STATUTES (REPEALS AND MISCELLANEOUS AMENDMENTS) BILL 2008

Second Reading

Resumed from 19 March.

MR M. McGOWAN (Rockingham) [1.36 pm]: I am pleased to indicate that I will not be the lead speaker on the Statutes (Repeals and Miscellaneous Amendments) Bill 2008. In fact, the shadow Attorney General, the member for Mindarie, who has done a sterling job on the previous legislation, is now getting himself across the few hundred clauses of this legislation so that he can give us a scintillating address on it. This legislation has 141 clauses; I will therefore defer to the member for Mindarie as the lead speaker on it.

This legislation is an omnibus bill. Omnibus bills present opportunities for a multitude of uncontroversial statutory reforms to be dealt with as part of one piece of legislation, and therefore the house is not delayed by having to deal with 141 separate pieces of legislation that would otherwise be necessary to pass the amendments contained in this bill. It is expected, naturally, that every two or so years one of these pieces of legislation will come along. This bill deals with repealing a range of laws that are no longer necessary, acts of Parliament that are very outdated and no longer required or relevant, and in some cases acts that appear quite archaic and strange to the modern eye. We therefore repeal those laws by this technique. On top of that there are often a lot of uncontroversial amendments to be made to legislation, and there is a process to ensure that nothing is slipped into the legislation unwittingly.

Let us say that this legislation was brought on for debate late on a Tuesday evening, when members may not examine it with the extreme level of analysis and scrutiny that goes on for other laws that pass through this house. Let us imagine that on a Tuesday evening, after a long sitting day, legislation such as this was brought on for debate. It is possible that something could be put into the legislation that would otherwise be regarded as controversial and it could pass without attention. I could think of numerous examples, and I suspect the shadow Attorney General could come up with some. However, this legislation has been before the Legislative Council Standing Committee on Uniform Legislation and Statutes Review for detailed scrutiny. Whilst never wishing to overly rely on the Legislative Council's advice and assistance, I hope that the Legislative Council has done its work and examined the legislation to ensure that there are no major difficulties with it.

I have reviewed the clauses of the legislation, and most of the Statutes (Repeals and Miscellaneous Amendments) Bill 2008 appears to be reasonably uncontroversial. One or two clauses—for example clause 91—seem to be longer and more detailed than the other clauses. I expect that the Attorney General, when he returns to the house, will provide us with some advice about that clause. It is, of course, traditional that when a minister's piece of legislation is being debated, the minister remains in the chamber to listen to the debate. That is the convention with legislation, because otherwise what is the point?

Mr R.F. Johnson: Can I explain that I'm listening on his behalf, and so is one of his staff? He will respond to any comments made today that he deems necessitate a response, which very often happened in your government, my friend! It is nothing unusual!

Mr M. McGOWAN: As the member is aware, that is not the convention; I always remained in the house when my legislation was brought on to hear members' contributions. If Parliament is taken seriously by ministers, that is the practice that should be adopted. Also, ministers should always respond to third reading debates. That is the practice that has been adopted, and it was always my practice to respond to points made in Parliament. The role of a minister is to ensure that the debate is listened to and the points advanced by elected members of this house—members elected by the public of Western Australia—are examined by the government, even if they are dismissed. That has always been the normal convention, and I note that it did not happen with the last piece of legislation that came through the house a few minutes ago. I think that would have been appropriate. The Leader of the House obviously does not have any respect or regard for the conventions and practices of Parliament.

Mr R.F. Johnson: Yes, I do, my friend! That's why I try to pull you up when you forget them!

Mr M. McGOWAN: If he did, he would know that is not an appropriate way for ministers to behave. I am sure that ministers in the present federal government and the former federal government acted in that manner when they had legislation in the house. It is a pity that ministers in this place do not do the same.

