

Mr Bill Johnston; Mr David Templeman; Mr Mark McGowan; Mr Chris Hatton; Acting Speaker; Mr Paul Miles;  
Ms M.H. Roberts; Dr Kim Hames; Mr John Quigley; Ms Janine Freeman; Mr Colin Barnett; Ms M.H. Roberts;  
Ms Rita Saffioti; Mr Chris Tallentire

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**STATUTES (REPEALS) BILL 2013**

*Second Reading*

Resumed from 20 November 2013.

**MR W.J. JOHNSTON (Cunnington)** [7.01 pm]: Madam Acting Speaker, I see that the green daily business program has the Statutes (Repeals) Bill 2013 as item 5. That is why we were confused on this side of the chamber. I rise to lead the opposition's contribution on this bill. The government introduced this bill with a certain amount of fanfare last year. The government told us that the bill forms part of Repeal Day, and I quote the Premier from the second reading speech —

... this government's commitment to removing unnecessary acts and regulations from the statute book. Repealing these 43 acts will represent another step towards simplifying government processes and follows previous efforts to remove redundant legislation and reduce the number of government boards and committees. Cleaning up the statute book will assist the government's legislative program and parliamentary business generally by reducing the number of separate amendments that must be considered when undertaking legislative change.

The Premier went on to say —

In November 2012, the Legislative Council's Standing Committee on Uniform Legislation and Statutes Review tabled a report entitled "Inquiry into the Form and Content of the Statute Book", which identified acts that may be obsolete and that it recommended should be repealed. The report's findings were complementary to this government's commitment to modernise the statute book. I acknowledge the work of the committee, which directly contributed to the development of this bill.

The first question upon which we will seek clarification is: why were all the recommendations of the committee not taken up? I, too, join the Premier in congratulating the work of Hon Adele Farina, MLC, the Labor member for the South West Region, who chaired the committee, and her fellow committee members. I draw the chamber's attention to appendix 1 of the report. This starts on page 9 and details all the acts that the committee recommended be repealed. Each of those acts is footnoted to letters from various ministers outlining why these bills could be repealed. It will be interesting to learn why—I am sure the Premier will let us know at the appropriate time—all 48 pieces of legislation that were set out in appendix 1 to that report are not before us for repeal. I note on 8 November 2012 in a ministerial statement the Premier foreshadowed the legislation in part. He stated —

It was in this context I announced earlier this year the concept of "Repeal Day", a process loosely based on the corrections calendar procedure in the United States House of Representatives. As a result of this being the first such Repeal Day for the Western Australian Parliament, I will today introduce the State Agreements Legislation Repeal Bill 2012, which will remove five obsolete acts from the statute book.

He later stated —

If re-elected, this government intends to hold Repeal Day towards the end of each year for the remainder of our term in office.

That is why last year—the speech does not have a date on it—the Premier introduced this legislation. I know that a number of my colleagues will make a comment about particular legislation, but the one I want to focus on is the Fitzgerald Street Bus Bridge Act 1991. I think it is probably worth understanding how that bill came into existence. In 1991, two Labor members of Parliament had resigned from the Labor Party and sat on the cross-benches—namely, Dr Alexander, who was the member for Perth, and Mr Donovan, who was the member for Maylands. I sure Madam Acting Speaker would know that. Dr Alexander was particularly opposed to the building of a bus bridge across Fitzgerald Street, which of course was required by the construction of the Esplanade bus station. Without that bridge, people could not effectively use the bus station because it would have been harder for buses from the northern suburbs to get to the Esplanade station. Despite the fact that the bridge was required, Parliament passed a law moved by Dr Alexander and supported by Mr Donovan to legally prevent the building of a bus bridge at the end of Fitzgerald Street. Interestingly, it passed because the Liberal opposition voted for it. It always interested me that when the bus bridge was built by the current government slightly to the west of the alignment planned back in the 1990s, I assumed that the fact that it was a couple of hundred metres west of the original alignment is why the government did not comply with that act. The very short act required a vote of Parliament. It did not prevent the bridge from being built, but it required a majority vote in both houses to authorise the construction of the bridge. It was one of those petty politics of the time. I am sure Dr Alexander, given it was his electorate, had particular reasons, but I could see the members of the

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opposition salivating about the idea of causing trouble for a government. Indeed, that is what it did. Of course, the same Liberal Party in government simply reinterpreted the legislation in the way it needed to get whatever it wanted done.

It is interesting to read the note to appendix 1 in this report about that legislation. The Minister for Planning wrote to the committee to explain why that legislation was no longer required. We can see that, as in everything, if we live long enough, we will see both sides of every argument. Clearly, not many Liberal members are left from 1991, but there is a couple, including the Premier. We are now repealing what all those people did for that political tactic all those years ago. I know that the member for Mandurah is particularly looking forward to discussion about the Mandurah cemeteries legislation that we are repealing—that is, the Mandurah Church Burial Ground Act 1947.

I want to make another point about this legislation. The legislation being repealed today is not about reducing red tape. It might be about reducing red tape for the government, because, as the Premier said in his second reading speech, the government will not have to amend other acts that are no longer effective. However, I can assure members that no-one or no small business in my electorate has ever come to me to ask for the repeal of the Fitzgerald Street Bus Bridge Act! That just never happens. Indeed, I do not recognise any of the laws that we are repealing today as being ones about which any member of the community has ever come to me and said, “My business can’t operate unless you repeal this legislation. The Guildford Cemeteries Act 1936 is preventing me from running my business.” That has never happened and I cannot imagine that it ever will happen. I admire the government; it got a couple of good headlines by adopting in part the report of the Legislative Council. There may well be good reasons why the other acts cannot be repealed at this time, and I look forward to having that explained, but let us understand what is happening: this is an easy way for the government to get itself a headline by repealing redundant legislation that does not impact on anybody. I had a look at the Western Australian Meat Marketing Co-operative Limited (Shares) Act 2003; it was all about some specific transaction that took place at that time that needed specific legislation. Reading the act, I assume it was to exempt the transaction from stamp duty and to effect some sort of restructure that was needed at that particular time. Yes, it is redundant legislation and yes, it is a good idea to repeal redundant legislation, but let us not pretend that that is somehow going to reduce red tape.

It is also interesting that people sometimes say, “Oh, well, think about the pages of laws that are passed by Parliament.” This is a favourite topic of some conservative commentators; they say, “Oh, the Parliament is going crazy, it’s passing all these laws. There are too many pages of legislation.” I thought that would be an interesting issue to have a look at. I have a very good research officer working for me, only two days a week—she is a real gun—and I got her to go and look at all the pieces of legislation passed during the first term of the Barnett government, because I thought it could account for itself. In 2008 we had the Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2008; we had the Fines, Penalties, and Infringement Notices Enforcement Amendment (Compensation) Bill 2008; the Road Traffic Amendment (Hoons) Bill 2009; the Co-operatives Bill 2009; and the Busselton Water Board (Supply of Water to Dunsborough) Bill 2009. I am sure these are all important pieces of legislation —

**Ms M.M. Quirk** interjected.

**Mr W.J. JOHNSTON:** Some indeed. I wondered whether that came to 500 pages of legislation that had been passed. I thought that 500 pages was a fair number, but perhaps it was more. Was it 1 000 pages of legislation? It is interesting, because it was actually more than 1 000 pages; in fact, it was 1 470 pages in 2009 alone. That is not the total of the legislation passed by the Barnett government in its first term. In fact, that is now four reams of paper, which is 2 000 pages, and that still does not represent how much legislation was passed in the first term of the Barnett government; it is actually more than that. There is 2 500; do we think it might be 3 000 pages, perhaps? Could members imagine that it was 3 000 pages? Actually, it was more than that! We now have 4 000 pages, and we still —

**The ACTING SPEAKER (Ms L.L. Baker):** I am just wondering whether the member sought permission for the props!

**Mr W.J. JOHNSTON:** That is 4 000 pages of legislation passed, and we are not finished yet. Here we go.

An opposition member interjected.

**Mr W.J. JOHNSTON:** I am trying not to do that because I am afraid it will fall over!

We now have 5 500 pages, and one would think that for a government committed to getting rid of red tape, 5 500 pages would be the limit for the first term of the Barnett government, but sadly that was not it; that was not the

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end of the amount of legislation passed in the first term of the Barnett government. Do we think 6 000 pages is enough? But there is more: 6 500, 7 000, 8 000 —

**The ACTING SPEAKER:** Member, are we getting to the point?

**Mr W.J. JOHNSTON:** We are nearly there.

**The ACTING SPEAKER:** I think you need to remove them. They look a bit dangerous.

**Mr W.J. JOHNSTON:** There should be another 1 000 pages. There are 9 000 pages of legislation, but even that was not actually the limit; it was 9 178 pages of legislation passed by the Barnett government in its first term.

**The ACTING SPEAKER:** Thank you, member. Could we have the little pixies who are helping perhaps remove those now so that they do not fall on anyone's head, please? Thank you, members.

**Mr W.J. JOHNSTON:** I just want to make the point that it is easy to talk about reducing red tape, but I can barely see over the top of the amount of legislation that was passed in the first term of the Barnett Liberal government—9 178 pages of legislation. If people want to judge governments on their actual performance and not by what they talk about, that is what happened. I thank Penny Bond for putting all that together for me and making that calculation. I could not believe that that was how much legislation the government passed, but it did, and that is just primary legislation. It does not count the thousands and thousands of pages of subsidiary delegated legislation and other matters, such as rules and regulations et cetera. It does not matter what governments talk about; it is what they do that counts, and just as in so many other areas of legislation, we can see what the achievements of this government are. The Premier could stand and quite rightly say that they are all important pieces of legislation; absolutely, but in 20 or 30 years' time, someone will repeal those as well. The problem is that the legislation we are repealing is redundant legislation. We are not talking about reducing red tape; this is not a red tape reduction process.

It is just the same as the nonsense the government talks about in respect of the number of committees. In his second reading speech the Premier alluded to the government's achievement in reducing the number of committees in Western Australia, and in his 2012 Repeal Day comments he also talked about that. But it is interesting that, of the 1 200 committees in WA at the time the Barnett government won office, most of them still exist. It is not that they ceased to function; they are just no longer counted. What happened was that the Barnett government asked, "How many committees were there under the former Labor government?" It got all the agencies to undertake a count of how many committees they had. It then said, "We want to reduce those", but of course, like any other government, it found that it was hard to actually reduce the number of committees, so it then said, "You're not a committee if there's nobody being paid to attend the meetings", and almost all of the 642 committees—I will not be quoted, but I will be happy to look at the exact figure; it is in a tabled paper—simply ceased to be counted. It is not that they ceased to exist; they were just no longer counted. It will be interesting to see whether the Premier will update the committees that he said were going to be abolished and where the government is at with that process of abolishing committees. Most of the committees that were listed to be abolished actually required legislation, so it will be interesting to see how many of those actions have been taken.

