April 2009**

Farmers who trial genetically modified canola can expect to face huge legal costs if their GM canola seed contaminates the seed of their non-GM canola neighbours, Shadow Agriculture Minister Mick Murray said.

<http://www.wa.alp.org.au/news/0409/07-04.php>

Press release: Eric Ripper MLA, Leader of the Opposition & Mick Murray MLA, Shadow Minister for Agriculture

Labor will support the Greens in calling on the Barnett Government to bring forward the disallowance motion to halt the ill-considered trial of GM crops in Western Australia, Labor Leader Eric Ripper said today.

Date: **07 April 2009**

Mick Murray MLA

<http://www.wa.alp.org.au/news/0409/02-08.php>

Agriculture Minister Terry Redman today failed to convince the 13 regional shires that have declared themselves GM canola free that they would be quarantined from the trials, Shadow Agriculture Minister Mick Murray said.

Date: **02 April 2009**

<http://www.wa.alp.org.au/news/0209/27-01.php>

Mick Murray MLA, Shadow Minister for Agriculture

Premier Colin Barnett today confirmed that Japanese buyers are fearful about the introduction of GM canola crops to Western Australia, Shadow Agriculture Minister Mick Murray said today.

Date: **27 February 2009**

The GM food debate continued . . .

For those who wish to be active against GM in WA you can do the following:

Ring the Minister for Agriculture and Food – Terry Redman and complain to his office:

Hon DT Redman
Minister for Agriculture and Food
11th Floor Dumas House
2 Havelock St
West Perth WA 6005

PH: 9213 6700

Fax: 9213 6701

Email: Minister.Redman@dpc.wa.gov.au

Ring your Shire to support them in being GM free

For your shire contact details go to www.walga.asn.au

Shires who have voted FOR GM are:

Brookton, Bruce Rock, Cunderdin, Northampton, York. Contact them if you wish to express your concerns about them allowing GM in their shires

Ring your local radio station: request your Shire be GM free/support your shire in its GM free status

Write letters to your local papers extolling the virtues of being GM free

If you wish to take more direct action and are looking for a group you can assist, contact the following:

Organic Growers Association of WA **(08) 94531783**

Gene Ethics **1300 133 868**

GM Seminar update

The proposed seminar on GM that is being organised by the National Council of Women will take place later in the year. The seminar aims to raise awareness about the lack of information and knowledge as to how these new foods effect nutrition in individuals.

At this stage it is proposed that the guest speakers will be Eileen Atwood and Judy Carmen and the focus will be in nutrition and labelling laws pertaining to GM

Consumers' Association of WA (Inc)
Locked Bag 14
Cloisters Square WA 6850

www.consumers.asn.au

Membership and Fee Payment Form

CAWA was established in 1974 to provide consumer representation to business and government.

Our main objectives are to:

- ◇ represent the views of consumers in Western Australia
- ◇ investigate and act on issues of concern to consumers
- ◇ provide a forum for the discussion of matters of common interest to consumers
- ◇ encourage consumer education.

New Membership

Name _____

Address _____

Phone _____

Fax _____

E-mail _____

Areas of interest _____



A reminder that annual subscriptions are now overdue for 2008-9, and should be forwarded to the Treasurer.

Once again, I am delighted with the contributions made by CAWA members to the second *Consumer Comment* newsletter for 2009.

There are several ways in which you can make a contribution. You can bring a short keyed or hand written report to meetings, or mail your contribution to my home address. However, to save keying time I would prefer to receive an emailed, electronic copy or be given the information on CD. The material should be formatted as a word document.

Please keep up the contributions in the next three months for inclusion in the final issue of *Consumer Comment* for 2009.

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CONSUMER COMMENT