I noticed that clause 104 has some considerable changes to its provisions, encompassing more than just technical changes, as do clauses 102, 100, 79, 78, 77 and 71. These clauses provide for seemingly complex amendments to various laws, and whilst we accept that this is meant to be an uncontroversial piece of legislation, I request that some explanation be given about the changes to those clauses.

I want to dwell on clause 27, which incorporates an amendment to the Cemeteries Act 1986 by deleting existing section 39, which relates to redeveloping a portion of a cemetery. I raise that issue in this context and ask for some advice from the Minister for Local Government about how that provision relates to a certain situation. The situation I will relate to the house concerns the closure of East Rockingham Pioneer Cemetery on 30 June 2009, which has caused immense distress to constituents in my electorate of Rockingham. East Rockingham Pioneer Cemetery has been in existence for a very long time, probably more than 100 years. Soldiers who returned from World War I are buried in that cemetery, as are many members of the pioneering families of Rockingham; indeed, a number of my family members are buried in that cemetery. It is a very special place to the people of Rockingham, particularly those with family members buried there.

A number of my constituents received a letter from the City of Rockingham about the closure of East Rockingham Pioneer Cemetery. The letter advised them that the cemetery will close on 30 June 2009, and unless they obtain a renewal of their grant to bury a relative in an existing plot, or a plot purchased that lies alongside a family member—a child, a husband or wife, a parent—they will forfeit their right to a burial in that cemetery. It is very distressing to people. The only way to obtain a renewal of that right is to pay a fee, which, dependent upon when they obtained their original grant, is roughly $1 500. To obtain the right to be buried in that cemetery at some point in the next 25 years, they have to pay $1 500. That is the first issue. I find it amazing that to retain a right on a plot that they currently have a right over or have reserved, or a plot that contains a child or a spouse of theirs, they have to pay a fee of $1 500.

But it gets worse than that. The letter indicates to recipients that if they were to pass away in excess of 25 years from 30 June this year, they will no longer have the right to be buried there. This has caused huge distress to many of my constituents, because of course some people have buried a child in the cemetery and were hoping they would be buried with their child. Because the cemetery will close to new burials 25 years from now, it may mean that they will be unable to be buried with their child if their lives last longer than 25 years, which they probably will. I reiterate, so that members understand the point I am making, that this letter states that my constituents have to pay a fee of $1 500 to retain the right, but the right expires 25 years from 30 June this year. After that time there will be no further burials; therefore, they will not be able to be buried with their family member. A mother who has a child buried at the cemetery contacted me; it was very distressing to her that if she were to pass away in excess of 25 years from now, she will not be able to be buried with her child, and I agree with her. It is extraordinary! It is bureaucratic nonsense!

The letter indicates that the Governor of Western Australia has authorised the closure of the cemetery as of 30 June 2009. The Governor acts only on the advice of the government. If the Minister for Local Government has issued that edict, on which the Governor of Western Australia signed off, it is unacceptable to me that the women in my electorate are being told by the Governor of this state that they cannot be buried with their children. I find it completely and utterly unacceptable bureaucratic rubbish that mothers in my electorate have that sort of an impost and dictate put upon them about how they can spend eternity. I think they should be given the right, if they live more than 25 years from now, to be buried with their child. It is a complete and utter disgrace that the Minister for Local Government signed off on this particular decision. This decision must be changed. People should not have to pay $1 500 for the right to be potentially buried with their family members, and they should not be excluded from being buried with family members—particularly a child—25 years from now.

I say to the Minister for Local Government that, if he has agreed to that, it will be on his head when he starts to get correspondence from my constituents on this issue. I will be encouraging all my constituents to take up with the minister the reasons he is denying mothers the opportunity to spend eternity with their children. I will not let this matter rest. I expect that a change will be made to this law. The minister and the government will continue to hear about this issue month in and month out, year in and year out, until they change this edict that will impact on mothers in my electorate. The opposition will obviously be supporting this legislation. However, I urge the minister to explain to the house how clause 27 of this bill will apply to the situation that I have raised, and whether he is prepared to intervene to allow mothers in my electorate to be buried with their children.