As I say, we can have a look at each of the individual acts that are being repealed by this legislation, such as the Albany Lot 184 (Validation of Title) Act 1956, and it may well be that that is a redundant act, but it is not in any way a contribution to red tape.

Recently we dealt with legislation that sought to increase land tax, which is a complex issue. There have been over a long period many reports outlining proposals for reform; indeed, the Economic Regulation Authority published another report outlining proposals for land tax reform at the end of June. It will be interesting to see whether the government grasps that issue. Certainly, it is raised with me as a member of Parliament and, I imagine, with most other members of Parliament. Members need only think of one of my favourite reports "Reducing the Burden: Report of the Red Tape Reduction Group", which was jointly chaired by the now Minister for Police and Hon Ken Baston from the other house. Almost all the recommendations in that report await action. This government is not committed to reducing red tape; indeed, as I have already outlined, it passed 9 178 pages of laws in its first term. If I had known this legislation was coming on tonight, yesterday I would have asked my research officer to update her count. I point out that in 2013 another 565 pages of legislation were passed. I imagine that if we counted the number of pages of legislation passed by the government in 2014, that number would have already been surpassed. That is just legislation and does not include pieces of subsidiary legislation, rules and other government decision-making.

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It is also interesting that last year when the government was asking Parliament to amalgamate Verve and Synergy—Verve being the electricity generation corporation and Synergy the electricity retail corporation—to form the electricity retail and generation corporation that is now called Synergy, the government was in possession of a letter from the Australian Competition and Consumer Commission that pointed out that passing the legislation would require more red tape for industry participants. It pointed out that the only way that the amalgamation of Verve and Synergy could be achieved would be to introduce reams and reams of detailed rules and regulations, which is exactly what happened. The very complex legislation that the government brought to Parliament had subsidiary regulations and, beyond that, rules. There were hundreds and hundreds, if not thousands, of pages of additional red tape because of the merging of Verve and Synergy. It is interesting that last week the Minister for Energy tabled the market review, which has recommended the separation of the electricity retail and generation corporation into separate retailers and generators, which the report describes as structural separation. It is interesting that the government knew that merging the two would create that red tape—it was told that in advance by the ACCC—but it proceeded with the legislation in any case and now, before the ink is dry on the merger, it has been recommended that the government reverse the amalgamation of Verve and Synergy to re-create what will effectively be “mini Verves” to operate independently of each other and to potentially sell them as well.

**Mr P. Papalia:** It would be funny if it wasn't so sad.

**Mr W.J. JOHNSTON:** And if it was not a serious matter.

The government identified problems with onshore gas exploration in the Canning Basin as contained in the state agreement act with Buru Energy, yet it has provided no response for the onshore gas exploration industry. This government likes to talk about these things, but it is not doing anything about them. Of course, there is a regulatory gatekeeping unit in the Department of Finance. The member for West Swan found it entertaining when the Minister for Finance explained that although there is a regulatory gatekeeping unit, it does not provide regulatory gatekeeping for budget decisions or election promises. There is another item that is also not subject to regulatory gatekeeping process, but I have forgotten it. There is a regulatory gatekeeping unit, but it does not keep any regulatory gates! The government has a commitment to set down a repeal day, but it has added thousands of pages of legislation over its term. The Liberal government averaged more than 2 000 pages of legislation in each year of its first term. It has a commitment to reduce the number of government committees, but that commitment has been reflected by the way committees are now counted. Committees are now counted in a new way to artificially represent the disappearance of committees when, in fact, they are just no longer being counted. As the member for Girrawheen pointed out, the government introduces legislation, but once it passes, it does not proclaim it and it does not come into effect. Senior government positions remain vacant for months and months. The Department of Health has gone without a head for a year. The position of Commissioner for Children and Young People remains vacant, as do a whole range of government positions. Even the position of Governor of Western Australia is vacant. I have never heard of a government not knowing who it will appoint as Governor once the serving Governor leaves office. Yes, that appointment is made by the Queen, but, of course, it is made only on the recommendation of the Premier of Western Australia. Like so many other parts of this government's operations, it is happy to talk about things, but if we judge it on the basis of what it does, the outcome is different.

Changes that would have had an impact on businesspeople have not been made. The biggest change to the regulatory burden in Western Australia was, of course, the freeing up of the liquor industry to create more opportunities for investment and more jobs in the industry. That was done by the Leader of the Opposition when he was in government. It is interesting to note that the number of mines opened under the former Labor government far exceeds the number of mines opened under the current government. Under the former Labor government, employment in the resource sector went up, whereas now employment in the resource sector is starting to decline and there are predictions that it will decline steeply. The government has created all these issues for itself. As I say, I am interested to know how repealing the things that will be repealed through the Statutes (Repeals) Bill 2013 will have an impact on the level of red tape for businesses. Clearly, that is what the government outlined and why it chose to repeal only the pieces of legislation in this bill and not the balance that was recommended to it in the Standing Committee on Uniform Legislation and Statutes Review's seventy-ninth interim report from November 2012. It would be interesting to know what legislation the Premier had in mind to get rid of when he spoke in November 2012 without, at that point, having seen the report. It is interesting that the Premier references the United States and says that he wants to model the Repeal Day process on that in the US House of Representatives. It is also interesting to note that the US House of Representatives is passing more and more laws and that the number of laws in the United States is increasing. We need an opportunity for some real change.

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If the Premier really wants to assist small business, he should think about some of the things that the Labor Party has proposed; for example, the Premier could provide a public lease register. That would be additional red tape, but it would open up the market to provide more information to small business. If small businesses have more information, it is easier for them to plan their business. If they have more information, it is easier for them to get a better outcome for their business. That would be a genuine way in which the Premier could assist small business, rather than repealing the Native Mission Stations Act 1923. We could have a regulatory gatekeeping unit that actually dealt with regulations, regardless of how they were created, and every time a regulation was created, the government would have to justify it. At the moment, we have a regulatory gatekeeping unit that does not get to do any work because no matters are referred to it. If the Premier wants to help small business, he might like to bring in a skilled work jobs bill, similar to the two bills that the Labor Party introduced in the last term of this government, because that would be a way of ensuring that work is available for small business in Western Australia. If the Premier has a commitment to small business, he might look at the system of purchasing that sometimes mitigates against small business. If the Premier wants to assist small business, rather than repealing the Ocean Gardens (Inc.) Act 2004, although I am sure there are good reasons for that —

**Mr C.J. Barnett:** There are.

**Mr W.J. JOHNSTON:** I will be very pleased to hear all about that, Premier. I can talk to the Premier now or later.

**Mr C.J. Barnett:** About 10 years ago there was a lot of contention in debate about Ocean Gardens and people's entitlements and the like. It is a very good thing to get that off the statute book.

**Mr W.J. JOHNSTON:** I look forward to having that explained.

**Mr C.J. Barnett:** While I am interjecting, I think that removing from the statute book the Native Mission Stations Act, which you scorned getting rid of, is a good thing.

**Mr W.J. JOHNSTON:** No; I have already endorsed that.

**Mr C.J. Barnett:** I think it is a good thing to remove issues such as native missions from our statute book.

**Mr W.J. JOHNSTON:** Absolutely, Premier; in the same way that I think it is very important for us to improve —

**Mr C.J. Barnett:** You are trivialising this bill, but there are very good reasons for getting some of those things off the statute book.

**Mr W.J. JOHNSTON:** As I said, I look forward to the Premier supporting the inclusion in our Constitution an acknowledgement of the prior occupation of Western Australia, as set out in the bill introduced by the member for Kimberley, because that will be very important to the future of Western Australia, in the same way that I look forward to the repeal of the Native Mission Stations Act 1923. I am not for one second saying that we should not repeal it; I am pointing out that it is not about reducing red tape. That is the problem, Premier. There is a big gap between what is contained in the second reading and what the bill actually does.

**Mr C.J. Barnett:** Does the second reading talk about red tape? Does it?

**Mr W.J. JOHNSTON:** Yes, it does, because it says that it is part of Repeal Day, and Repeal Day is part of the concept that the Premier created to deal with red tape.

**Mr C.J. Barnett:** The words "red tape" are not in the second reading speech.

**Mr W.J. JOHNSTON:** No, because the Premier did not need to use them. He talked about Repeal Day, which he had already outlined as part of his strategy to reduce red tape. I do not understand why the Premier would raise any other issue.

**Mr P. Papalia** interjected.

**Mr W.J. JOHNSTON:** This is Children's Book Week and I heard about a book, but I will talk about that another day.

**Ms M.H. Roberts:** It's called "Cantankerous Colin"!

**Mr P. Papalia:** It's called *Cantankerous King Colin*!

**Mr W.J. JOHNSTON:** It is probably written by a backbencher in the Liberal Party.

**The ACTING SPEAKER (Ms L.L. Baker):** Member, we should stick to debating the bill.

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**Mr W.J. JOHNSTON:** I am doing my best. I look forward to reading that book. I might read it in the chamber one day.

**The ACTING SPEAKER:** Not while I am Acting Speaker!

**Mr W.J. JOHNSTON:** I refer to the Spear-guns Control Act 1955. I am sure there are excellent reasons for repealing that act. I am sorry; that is one of the acts that did not get picked up by this bill. I refer to the Tamala Park Land Transfer Act 2001. I will be interested in the explanation of why it is important to repeal that act but it was not important to repeal the spear-guns act. It is easy to talk about these things; it is hard to have an impact. Passing this legislation is probably well deserved and overdue. The fact that it did not happen probably reflects on other governments, not only the first-term Barnett government, but also previous governments. However, this bill is not a red tape reduction strategy. If the Premier says that it is not part of his red tape reduction strategy —

**Mr C.J. Barnett:** I did not say that at all.

**Mr W.J. JOHNSTON:** Is it part of the Premier's red tape reduction strategy?

**Mr C.J. Barnett:** I am not going to respond. You have another two and a half hours to fill in. Keep going.

**Mr W.J. JOHNSTON:** The clock shows I have 26 minutes.

**Mr C.J. Barnett:** You have two and a half hours.

**Mr W.J. JOHNSTON:** Why is that?

**Mr C.J. Barnett:** Because then it is 10 o'clock.

**The ACTING SPEAKER:** Members, just remember Hansard is trying to record the member on his feet with the call.

**Mr W.J. JOHNSTON:** Thank you very much, Madam Acting Speaker. I desperately needed protection from all the members on my own side who are trying to give me a hard time!

