

## President's chat: Feb—Mar 2010

The New Australian Consumer Law has presented CAWA with new issues to consider. The COAG initiatives to Australian Consumer law will bring enormous changes and CAWA is concerned about the role of the Consumer Protection Division within the Department of Commerce once uniform sets of laws covering many areas of consumer protection come into operation – with particular reference to protecting Western Australian consumers of course.

Although COAG initiatives favour the support of consumer organisations, we note that the peak body Consumers' Federation of Australia (CFA) is unable to obtain funding while CAWA also struggles to find the resources to move forward. With National/trans-Tasman legislation will there still be a role for small state consumer organisations such as CAWA who have traditionally lobbied the WA Government through the Department of Commerce?

In the past the Department of Commerce maintained a register of concerned consumers and promoted consumer representation at all levels. By what future means will the Consumer Protection Division ensure that the Western Australian consumer voice is heeded in the making and execution of government policy? This is particularly relevant to the new Australian Consumer Law.

As part of proposed changes to WA Building Legislation, the Building Disputes Tribunal (BDT) is due to become part of the State Administrative Tribunal (SAT). Currently, Building Disputes Tribunals are comprised of three persons: a legal chairperson, a builder member and a consumer representative. SAT does not have consumer representatives. Consumer Representatives on the Building Disputes Tribunal frequently influence the decision making process and play a considerable role in ensuring outcomes are fair and reasonable. Does this mean that consumer representatives will no longer be a part of the BDT post 2010? How can consumers be confident of similar representation in the new Building Disputes process?

Three of our members met with the Consumer Protection Minister, Mr Buswell on 29<sup>th</sup> July, 2009 primarily in an attempt to stay the incorporation of the Building Disputes Tribunal into the State Administrative Tribunal but also highlighting some of our other priority concerns, including Trading Hours. Since the meeting we've had no acknowledgement or any correspondence from the Minister's office. Discussion between members suggests that never before has CAWA had such poor treatment from a Minister.

Western Australia has traditionally had a 'Board system' to oversee regulation of various industries. Currently, there is a move to abolish the Motor Vehicle Industry Board. The Hairdressers Board has been abolished. Whilst Boards can be seen to be costly, they provide a forum for industry representatives and concerned parties, such as consumers, to meet and

formulate strategies to regulate industry. The Board process required an annual parliamentary report that gave decision making a degree of openness and transparency.

In a previous newsletter we capitulated on an extension of trading hours to 8 pm weeknights, not because we are entirely in favour but we'd like to get this issue off the Government's agenda. Perhaps then they could give greater consideration to more important issues than supermarkets. In light of the current Parliamentary stoush on the subject you'd think CAWA's opinion would have some relevance and I will take yet another opportunity to rant on the subject later in the Newsletter.

The usual lack of time and resources has prevented us making a detailed submission on the Retirement Villages Act although most of us feel strongly about the issues involved. We would like to see an end to lease for life contracts together with the provision of a lot more appropriately-scaled serviced homes in residential communities where consumers can choose to rent or buy in an open, transparent and competitive market.

Other issues in the newsletter include comments on fresh food safety, unit pricing and building legislation. GM and Nanotechnology also rate a mention, being issues where consumers need more education and understanding to make informed choices. If we only had a Western Australian Consumer Advocacy Centre... It is now many months since the Treasury, through Consumer Voices, recommended increased support to consumer organisations but we haven't heard a whisper. In an effort to garner support and increase awareness amongst WA consumers of how we go in to bat for them, we are distributing this edition of Consumer Comment more widely than usual – if you would like more copies, email us at [info@consumers.asn.au](mailto:info@consumers.asn.au)

Genette Keating