MR J.R. QUIGLEY (Mindarie) [1.51 pm]: The Statutes (Repeals and Miscellaneous Amendments) Bill 2008 is a comprehensive piece of legislation that proposes to make minor amendments to nearly 140 pieces of legislation. As has been pointed out by the leader of opposition business, the member for Rockingham, the bill has received a great deal of scrutiny by the Standing Committee on Uniform Legislation and Statutes Review of the Legislative Council, under the previous government, when it was titled the Statutes (Repeals and Minor Amendments) Bill 2008. I am sure that both this chamber and that chamber will rely on the work of that committee to a large degree when we deal with the bill. Many of the amendments in this bill are grammatical rather than substantive amendments. However, I hope that the Attorney General will be able to help me with a few clauses of the bill. I say that because the explanatory memorandum is an awesome document comprising

nearly 200 pages, and I am having some difficulty relating that to the legislation before us. I have a particular concern about the proposed amendments to the Adoption Act 1994 that are contained in clause 18 of the bill. Clause 18(5) seeks to insert a new section 52(2) into the Adoption Act to deal with the age differential for prospective adoptive parents—that is, the maximum age that parents can be past the age of child whom they are seeking to adopt.

The ACTING SPEAKER (Mrs L.M. Harvey): Order! Would the member for Jandakot please ensure that his phone is turned off so that it does not create further disturbances today.

Mr J.M. Francis: I apologise for that, Madam Acting Speaker.

Mr J.R. QUIGLEY: Similarly, in clause 130, I cannot follow the proposed amendment to the Video Tapes Classification and Control Amendment Act 1991 to delete sections 4 to 12. Perhaps the Attorney could provide an explanation of that as well. I do not intend to take up the time of the chamber on any individual clauses of the bill because, as I have said, we support the legislation, and it has also been scrutinised by the Standing Committee on Uniform Legislation and Statutes Review. However, I have looked at the bill reasonably closely to ensure that the Attorney General, at the behest of the Leader of the House, is not doing something sneaky like reintroducing the death penalty by way of minor amendment in this miscellaneous amendments bill! The bill appears to me to be pretty innocuous. I commend the bill to the house.

MR C.J. TALLENTIRE (Gosnells) [1.55 pm]: The Statutes (Repeals and Miscellaneous Amendments) Bill 2008 proposes to make a number of minor amendments to pieces of legislation. However, when we scratch a little deeper, we find that a few areas need to be noted. I would particularly like to hear from the Attorney General about clause 54, which relates to prosecutions under the Environmental Protection Amendment Act 2003. We know that a lot is going wrong with environmental protection in this state and that prosecutions are just not taking place. There could be a number of reasons for that. This bill actually highlights one of the problems that we are facing. That problem is the complexity of much of the environmental legislation in this state. We know that, even when it is glaringly obvious to the public that something is going wrong with environmental protection and complaints are made, the number of prosecutions does not tally with the number of complaints. That is particularly the case when it comes to land clearing. That is exactly what clause 54 is referring to. The Auditor General has looked closely at the effectiveness of the legislation that deals with land clearing, and he noted in his 2007 report that there is a serious problem with the investigation of cases of illegal land clearing.

Clause 54(3) of the bill states —

> In section 111(5) delete "Section" and insert:
>
> Sections 70(3) to 11 and

The problem is that the word "Section" does not actually appear in section 111(5) of the Environmental Protection Amendment Act. Subsection (5) of that act states —

> Before a vegetation conservation notice containing a requirement under subsection 4(b) is given to a person the CEO shall, by written notice given to the person, invite the person to make submissions to the CEO within such period as is specified in that notice on any matter relevant to the determination of whether or not the person should have to take the specified measures.

Therefore, I do not see how the proposed amendment to section 111(5) will apply. I look forward to hearing the Attorney General's advice on how that matter can be dealt with.

Debate adjourned, pursuant to standing orders.