If it is not part of the Premier's red tape reduction strategy, that is fine; that does not worry me. If it is part of his red tape reduction strategy, it is not working. We will repeal 9 178 pages of laws. I am sure that the repeal of these laws is well timed and that they well deserve to disappear into the ether, but it will not change the amount of red tape that people suffer in their businesses, it will not reduce taxation and it will not create employment or economic activity. It will do none of these things. If the Premier is not selling this bill on that basis, I welcome that, but he should not come into this place and talk about Repeal Day, because Repeal Day was clearly set out as being part of his red tape reduction strategy. In November 2012, the Premier talked about the Public Sector Commission's report "Government boards and committees", dated 21 September 2012, which outlines the fact that most of the committees were eliminated by a process of redefining them. I will give members an example. The report lists 140 boards in the Department of Agriculture and Food as having been abolished or ceased. However, when the report states "ceased", it does not mean that the boards ceased to act; it means that they ceased to be counted. We do not know how many of those 140 boards were abolished.

**Mr P. Papalia** interjected.

**Mr W.J. JOHNSTON:** The Potato Marketing Board still exists!

The report indicates that committees have been redefined and includes matters that are not relevant. This is a way of governments dressing up their behaviour when, in fact, they are not doing anything. I challenge any Liberal backbencher to get up in this debate and explain how repealing these pieces of legislation will assist any small business in Western Australia at all. I cannot see how these repeals will make any difference to any people running small businesses in Western Australia. If any member of the backbench of the Liberal Party can stand up and explain that, I look forward to it, but I do not imagine it will happen. I imagine that what will happen is that there will be a brief second reading response from the Premier in which he thanks members for their contributions and might outline why—there might be good reason for it—some of the 48 pieces of legislation that were outlined in appendix 1 of the report could not be included in the Statutes (Repeals) Bill and why they might get included in a statutes repeal bill at the end of this year. If this is all the government's plan is for reducing legislation, it will not have any impact on the operations of the economy in Western Australia. There will not be any significant change to the amount of red tape through this process. I imagine that when we get to the end of the year and the Premier has another Repeal Day and another statutes repeal bill is introduced to deal with more legislation listed in the report, he will issue another press release that might get a couple of inches in the newspaper, but it will not make any difference to the operation of small business in this state. If the Premier wants to address those issues, I am happy to have a debate about those as well. As I say, the best thing the

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government can do for small business, particularly small retail business, is to introduce a lease register so that they at least know the basis of the negotiations they are having.

**Mr P. Papalia:** And stop putting up land tax.

**Mr W.J. JOHNSTON:** And stop putting up land tax. One of the things that people do not realise about land tax is that it is passed through to small business. I think I have outlined this before. Many small businesses have very little capacity to increase prices, so an increase in land tax comes out of their profit; effectively, it falls on the wages that small business people pay themselves, because the large companies that own shopping centres that are being charged the land tax just pass it on.

The member for Girrawheen has very kindly provided me with the media statement of 8 November 2012, which is the day the Premier gave his ministerial statement. He put out a media release announcing Repeal Day. It is interesting to read the headline of that media release. It is alongside a very kind photograph of the Premier. The headline states “Inaugural Repeal Day to cut red tape”.

**Mr C.J. Barnett:** This bill is about statutes repeal. Other measures that this government has done have cut red tape significantly. It is all part of the process.

**Mr W.J. JOHNSTON:** The media release states —

- **Annual day of Parliament to be dedicated to removal of obsolete legislation**
- **Five superseded Acts of Parliament to be repealed**

Back then, it was the five redundant state agreement acts. Of course, the number one agreement was the Kingstream agreement. The Premier got very upset when we debated that one.

**Mr C.J. Barnett:** Don’t forget your side wanted to give Kingstream \$100 million.

**Mr W.J. JOHNSTON:** That is just false.

**Mr C.J. Barnett:** They did. It was a policy in government.

**Mr W.J. JOHNSTON:** It is just not true. It is absolutely not true.

**Mr C.J. Barnett:** Former member Julian Grill advocated it in this chamber—a \$100 million gift to Kingstream.

**Mr P. Papalia:** Do you live in the past?

**Mr C.J. Barnett:** You raised it. I’m just telling you what happened.

**Ms M.H. Roberts:** Alannah could have done a better job than you.

**The ACTING SPEAKER:** Members!

**Mr W.J. JOHNSTON:** Alannah did a better job than the Premier.

**Mr C.J. Barnett:** She might well come back as Leader of the Labor Party; who knows?

**The ACTING SPEAKER (Ms L.L. Baker):** Members! The member for Cannington has the call. Can we continue the debate on the bill, not on members who are no longer in the chamber.

**Mr W.J. JOHNSTON:** The quote is interesting. It states —

“The State Government is committed to reducing unnecessary red tape in Western Australia, and an annual day of Parliament dedicated to removing obsolete legislation will go a long towards this,” the Premier said.

The Premier specifically connected Repeal Day. He said that this bill forms part of Repeal Day. What is Repeal Day? According to the media release —

“The State Government is committed to reducing unnecessary red tape in Western Australia, and an annual day of Parliament dedicated to removing obsolete legislation will go a long towards this ...

I think he said that this was one plus one equals two. If the Premier says that Repeal Day is about getting rid of red tape and this bill is about Repeal Day, it must be about getting rid of red tape, but it does not get rid of red tape because, as far as I am aware—if he can point out that I am wrong, please do—the 32 pieces of legislation in the bill do not appear to impact on small business. As I outlined at the start of my speech about the Fitzgerald Street Bus Bridge Act 1991, some of them are just the echo of the short-term political behaviour at the time. Some were probably very important at the time, such as what happened with the York Cemeteries Act 1933. I imagine that in 1933 that was very important legislation; and, if I had been alive at the time, I probably

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would have supported it. However, this is not about reducing red tape. I am not going to unnecessarily delay the house.

**Mr M. McGowan:** You're just going to necessarily do it!

**Mr W.J. JOHNSTON:** Yes! This is not about red tape reduction. It is about Repeal Day. It is about what the Premier talked about in his media release of 8 November 2012. It will not have any impact on small business.

**Ms M.H. Roberts:** There have been dozens of these statutes repeal bills over the years.

**Mr W.J. JOHNSTON:** Of course, but it is only the second time it has been part of Repeal Day.

This is worthy legislation based on a report by Hon Adele Farina, who is a fine member of Parliament and does excellent work on behalf of her constituency and the people of this state. It is a great report; it is good work—the sort of work that committees do. Most of us are part of a committee; they do great work. They get rid of the politics and get to the heart of matters, as we all know. The government is implementing some of the recommendations, but I am interested to know why the rest are not being implemented. It is all important work, but it has nothing to do with red tape. The Liberal government passed 9 178 pages of legislation in the first term, and who knows how many thousands of pages there have been since then? There is a regulatory gatekeeping unit that does not keep any regulations. There are practical, sensible policies that could help small business now, such as amending franchising rules. These are all things that could be done now and they would actually have an impact on small business, but none of those is on the agenda of this government. We will support the legislation because, of itself, it is fine, but it does not do the things that the government is claiming it will do.

**MR D.A. TEMPLEMAN (Mandurah) [7.47 pm]:** I would like to make a contribution to the debate on the Statutes (Repeals) Bill 2013, and I do so in a nostalgic way because, essentially, this bill is expunging, in some ways from history, some bills that were passed in this place and had significance, particularly at the time they were passed, and were a snapshot of the history of either a community or the state at a particular time. I am particularly interested in the Mandurah Church Burial Ground Act 1947, which, as it states in the explanatory notes, is essentially no longer required and therefore will be expunged from law. I want to go back to 11 December 1947 when Hon H. Tuckey, the member for South-West in the other place—the Tuckey name, of course, is synonymous in history in the Mandurah and Peel region because the Tuckey family, along with a number of other families, was one of the first non-Indigenous families to be present in the Mandurah and Murray area—in moving the second reading of the Mandurah Church Burial Ground Act 1947, said —

This is a short but nevertheless rather important Bill, as it provides for the closing of the cemetery at Mandurah. This cemetery is 78 years old and, owing to the extension of the town, is now practically in the middle of the townsite.

What an interesting concept. In 1947, Christ's Church, as it is known now, was practically in the middle of the town site. When we consider that that was over 60 years ago and the growth that has taken place in the town over that time, it is remarkable that the church then was considered to be in the middle of the town site. We now know that the City of Mandurah has extended kilometres inland and kilometres north and south. Hon H. Tuckey said, later in his speech —

It is only five or six chains from the Post Office and on every side there are permanent dwellings, whose water supplies are drawn from wells. The land has never been proclaimed as a cemetery site under the Act and there appears to be no authority which can prevent the continuance of burials there.

I understand from the second reading speech and the explanatory notes that one of the reasons this bill was introduced was concern over the impact on drinking water from the nearby wells for people who live in proximity to the church. Because of concern over the possible contamination of water, the decision was made that a new cemetery was required in Mandurah. Hon H. Tuckey makes an interesting point later in his speech when he talks about the need for a new cemetery outside the township.

**The ACTING SPEAKER (Ms L.L. Baker):** Member, I am struggling to get the relevance to the bill.

**Mr D.A. TEMPLEMAN:** We are going to expunge this legislation, which is why I wanted to talk about its significance.

Hon H. Tuckey said that there was a need for a new cemetery outside the township. What is now known as the old cemetery can be found in Boundary Road in Mandurah, which in 1947 was supposedly outside the township. That site is now very much inside the township. This bill essentially seeks to close the cemetery, as the 1947 legislation was introduced to close the Christ's Church cemetery for any future burials. I read through the Mandurah Church Burial Ground Act 1947—it is only about four pages long—and the key sections in that act, which we are expunging with this bill tonight, highlighted the offence that would be committed if anyone sought

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to bury anyone in the Christ's Church cemetery after 1 January 1948. Back then, the penalty was about £50. We can imagine that that would have been a deterrent to anyone who wanted to sneak into Christ's Church cemetery, dig a hole and bury someone. This act was amended in 1971, from memory, to update the fines to decimal currency. The act as it stands now, before it is expunged, provides that unauthorised disposal of a body in the grounds of Christ's Church Anglican Church in Mandurah would incur a fine of \$100. That is what the fine would be as it stands today.

I am not going to go on too much longer with this, but there is a significance. Tonight we have heard the member for Cannington talk about how the government is blustering about how wonderful it is that it is reducing red tape. I understand and accept his argument totally, but we also need to remember that we are expunging history—in this case an act that affects the city in which I have lived for over half my life and in which I am bringing up my family. This cemetery is located at Christ's Church Anglican Church, which sits on an area of about an acre of land on the corner of Pinjarra Road and Scholl Street, bordered by Church Street to the north and Sutton Street to the east. The Anglican church has been part of Mandurah's history since 1829, and many of the district's early settlers are buried in that churchyard, including Thomas Peel, the district's first non-Indigenous settler. After the original church was destroyed by fire in 1870, the current church was built in 1871, and extended in 1994. I am proud to have been part of the fundraising effort that saw the church extended in 1994. It was an amazing community effort. This church is of considerable historical significance for the people of Mandurah and for the state. It is one of only a few remaining heritage sites and is on the state and local inventories.

I want to pay tribute to the Reverend Darryl Cotton, who has been the parish priest at Christ's Church since 2008. I had the great pleasure of being at the citizenship ceremony for Darryl and his wife, Lee, on Australia Day 2013. He was very excited, not only because he was custodian of Christ's Church, and respected the significance of the church in which he was the parish priest, but also because he was part of the long history of the church in Mandurah. From memory, I have known at least five or six of the parish priests of that church in the time that I have been in Mandurah. Like many before him, he has understood not only the important role he plays as leader of the congregation and representative of the Anglican faith, but also the significance of the church.

I want to expose something. I cannot pull it out because of my tie.

**The ACTING SPEAKER:** I would rather that you did not.

**Mr D.A. TEMPLEMAN:** Under here is a cross.

**The ACTING SPEAKER:** Is it relevant, member?

**Mr D.A. TEMPLEMAN:** It is very much relevant. For the information of Hansard, I am thrusting from my chest a cross that was given to me by the Anglican parish men's group only a few months ago, when I presented a speech to them. I was the second billing, by the way.

**Mr C.J. Barnett:** Just the two billings, were there?

**Mr D.A. TEMPLEMAN:** I was the second choice because the Commissioner of Police was supposed to attend and could not come. I was already going because I wanted to hear the commissioner. Because he could not come, they said, "Since you are coming, could you speak to us?" I said that I would be very pleased to speak to them, which I did. They gave me this gift. This cross is made from an original piece of wood taken from the railing of one of the pews in the church when it was rebuilt in 1871. I wish I could recall the name of the gentleman who gave this to me. He made them when the church was extended and those pews were taken away. He used the wood to make many of these crosses, although they are a limited edition. I wear it very proudly because I am a member of the Anglican faith, though some would say that I am a fallen member of the Anglican faith.

**Mr I.C. Blayney:** You can't be a fallen Anglican.

**Mr D.A. TEMPLEMAN:** That is good. I am glad of that. Thank you, brother from Geraldton.

I know that the local museum in Mandurah, which has a well-documented history of the district, will be very interested in my speech because it highlights the significance of a bill that was passed in 1947 that reflected on the need to ultimately protect the water supplies that were then drawn from the wells. Hon H. Tuckey introduced this act that we will be expunging tonight through the Statutes (Repeals) Bill. It was an act to protect the water supply and ensure that no further burials could take place without a special permit from the minister on the site at Christ's Church. I do not think we should allow this significant act to be jettisoned into the history books without at least reflecting on its importance back in 1947. It was significant in that it was part of a time line of the City of Mandurah, as it is now known. The act was introduced at a time when the population would probably have been

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fewer than 100. I wanted to ensure that the significance of the act was at least highlighted in this bill that we are now debating and supporting. The Mandurah Church Burial Ground Act 1947 will no longer be enacted or, indeed, potent. It will now be impotent. It will be an act that will not be potent at all. I did not want this bill to pass without reflecting on the importance of this act in the history of the city in which I live.

Again, I pay tribute to the parishioners and the volunteers and Reverend Darryl Cotton for the work that they do as custodians of a very important and significant historical site in the City of Mandurah. It is very, very important.

**MR M. McGOWAN (Rockingham — Leader of the Opposition)** [8.04 pm]: The sad thing about speeches made on Tuesday night is that not many people listen to them. We are listening. It is a great tragedy because the member for Mandurah's speech was rich and detailed. It gave us an explanation of the history of the Anglican Church and his own religious beliefs. Were there people in the gallery and were members of the broader press here tonight, they would have been intensely interested. The speech that was even more well researched, if that is possible, than the member for Mandurah's speech was the member for Cannington's speech. He did a great deal of work to research the amount of legislation that the Barnett government has produced in its time. He managed to place an extraordinary display of paper in front of him. The amount of effort he went to to illustrate the very good point that he made was great. I find it disappointing that we make these speeches on a Tuesday night and, unfortunately, not many people in the press gallery are here. I thought that point was very good. Whilst on the one hand the government is out there with the broader message that it is repealing things and getting rid of red tape and legislation, on the other hand, laws are being passed everywhere that undermine that.

I wanted to raise something that the Premier said. Unfortunately, he is departing the chamber. I am sure the other members present will enjoy this. Tonight we are dealing with the Statutes (Repeals) Bill 2013 to repeal various obsolete acts. The Premier made a speech in which he stated that the bill forms part of Repeal Day—the government's commitment to removing unnecessary acts and regulations from the statute book. Did members hear that? He spoke about the bill being part of Repeal Day. It is an important point. If we go to the Premier's statement on this issue on 18 February 2014, at the start of this year, we find that he said —

Once again, the government will set aside one week of this parliamentary year for Repeal Week to remove laws and regulations from the statutes that have become redundant or are an impediment to competition and small business getting on with business.

Back at the start of the year, in the Premier's speech setting out the agenda for the year, there was Repeal Week in black and white to deal with those redundant laws and let small business get on with business. In the space of six months, Repeal Week has now become Repeal Day, without an explanation. We can make it a Repeal Week, I suppose. It is within our capacity to do so. I am confident that the member for Cannington and various other members are able to help the Premier meet his commitment. If he will not meet his commitment, we will help him meet his commitment and make this Repeal Week because that is what the Premier said this will be. If he said it is—as he said, he never breaks his promises—we will help him deliver on his commitment of Repeal Week to this house.

I also note in the Premier's statement of 18 February 2014 that he said there will be "continued focus on removing and reducing red tape". All of this is based upon his speech of February this year, which is about removing and reducing red tape and helping small business get on with business, and it was meant to be a Repeal Week.

What do we get out of all that effort, all that verbiage, that was designed, no doubt, to give an impression to the public and the media of this state that this was a government getting on with business and getting rid of laws? If we look at the explanatory memorandum to this bill, we find that virtually every one of the laws being repealed has a paragraph at its conclusion explaining why it is being repealed. It says things such as —

the Act was no longer relevant ... the Act is no longer necessary ... Even if it is not repealed the provisions are no longer effective as other laws of inheritance have been enacted.

If we go further, it says things such as —

The Act has no continuing effect ... The Act has no continuing purpose ... the Act serves no ongoing purpose ... The Act has no continuing purpose.

In other words, the laws we are getting rid of in this bill have no purpose.

**Mr C.J. Barnett:** So let's get rid of them quickly.

**Mr M. McGOWAN:** No, the Premier missed it. The Premier missed the crucial part of my speech.

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**Mr C.J. Barnett** interjected.

**Mr M. McGOWAN:** I cannot believe that the Premier chose that moment to leave the chamber, because I know that he would have loved to hear this. The Premier committed in February to Repeal Week and is offering us only Repeal Day, so we want to give him that Repeal Week. We want to give him that Repeal Week because he says all the time that he never breaks his promises. We are going to help him. It must have been an administrative oversight. How could it have been anything else? Repeal Day, as contained in the Premier's second reading speech —

**Mr J.R. Quigley:** Repeal evening!

**Mr M. McGOWAN:** That is right—repeal evening! That is what the Premier wants to do for the people: “We want to help you.”

**Dr K.D. Hames** interjected

**Mr M. McGOWAN:** There we go! There is grumpiness, if ever I heard it.

**Dr K.D. Hames:** You keep yelling all the time. I am trying to focus.

**Mr M. McGOWAN:** I want to make sure the Deputy Leader of the Opposition can hear.

**Mr M.P. Murray:** And me too!

**Mr M. McGOWAN:** The Deputy Leader of the Opposition might recall that he said some shocking things to the member for Collie–Preston about that issue.

**Dr K.D. Hames:** That's only by accident.

**Mr M. McGOWAN:** The Deputy Leader of the Opposition said some shocking things to the member for Collie–Preston before, but I want to make sure that he is in the picture as well.

In any event, Repeal Week has become Repeal Day, and apparently, according to the Premier, we are dealing with that this evening, so it is repeal evening. We do not want it to be that because we want the Premier to deliver on his promise.

The point I am making is that once again the government says one thing and then it does another. In the Premier's Statement in February the Premier referred to Repeal Week. The current second reading speech refers to Repeal Day. The Premier says one thing to get the media hit, the reality is another, and he hopes no-one finds out. The Premier did not count on my five minutes of research. I had a recollection that the Premier had said something different. I asked for a copy of the Premier's speech at the start of the year and, bingo, there it was! It does not take much to catch out the Premier. My five minutes of research has caught out the Premier on that. If I were to check the media back in February when the Premier made his speech, no doubt it would show that he received some positive publicity for this week-long expunging of the impost on small business, because that is what the Premier said. He said that it would take a week to get rid of statutes that have become redundant or are an impediment to competition and to small business getting on with business. I have been through the bill. I cannot find one statute that is an impediment to small business, such as the Toodyay Cemeteries Act 1939 —

**Mr J.R. Quigley:** What about the Carnarvon Electric Lighting Act 1924?

**Mr M. McGOWAN:** There is also the York Cemeteries Act 1933. There are a lot of them. The repeal of imperial acts and even these acts, as the Premier explicitly says in the second reading speech, are no longer effective. In other words, they have no impact, so how is this a burden on small business? Where are the laws that this Repeal Week was meant to be bringing in to free up small business from these burdens that the Premier has been claiming? Where are they? They are not in this bill.

**Mr C.J. Barnett:** No, they are not in this.

**Mr M. McGOWAN:** I know that the Premier is dealing with some important stuff, such as the Street Photographers Act 1947, the Kojonup Cemetery Act 1928—he has a fixation on cemeteries actually—and the Northam Cemeteries Act 1944. The member for Butler pointed out the Carnarvon Electric Lighting Act 1924. The Premier has a fixation on these interesting and dated laws that no-one even knows exist, that no-one applies and that have no relevance. However, I would love it if in this pan full of mud there was a speck of gold. I am panning around and looking for those laws that will free up small business and get rid of red tape, and I cannot find them. No doubt in our week of debate on this bill we will tease it out of the Premier in the consideration in detail stage. The point I am making is that once again the government says one thing and reality is another. The Premier says that his government will be a government of high standards. Today he forces members to resign from a committee.

Mr Bill Johnston; Mr David Templeman; Mr Mark McGowan; Mr Chris Hatton; Acting Speaker; Mr Paul Miles;  
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**Mr C.J. Barnett:** I am sorry, what did you say?

**Mr M. McGOWAN:** How did that all happen? Suddenly two members resign from a committee.

Several members interjected.

**The ACTING SPEAKER:** Members!

**Mr M. McGOWAN:** It is just amazing that it is months after it. The Premier no doubt had a few words to them: “You get off that committee and you show it’s a Labor committee.”

Several members interjected.

**The ACTING SPEAKER:** Members!

**Mr M. McGOWAN:** The Premier should deny he spoke to them, or deny that any of his staff spoke to them.

**Mr C.J. Barnett:** If you want to make an accusation against members of Parliament, do it.

**Mr M. McGOWAN:** I just did.

**Mr C.J. Barnett:** Do it.

**Mr M. McGOWAN:** I just did. The Premier is not denying it, I note.

**Mr C.J. Barnett:** Those members made their decision.

**The ACTING SPEAKER:** Members, I am on my feet! This is not relevant to the bill before us. I ask the Leader of the Opposition to refocus and address the bill that is before us.

**Mr M. McGOWAN:** I thought it was a relevant point, Mr Acting Speaker, on the theme of government saying one thing and doing another. But the Premier did not deny that he spoke to members; I note that.

**Mr C.J. Barnett:** I think those members can speak for themselves.

**Mr M. McGOWAN:** The Premier should deny it. I note that he does not.

Several members interjected.

**Mr M. McGOWAN:** I note the Premier does not deny it. If they want to speak on this issue, they should stand and speak. I am sure the Acting Speaker will sit them down, as he just sat me down in relation to it.

*Point of Order*

**Mr C.D. HATTON:** I am not sure what the correct procedure is at this point, but I do find that the points made by the Leader of the Opposition are inappropriate because I can categorically make a statement that the Premier did not speak to me.

Several members interjected.

**The ACTING SPEAKER (Mr P. Abetz):** I am sorry, members cannot take a point of order on a point of order, so I will deal with this point of order. It is not a point of order, member for Balcatta, but I urge the Leader of the Opposition to focus on what is before us.

*Debate Resumed*

**Mr M. McGOWAN:** It is an interesting coincidence, Mr Acting Speaker, that is all. That is the point I am making. It is an interesting coincidence.

**Mr C.J. Barnett:** What did you say to the media today?

**Mr M. McGOWAN:** I am sorry?

**Mr C.J. Barnett:** Did you speak to the media about those resignations?

**Mr M. McGOWAN:** Yesterday? Today?

**Mr C.J. Barnett:** Yes.

**Mr M. McGOWAN:** No, I have not. Has the Premier?

**Dr K.D. Hames:** You have just heard one deny it, so that means what you said is incorrect.

**Mr M. McGOWAN:** Hold on! The Premier or the Premier’s staff, is what I said. Did anyone from the Premier or the Premier’s staff speak to the member for Balcatta or the other member? I note that there is no response.

**Mr C.D. Hatton:** I don’t know whether that is the procedure or not.

Mr Bill Johnston; Mr David Templeman; Mr Mark McGowan; Mr Chris Hatton; Acting Speaker; Mr Paul Miles;  
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Ms Rita Saffioti; Mr Chris Tallentire

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**Mr M. McGOWAN:** Mr Acting Speaker —

**The ACTING SPEAKER:** Members, this is not a discussion time. This is debate on the bill before us.

Several members interjected.

**The ACTING SPEAKER:** Members!

**Mr M. McGOWAN:** The other thing I want to point out is that in the Premier's Statement, which indicated Repeal Week, of course, as I have said —

**Mr P. Papalia** interjected.

**The ACTING SPEAKER:** Member for Warnbro!

Several members interjected.

**The ACTING SPEAKER:** Members!

**Mr C.J. Barnett:** A disgraced chair of the committee.

**Mr M. McGOWAN:** Mr Acting Speaker, what an outrageous thing! The Premier has the member for Vasse in his ranks and he is attacking someone else for exposing issues in relation to it.

*Point of Order*

**Mr P.T. MILES:** Mr Acting Speaker, clearly the Leader of the Opposition is not adhering to your request to stay on the matters before the house right now, and I ask you to bring him back to the relevance of the matter.

**Ms M.H. ROBERTS:** Further to the point of order, I note that the Premier is continually interjecting and as a result the Leader of the Opposition is merely responding to those interjections.

**Dr K.D. HAMES:** Further to that point of order, the Premier was clearly responding to something directed at him and our member —

**Dr A.D. Buti** interjected.

**The ACTING SPEAKER (Mr P. Abetz):** Member for Armadale, points of order are to be heard in silence.

**Mr W.J. JOHNSTON:** On that point, the Speaker has on a number of occasions pointed out to the opposition in question time that just because a member is named by a person on their feet does not give the member any right to interject on the person speaking, and I would appreciate it if you could ensure that the Speaker's rulings are adhered to in this chamber.

**The ACTING SPEAKER:** I have repeatedly asked members to adhere to focusing on the bill and not to get sidetracked, and that is what I am asking them to do. Leader of the Opposition, the floor is yours.

*Debate Resumed*

**Mr M. McGOWAN:** Mr Speaker, I appreciate your ruling and I totally endorse it. All I would say is that when the Premier interjects across the chamber, as he does regularly in quite an un-Premier-like fashion, I might add —

Several members interjected.

**Mr M. McGOWAN:** — one will respond. I felt the nastiness seeping across the chamber today during question time. I responded and of course I was then called to order, but that nastiness does not just seep; it floods across the chamber. He was just attacking one of my colleagues very unfairly and so I responded.

**The ACTING SPEAKER:** Leader of the Opposition, if you do not focus on this bill, I will sit you down. I am going to give you one more chance.

**Mr M. McGOWAN:** I will come back to the bill. Obviously, in dealing with this legislation we will naturally want to go into some depth to determine what great savings to small businesses there are in the repeal of each of these laws, because that was the government's commitment. We will go into that in some depth during the consideration in detail stage of this debate to hold the government to account for what the Premier's speech promised at the commencement of this year. I do note, and the member for Cannington made the point quite well, that in his attempts to reduce red tape—here is an alleged one, although we know that removing laws that no-one even knows exist and do not apply anymore is hardly a red-tape reduction initiative—one of the things the Premier talked about was getting rid of government committees. I thought the defining feature of that entire debate was the Premier's announcement that a whole bunch of committees had been dispensed with, but the government changed the definition of committees. So a committee —

Mr Bill Johnston; Mr David Templeman; Mr Mark McGowan; Mr Chris Hatton; Acting Speaker; Mr Paul Miles; Ms M.H. Roberts; Dr Kim Hames; Mr John Quigley; Ms Janine Freeman; Mr Colin Barnett; Ms M.H. Roberts; Ms Rita Saffioti; Mr Chris Tallentire

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**Mr C.J. Barnett:** The member for Cannington has made the speech already!

**Mr M. McGOWAN:** I know! It was a very good point and I just wanted to make sure that the Premier knows that I heard it.

**Mr C.J. Barnett:** Why?

**Mr M. McGOWAN:** It is just so that the Premier knows I am listening. I think it is very important that people listen when others are speaking.

As I was saying, the committees were redefined and the redefinition was based on whether or not they were paid. So, the initial definition of a committee was redefined. I think the Premier came up with a figure of 1 200 committees or thereabouts that he said needed to be cut down to 500 or some such figure. I followed this matter very closely at the time when I was not the Leader of the Opposition. However, the redefinition was based on the fact that he defined a committee differently from the first definition. The second definition was: those for which people are paid versus those for which people are not paid. For those people who were not paid, it meant that their committee no longer existed; therefore, it no longer counted, so the government said that it had reduced significantly the number of committees. That is Orwellian, but it is another way that this sort of fraudulent language is used, saying, “We’re doing something about something and getting the media hit happening”, and then it transpires that the reality is something quite different. Here we have another example of it; namely, Repeal Week becomes Repeal Day, and apparently repeal evening, and all those claims about removing business regulation and red tape go up in smoke. That is what has happened. I must say in conclusion that we saw some good announcements of the laws to reform—obviously based on the policy I took to the last election—the planning laws, in particular —

**Mr J.H.D. Day** interjected.

**Mr M. McGOWAN:** As the minister knows, I released one just before the last election—in fact, a couple of times before the last election. I am sure the Minister for Planning knows that, given that he follows what I do very closely. As I said, the reform to the planning laws is a good set of laws but in the fine print, there it is: a tax increase for people in the regions! The government gets the positive media coverage. There it was on the front page of *The West Australian*. It is a good initiative overall but there it is in the fine print: everyone who lives in the regions who is currently liable for land tax, apparently, will be getting another tax impost. The government did not confirm it today but it virtually did. Once again we hear the government saying one thing so that it can get a positive media hit, then we find out the reality afterwards. We will wait and see what happens here, but I can only imagine the minister’s reaction as shadow Minister for Planning as he once was —

**Mr J.H.D. Day:** Only for four weeks, actually!

**Mr M. McGOWAN:** As I said, I was right. Had Labor done that when we were in government, I can only imagine the minister’s reaction to an increase in tax in that manner on people living in the regions. His reaction would have been one of absolute astonishment in those circumstances—maybe not the minister’s reaction, but his colleagues’ reactions would have been.

**Ms R. Saffioti:** You did the water licence charge!

**Mr M. McGOWAN:** Yes, that is right. There we go, the point has been made and it has been made fairly well.

**MR J.R. QUIGLEY (Butler)** [8.25 pm]: I rise to make a short contribution on the Statutes (Repeals) Bill 2013 before the house tonight. I say “short” because the Premier’s second reading speech itself was extraordinarily short. This evening the Leader of the Opposition pointed out that this legislation was trumpeted as part of Repeal Day. He said that it was not originally cast as part of Repeal Day, but that we were promised Repeal Week. The second reading speech does not go into any detail as to the reasons for particular clauses or particular enactment repeals, but simply refers to the tabled report of the Legislative Council’s Standing Committee on Uniform Legislation and Statutes Review, titled “Inquiry into the Form and Content of the Statute Book”, which identified acts that may be obsolete and recommended that they be repealed.

The report’s findings were complementary to this government’s commitment to modernise the statute book. Appendix 1 to the committee’s report identifies 48 statutes as obsolete. Of those 48 statutes, by my count, 18 are being repealed and two are being amended, leaving a whole swathe of legislation that the committee had identified as redundant. This is a fairly weak and insipid effort by the government to expunge from the statute book statutes that are no longer relevant. I will turn to one of the statutes as an example. I was reading the legislation when my leader was helpfully telling me to seek the call. I see from the committee’s report that number 42 on its list of obsolete acts is the White Phosphorus Matches Prohibition Act 1912. The White

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Phosphorus Matches Prohibition Act 1912 describes white phosphorus as being white phosphorus or yellow phosphorus, and prescribes it as an offence for someone to either manufacture or try to sell white phosphorus matches, and is punishable by a fine of £100. It then gives the powers to inspectors to enter premises to conduct investigations and to interrogate people who might be selling white phosphorus matches.

**Mr D.A. Templeman** interjected

**Mr J.R. QUIGLEY:** Yes, the member for Mandurah takes this a bit lightly, but it could also be yellow phosphorus matches!

**Mr M. McGOWAN:** Yes, seriously!

**Mr J.R. QUIGLEY:** Seriously, it could be! Now, of course, white phosphorus is a very volatile substance, but we all know that white phosphorus matches have not been manufactured anywhere since World War II. In the minister's response —

**Mr M. McGowan:** That is a big impediment on business!

**Mr J.R. QUIGLEY:** It is a big impediment on business because Sharp's tobacconist—it is not called that anymore; it is now T Sharp & Co pen shop—might be just on the brink of a great spring sale with white phosphorus matches! This could be impeding their business. The Minister for Health wrote to the committee on 7 September 2012 and said that the act —

... will be repealed as soon as appropriate arrangements are in effect for the regulation of white phosphorous matches under the Public Health Bill or the Medicines, Poisons and Therapeutic Goods Bill.

Nothing has happened since then. This act survived, along with 30 other pieces of legislation identified as redundant. These include the Spear-guns Control Act 1955. This is a good one—do not tell me this one is not redundant, member for Mandurah—the Year 2000 Information Disclosure Act 1999. The millennium bug might yet appear; it is here in the act! Also included is the Corporations (Taxing) Act 1990. A whole lot of imperial acts from the nineteenth century are identified as obsolete, including the Escheat and forfeiture of real and personal property (1834), the Executors Act 1830, the Factors act 1823, the Factors act 1825 and the Factors act 1842—all imperial legislation of the United Kingdom. After careful investigation by the Standing Committee on Uniform Legislation and Statutes Review, these imperial acts were identified as absolutely redundant: the Imperial Acts Adopting Act 1836, the Imperial Acts Adopting Act 1844, the Judgments Act 1839, the Judgments Act 1855 and the Mercantile Law Amendment Act 1856. All of these were identified by the committee as absolutely redundant but no effort was made by the government to repeal these acts in its Repeal Day or, as it shrunk to, repeal evening.

Also on the list is the Stock Jobbing (Application) Act 1969. I have dealt with the White Phosphorus Matches Prohibition Act 1912. The Hospital Fund Act 1930 is an act that will have absolutely no relevance at all. The following acts remain despite the committee identifying they are now obsolete and their effects have been spent: the Housing Societies Repeal Act 2005, the Western Australian Meat Marketing Co-operative Limited (Shares) Act 2003, the Machinery of Government (Planning and Infrastructure) Amendment Act 2002 and the Racing and Gambling Legislation Amendment and Repeal Act 2003. We will find out in consideration in detail why the latter act is only being partly repealed—that is at clause 7. Clause 4 repeals the Advance Bank (Merger with St. George Bank) (Taxing) Act 1998, which was identified as obsolete. At appendix 2 of the committee's report there are 16 pieces of legislation that have within them “specific sections in acts identified as obsolete” after consideration by the committee. Sixteen sections were identified by the committee as obsolete but not one of them is up for repeal.

Finally, a further 53 acts of Parliament were identified by ministers as requiring further investigation about whether they should be repealed. Of those 53, 14 are up for repeal. The opposition would like to find out during consideration in detail what is happening with the other 39. The Carnarvon Electric Lighting Act 1924 is being repealed. That piece of legislation exempted the Shire of Carnarvon from having to provide two specific blocks with electricity. Other acts have been identified by the government itself, including the Ocean Gardens (Inc.) Act 2004, the Tamala Park Land Transfer Act 2001, the Transfer and Use of Funds (Shires of Harvey and Waroona) Act 1991 and the City of Perth Restructuring Act 1993. The City of Perth is up to about its second or third restructure so do not tell me that that act is not redundant! There is also the Energy Corporations (Transitional and Consequential Provisions) Act 1994 and the Gas Corporation (Business Disposal) Act 1999—what is that there for these days? The list goes on: the State Energy Commission (Validation) Act 1978, the Anglican Church of Australia Diocesan Trustees and Lands Act 1918, the Anglican Church of Australia Lands Vesting Act 1892,

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the Anglican Church of Australia School Lands Act 1896 and the Canning Lands Revestment Act 1954. The Caves House Disposal Act has been dealt with. Continuing: the City of Perth (Lathlain Park Reserves) Act 1950, the City of Perth (Leederville Park Lands) Act 1950, the East Carey Park Land Vesting Act 1957, the Fremantle Reserves Surrender Act 1912, the Geraldton Agricultural and Horticultural Society's Land Act 1914, the Geraldton Sailors and Soldiers' Memorial Institute Lands Vesting Act 1933, the Jennacubbine Sports Council (Incorporated) Act 1965, the Native Mission Stations Act 1923, the Perth Town Hall Act 1950, the Perth Town Hall Agreement Act 1953 and the Town of Claremont (Exchange of Land) Act 1964. Once the exchange of land has been effected, what do we need the act for?

There are various reserves acts, the Coal Industry Tribunal of Western Australia Act 1992, the Conspiracy and Protection of Property Act of 1900, the Industrial Relations Act 1979—that is out of date—the Labour Relations Reform Act 2002 and the Law Reform (Common Employment) Act 1951. There are various imperial acts including the Bills of Exchange (day for payment) (1836), the Bills of exchange (non-payment) (1832), the Debts Recovery Act 1830, the Debts Recovery Act 1839, the Imperial Acts Adopting Act 1836, the Imperial Acts Adopting Act 1844 and the Murdoch University Planning Board Act 1970, which is another one that is out of date. I have listed the acts that have been identified by either the committee itself or nominated to the committee by government ministers as obsolete or reported on in this very good report, being “Interim Report 79” of the Standing Committee on Uniform Legislation and Statutes Review entitled “Inquiry into the form and content of the Statute Book” presented in 2012. Repeal Week, which slumped down tiredly into Repeal Day and which has expired into repeal evening. It is a very weak and insipid effort to do what the government said it would do—namely, clean up the statute book and repeal obsolete and redundant legislation.

Most of my speech has been taken up with reading into *Hansard* all those statutes that remain on the statute book despite having been identified by the committee or by ministers of government as obsolete. The majority of the acts that have been identified in this report as redundant or obsolete will remain on the statute book, and we say that this is a pretty lazy and insipid effort at cleaning up the statute book.

**MS J.M. FREEMAN (Mirrabooka)** [8.40 pm]: I rise to speak to the Statutes (Repeals) Bill 2013. When I opened the Statutes (Repeals and Minor Amendments) Bill 2013, the first thing I saw was the Year 2000 Information Disclosure Act 1999. I went to the explanatory memorandum to see whether there was any information on it, but no. I remember when we were all concerned about the impacts of the change in the new year and the changing of the clocks on our computers. I went back and had a look at the second reading speech in *Hansard* and discovered that the Year 2000 Information Disclosure Act 1999 was basically a bill for protection from civil liability and that at the time it was seen as extraordinarily important.

I note to the Premier that I am going to get onto sunset clauses; I am not going to go through these things in detail. It was a process of actually taking this to a reason why this bill does not have a sunset clause; I am not going to take people through a turgid speech about the Year 2000 Information Disclosure Act 1999! I note the Premier has left the chamber, but I wanted to assure him that I did not want to give a historical analysis of the Year 2000 Information Disclosure Act 1999; I wanted to talk about why the Year 2000 Information Disclosure Act 1999 did not have a sunset clause. I will go back to some tidbits of information on that bill, just for history's sake. I thought members would find it interesting to discover that at the time we were moving towards the year 2000, members were told in briefings that Australia was spending around \$5 billion in becoming 2000-compliant. Hon John Kobelke observed at the time that there was a great deal of conjecture about whether the problem had been overblown in its importance. Hindsight is an amazing thing, is it not? We now know that the observation by Hon John Kobelke that the problem was a bit overblown was very astute, but he acknowledged the importance of having protection from civil liability.

When I was looking at that, it came to me again that in this place we make legislation that, at the time, seems absolutely imperative. When we think about the year 2000, that legislation would at the time have seemed absolutely imperative, critical and necessary. But things occur and technology and communities move on, and things that we thought were absolutely critical at one time—I am sure there are a few in this bill that my colleagues have already gone over—become less so with the passage of time.

That leads me to question how any legislation that comes before this house could not be improved by the inclusion of a sunset clause that enables the expiry of the legislation at a fixed point in time. It would afford Parliament the choice of passing new legislation, reconfirming the existing legislation, or letting legislation lapse. That way we would not end up with omnibus legislation. This is a small example, but we have had pieces of omnibus legislation in this chamber in the past that were quite large documents. In those circumstances, legislation like the Year 2000 Information Disclosure Act 1999 would simply lapse. It seems to me that it would not be necessary to repeal the legislation being repealed by this bill if we had thought ahead to the future and included sunset clauses. Obviously, corrections such as typos and changing names of organisations would still be

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necessary, but in respect of bills, sunset clauses would afford us an orderly way to either reconsider legislation or allow it to lapse.

I went off and had a think about why there was not greater use of sunset clauses in legislation in Western Australia. The primary place for sunset clauses seems to be in some of our terrorism legislation. The main opposition to sunset clauses seems to be that they do not result in proper scrutiny by Parliament because there is a view that they will be repealed in the future anyway, so Parliaments allow them through on that basis. It may also be the case that a Parliament is not sufficiently rigorous in pre-enactment scrutiny and simply re-enacts legislation. While looking at that, I came across the federal Legislative Instruments Act 2003, which provides for automatic expiry of legislative instruments. As the member for Wanneroo will know, although I am no longer a member of the responsible committee, delegated legislation is still an active interest for me. I was amazed to read a Senate research document that revealed that something in the order of 2 000 pieces of delegated legislation are passed each year under the authority of the various state Parliaments.

I suppose my question reaches beyond sunset clauses in legislation. We are here looking at the Statutes (Repeals) Bill 2013, but are we ensuring that we are doing the same with regulations and delegated legislation, given the mass of delegated legislation in our jurisdiction? Amendments were made to the Legislative Instruments Act 2003 that provide for the automatic expiry of most legislative instruments and delegated legislation. It will start in 2015 when it will automatically enact that expiry. The instruments must be renewed or expire automatically after 10 years of operation unless action is taken to preserve or exempt them. It seems to me that if part and parcel of the Statutes (Repeals) Bill is to try to lessen the legislative burden in our community, we also have to look at what we do with the legislative burden around regulations. We should be bringing to this Parliament legislation like the federal Legislative Instruments Act 2003. Senator Brandis has said that a sunset regime concentrates the minds of rule-makers a lot more carefully, and, as a result, a lot of useless legislation might be knocked off the statute books. He outlined that sunset clauses came into effect in New South Wales in 1990, and that from 1 July 1990 to 1 April 2003, the number of statutory rules were cut from 976 to 445, and the number of pages of rules dropped from more than 15 000 to 8 000. The federal Legislative Instruments Act came out of a Productivity Commission report that identified the importance and proliferation of regulations. I was interested to find that the first regulation in the federal Parliament was in 1994. All our legislation now has a regulatory aspect. I read that, but I stand to be corrected by the history buffs of Parliament. I am interested to learn when Western Australia introduced its first regulation. I know that the Occupational Safety and Health Act 1984 contains a heap of regulations and I assume the regulatory framework in that act was pretty much the first of its kind. The act contained the principles, and a large regulatory framework was attached to it. I am interested to know, say, from 1984, when regulations first appeared and how we have arrived at the plethora of regulations that we now have.

One aspect of the Legislative Instruments Act was to establish a federal register of legislative instruments. In all the time that I sat on the Joint Standing Committee on Delegated Legislation, I was not aware whether we had a document listing all the regulations in the state. I know that regulations are gazetted on a regular basis, but I was never aware of such a list. In 2003, the federal Parliament set up a register of legislative instruments to provide transparency. Members should remember that the whole point of our role in Parliament is to make legislation, and people should be aware of what laws we are making so they can comply with them. If a whole bunch of legislation has an impact on people's day-to-day lives and their role in their families, they should be aware of those and they should be readily accessible. That should not be a problem at all in this modern day of internet access. The aim of the register of legislative instruments was also to encourage rule-makers to undertake appropriate consultation, to encourage high standards in drafting legislative instruments and to promote their legal effectiveness, clarity and intelligibility to users. I am not sure whether intelligibility is actually a word, but it was used to explain the federal Acts Interpretation Amendment (Legislative Instruments) Bill 2005. The register would provide public access to legislative instruments, establish approved mechanisms of parliamentary scrutiny of legislative instruments and sunset mechanisms to ensure periodic review of legislative instruments, and, if they no longer have a continuing purpose, to repeal them.

A review was undertaken of the Legislative Instruments Act 2003 by different committees of the federal Parliament resulting in a couple of major amendments last year or maybe the year before, but in the recent history of that act. Those amendments dealt with the peaks that occurred when different pieces of delegated legislation and legislative instruments came to their sunset period, and it brought in a more staggered process. It also included provisions for thematic reviews, which I thought was quite interesting. The federal Attorney-General was able to declare common sunset dates for related instruments, which enabled stakeholders to participate in the regulation of their sectors and to have consistency in regulation making. It seems to me that involving the community in the legislative parameters that have an impact on their day-to-day lives would benefit both business and the community. I was very drawn to that given my interest in that area.

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Although the opposition supports the bill before the house, we are dealing with only the tip of the iceberg and we really need to consider those things that sit below our statutes and make for a quite complex legislative process—that is, regulations. I am happy if in his response to this debate the Premier can outline whether there is some sort of legislative requirement for regulations and to make me aware of those.

**Mr C.J. Barnett:** If the statute goes, the regulations also go—if there are any.

**Ms J.M. FREEMAN:** I understand that in the case of these statutes. I looked at sunset clauses to understand why something such as the Y2K legislation would have a sunset clause. I went on and thought about putting end dates on regulations. Regulations are not legislation that comes before the house, so that seems a considered way of ensuring that the community we represent understands and has a capacity to comply with the regulations. It also means that if a plethora of regulations are no longer relevant because we have not got around to repealing an act, or some parts of an act are still relevant and we retain the whole act, useless bits of regulation do not sit there forever. It is a systematic way to do something that is quite meaningful to the community. That is my view as someone who has watched the enormous amount of delegated legislation that has come across the table in the delegated legislation committee.

Before I finish, I note that the Statutes (Repeals and Minor Amendments) Bill 2013 amended the definition of a public place, I assume, for tobacco control measures regarding smoking in a public place. I take the opportunity, whilst we are debating this bill, to put on record again that the Health Act 1911 needs to be replaced. It is so outdated that it has extremely adverse effects on the public health system in Western Australia. We should not have amended only one section of the Health Act; we should have a whole new act. The Health Act has been amended numerous times—112 times in its first 100 years.

[Member's time extended.]

**Ms J.M. FREEMAN:** Anything that needs amending that many times is clearly outdated and is obviously causing problems for the health system. Under the current outdated Health Act the public health system is unable to provide for emergencies such as epidemics. If a passenger carrying the Ebola virus comes on a plane to Western Australia, the public health system does not have the capacity to deal with an epidemic. The Health Act provides no clear framework for an adequate response to new and emerging environmental and public health threats, including bioterrorism. Good public policy should require the Crown to be bound by its legislation. The current Health Act does not bind the Crown, which effectively means it does not apply to Aboriginal communities. The Public Health Advocacy Institute of Western Australia believes the current act has been ineffective in tackling and addressing Aboriginal environmental health issues. The Health Act needs to apply to all Western Australians. The public are more likely to cooperate and support the system if they feel their privacy is protected. The Health Act does not generally protect people's confidentiality. The Department of Health in its 2005 discussion paper states that a new act needs to require pathology laboratories to report notifiable disease results to the department. This relates to the problem that the act is unable to deal with epidemics and public health emergencies.

*Point of Order*

**Mr C.J. BARNETT:** The member is making a very good speech, but she is talking about the Health Act, which is not covered in this bill.

**The ACTING SPEAKER (Mr P. Abetz):** The Premier has a point, and if you can just wrap it up that will be good.

*Debate Resumed*

**Ms J.M. FREEMAN:** I have a few more points to make. Clause 23 of the Statutes (Repeals and Minor Amendments) Bill 2013 amended one small section of the Health Act 1911. I have repeatedly said to the minister—he knows I have repeatedly drawn this to his attention—that we should not be amending a section; we should have a new act.

**Dr K.D. Hames:** I agree with you.

**Ms J.M. FREEMAN:** For the purposes of *Hansard*, the minister agrees with me, so I hope that in the next statutes repeals bill we see not just a minor amendment, but the repeal of the act. On that basis, I will not go into my other three points because the Premier clearly has a need for time, but I will if I get the opportunity again. I am happy that I have put on record that this act is outdated. It is a travesty that that bill amended one clause of an act that does not serve our community, yet the minister keeps telling us that he will bring in a new health act. In fact, I am not waiting; the community is waiting, and the minister is running out of time.

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**MS M.H. ROBERTS (Midland)** [9.00 pm]: I think that the member for Mirrabooka made a number of excellent points. One of the claims that the Premier made in his second reading speech on the Statutes (Repeals) Bill 2013 was that repealing these 43 acts will in some way simplify government processes. I think some of my colleagues have made the point very well that repealing most of these acts will have absolutely zero impact. If this is the extent of his great simplification of business and the removal of red tape, it has taken him and his government over six years to achieve next to nothing. If it has taken six years to bring this forward and he has suggested that this is somehow the start, I do not think the Premier will have time to finish his agenda at the rate he is going.

**Mr C.J. Barnett:** We have a third term coming up.

**Ms M.H. ROBERTS:** I think the Premier might want to reflect on that and not take people for granted.

There are quite a few things of interest in the clauses in the bill. As a general statement, when we look at some of the legislation to be repealed, we can see the much more significant role that Parliament clearly once played in the governance of this state. What we have witnessed in more recent decades is executive government making more of the decisions quite separately from Parliament. I will not get into that general topic tonight, but as an overarching theme to this, the very fact that the pieces of legislation that will be repealed but no longer have any impact on the community were once introduced indicates the pre-eminence that Parliament once had in the affairs of this state. Although I concede that, for smooth and good government, we do not want the level of detail involved in some of these bills brought before Parliament on a regular basis, many of the acts were clearly put in place when Perth and the community of Western Australia was a much smaller place.

I turn to some of the acts proposed to be repealed. One act that caught my attention is in subdivision 2, “Midland Junction–Welshpool Railway Act 1957 repealed and savings provision”. On clause 6, the explanatory memorandum states —

This clause repeals the *Midland Junction–Welshpool Railway Act 1957*, which authorised construction of two branches of railway:

- from Midland Junction to Welshpool Station Yard, which was constructed but a portion of which was discontinued by the *Railway Discontinuance Act 2006*; and
- from Cannington Station Yard (which was never constructed).

There are some other aspects, but I will not read out all of them. I make the point that we would not expect that a bill for this kind of purpose would come before Parliament these days, but clearly that is the way Parliament and the government operated in the 1950s.

I note also many changes in subdivision 4, “University Building Acts repealed and consequential amendment”. Again, it seems that Parliament was very much involved in those early days with the universities. The University of Western Australia, of course, is now very much master of its own destiny and is not controlled by the Parliament, and those acts do not have import.

Under division 3, there is the repeal of imperial acts. I think those are particularly quaint. After reading what the clauses of the imperial acts that will be repealed provided for, I expect that they have been repealed in the United Kingdom as well. Again, it is a reminder of the kinds of laws that were in place. For example, there is a reference to an act for the amendment of the law relating to dower. In Roman law, “dower” referred to the property that a bride brings to her groom in marriage and so forth. There is reference to widows and what they can and cannot inherit and so forth. Quite clearly, those acts do not have relevance in Western Australia and have not had any relevance in Western Australia for some time, but they were effectively imported, in a sense, from the UK in a much earlier time. I do not believe those laws have applied in the United Kingdom for decades or longer.

Under schedule 1, various Western Australian acts will be repealed. Some of them involve cemeteries and the like. The couple of acts that caught my attention include the Caves House Disposal Act 1965, which relates to the disposal of portions of land at Yallingup, including Caves House. The explanatory memorandum states that the act resulted from the government’s decision to dispose of state hotels, and that the act has no ongoing effect and can be repealed. It is interesting perhaps in the current context in which the government is looking at privatising more government assets that once upon a time there was such a thing as state hotels. The state owned hotels and laws were therefore required. Of course, now we have a government that looks as though it wants to sell the TAB, but that is a debate for another day.

The City of Perth Improvement Act 1913 is another act that caught my attention. It provided the city with the power to purchase or compulsorily acquire land for the purpose of extending streets. The land acquisition has

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been completed and the act has no ongoing effect and can be repealed. That act was put in place in 1913. It is a power that would be taken for granted and, indeed, is covered in other statutes now, but back in 1913 this Parliament was clearly involved in making decisions of that nature within the City of Perth, which was clearly a much smaller place. On the same public works front, I note the Fitzgerald Street Bus Bridge Act 1991. That act is much more recent and I remember it was discussed at the time I was serving on the City of Perth. The explanatory memorandum provided by the Premier states —

This Act was motivated by the perceived need for a transit bridge Act, but the need has been met by the James Street bus bridge, which opened in 2010. Additionally, Perth City Link project (sinking of Fremantle railway) will allow future light rail system to operate at surface past City Square with no requirement for a bridge. This Act is no longer required.

In my experience, these kinds of acts are no longer put before Parliament. It seems to me to be a little strange that this was put before Parliament in 1991. I can only assume that there was some particular explanation for why an act was even brought before Parliament to construct that bridge in the vicinity of James Street.

**Mr C.J. Barnett:** I was here and essentially it was a protest against the then government by the two members Donovan and Alexander.

**Ms M.H. ROBERTS:** Were they supporting or opposing the bridge? They were opposing it, were they?

**Mr C.J. Barnett:** It was a protest against the Lawrence government, primarily around WA Inc issues. They resigned from the Labor Party and brought in that legislation.

**Ms M.H. ROBERTS:** Is the Premier basically saying this was an act supported by the Liberal Party and those members, not the government? It was not government initiated; it was initiated by those members and supported by the then opposition.

**Mr C.J. Barnett:** That's right.

**Ms M.H. ROBERTS:** That is a good answer, because it certainly explains why such a crazy piece of legislation would have been brought here. Clearly, the member for Cottesloe supported it.

**Mr C.J. Barnett:** As a humble backbencher, newly elected.

**Ms M.H. ROBERTS:** As a humble backbencher, the Premier supported it.

Some other pieces of legislation are in this bill only because of the involvement and support of the Premier. One of these is the Tamala Park act, which I will get to shortly. Firstly, I want to have a look at the Ocean Gardens (Inc.) Act 2004. The explanatory memorandum states —

This Act provided the rules that formed the constitution of Ocean Gardens Inc and prohibited certain actions until Ocean Gardens Inc was established. Ocean Gardens Inc updated its constitution in 2011 so the “rules” contained in the Act have been superseded. The Act has no continuing purpose.

Members may not be aware that the old City of Perth that existed before 31 December 1993 included areas that are now included in the Town of Cambridge, the Town of Victoria Park, and the City of Vincent. The City of Perth had considerable endowment lands, and there is also an act covering the endowment lands. The greater City of Perth, as it was then, was the initiator of the Ocean Gardens project. It was one of the first local government-initiated retirement villages, providing a lifestyle option for older people that enabled them to stay in the communities in which they have been living. It was very much cutting-edge; many other local government authorities followed on from the Ocean Gardens model. It certainly was not perfect, but what the City of Perth created on its endowment lands filled a very big need in the area at that time—namely, some smaller dwellings that people, as they got older, were able to get into, with all the support and so forth. As the Premier will know, many people in those suburbs lived in very large houses on very large blocks, and in many cases still do, but Ocean Gardens provided them with an option that did not dislocate them from their communities. It is certainly a very sought-after village. When it was first commenced on a smaller scale—it gradually expanded over the years—people had their doubts about who would want to live there, and how successful it would be. It has certainly been very successful. It has been a sought-after place to live, and many subsequent retirement villages have been modelled on the Ocean Gardens village, which was initiated by the City of Perth.

The last act I want to refer to is the Tamala Park Land Transfer Act 2001. This points to a certain irony in the government's current plans to amalgamate local government authorities, because this act was only brought about because of the then Liberal government, of which Richard Court and the current member for Cottesloe and Premier, were part. Despite the logic the government now espouses of the economies of scale and the sense of amalgamating local authorities and not having too many local government authorities, the Premier was actually

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part of a government that moved to break up the City of Perth. The City of Perth as it was then was a large area but had a population of only about 90 000 at that time. It was not as though it was a super huge authority. It took in a considerable land area, but nowhere near the land area of greater Brisbane or other big councils I have seen in other states. What the government chose to do then was very costly to the residents of those four authorities. That is more than ironic when we compare it to what the government is currently trying to achieve. The then government broke up the City of Perth into four separate administrations, creating four separate buildings with four chief executive officers. In place of the one council, the government created four councils, each with a mayor and eight councillors. That was a total of 36 elected members, with the administration, hierarchies and costs that went with that.

As part of that division, some of the things that helped the greater City of Perth keep costs down actually created greater costs. One of the big investments that the greater City of Perth made—I think it was in the early 1990s or potentially earlier—was to purchase the land at Tamala Park. It was not within the City of Perth, but well and truly in the northern suburbs, and was purchased as a place where the city could look to disposing of rubbish in the future. People here may not recall, although some may, that one of the original rubbish tip sites for the old City of Perth was the area known today as Burswood. That riverside land was the city's rubbish tip, and ultimately became the casino, and is now known as Burswood. Looking to the future, and seeking economies of scale, the greater City of Perth had the foresight to purchase land and plan ahead. The Tamala Park Land Transfer Act 2001 was introduced because the then Liberal government divided up the City of Perth in four directions. The explanatory memorandum states —

This Act transferred ownership share in land (as tenants in common) at Tamala Park from the City of Perth to the Towns of Cambridge, Victoria Park and Vincent. With the transfer completed, the Act serves no further purpose.

I will just note for the record that that statement is not accurate, because it transferred the land to the four entities, including the City of Perth, not just the three others. That was something that the Labor Party argued for with the transfer because, in the original carve-up of the assets of the then City of Perth, it was proposed that the City of Perth itself retain that asset and not share it with those authorities. Quite clearly, that would not have been fair to the ratepayers of those authorities. The number of ratepayers in each of Cambridge, Vincent and Victoria Park well and truly exceeded the number of ratepayers left in what we were then calling the tiny town of Perth. I note now that, for its own political reasons, the government is going in entirely the opposite direction, and it is on the cards that Vincent will be reunited with the City of Perth under the amalgamation. There is something of an irony here given that it was at the Liberal Party's initiative that Vincent was severed from the City of Perth in the first place. Now we go full circle, and here in this bill the Tamala Park Land Transfer Act 2001 is due to be repealed.

**MR C.J. BARNETT (Cottesloe — Premier)** [9.19 pm] — in reply: I thank members opposite for the comments they made, and acknowledge them. I will make a few comments on what they had to say about the Statutes (Repeals) Bill 2013. Much of what members opposite said was that the bills contained in this legislation are no longer relevant and they do not matter. I say, in response, therefore, let us get rid of them. They serve no purpose. They probably served a purpose at some time but they are finished in their relevancy. I would not have thought it would be difficult to get rid of them given they are irrelevant, but it has taken us two and a half hours to get to this point. At least some progress has been made.

This government introduced Repeal Day or Repeal Week—whatever we want to call it—and we will continue that. Once a year we will continue to focus on unnecessary legislation and regulation, and reform within government. Members opposite ridicule that. Why did they not do that? They did not touch it. I concede that modern Parliaments continue to legislate and the like and make more rules and regulations. At the same time, we have a public responsibility to get rid of unnecessary, outdated laws. There is no point leaving them on the statute book. Members opposite have asked why it matters. Well, it does matter because every time a new bill comes before Parliament, the drafters of those bills have to go back and check the statute book. In most cases, there will be no relationship but if we introduce bills, for example, about planning in Perth, the Fitzgerald Street Bus Bridge Act might impede decisions. In that case, it needs to be got rid of as it served its purpose. It may be little more than housekeeping but it is housekeeping worth doing. Every year this government will address unnecessary laws, regulations and the like. We will have another Repeal Day or Repeal Week—I do not care what it is called—but there will be a time before the end of this session when we will bring in more deregulatory measures and repeal more legislation in a range of areas.

Members opposite seem to imply that this is the totality of the reform agenda of this government. How wrong they are. We could pick any portfolio and find that this government has been involved in reform. I remind members of a few of them. In Education, we introduced independent public schools. We are leading Australia in

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this area. In Health, we developed efficient pricing and the four-hour rule. In Local Government, our government was brave enough to take on the crass duplication, inefficiency and overregulation in local government by trying to form a proper structure of local government. We addressed retail trading hours by introducing weeknight trading and Sunday trading. New changes have been made to mining laws. When we came into government, there was a backlog of 17 000 mining applications. Through good management and regulatory reform, that is now down to about 6 000 or 7 000, which is probably what we would normally expect. Reform has taken place in environmental areas, and further reform will happen. In the area of Aboriginal heritage issues, the law is too cumbersome and certainly does not help the community, including Aboriginal people. Major efforts have been made in a total environmental assessment of the Perth and Swan coastal plain. That is terribly important for economic reasons and land-using developments in Perth. Huge reforms have taken place in the area of native title, with a number of native title claims settled. I am optimistic, touch wood, that we will have agreement before the end of the year on the settlement of native title for Perth and the entire south west of Western Australia. Yes, they are important reforms, more so than this, but it all comes together and it all needs to be addressed.

I turn to comments made by members opposite. The member for Cannington very dramatically brought in packages of photocopy paper. I hope he donates that to a worthy charity. It would be good if he did that rather than simply bring it in here. Is he going to do that?

**Mr W.J. Johnston:** I paid for it.

**Mr C.J. BARNETT:** He should donate it to a charity. If he can bring it in here, surely he can give it to a worthy charity.

**Mr W.J. Johnston:** I can use it in my office. I pay for my own photocopy paper.

**Mr C.J. BARNETT:** That is no reason not to support a charity. Groups such as the Western Australian Council of Social Service have huge printing requirements.

**Mr W.J. Johnston:** I have huge printing requirements.

**Mr C.J. BARNETT:** Oh, well. He is very selfish.

Several members interjected.

**The ACTING SPEAKER (Mr I.M. Britza):** Premier, let us come back to the bill.

**Mr D.A. Templeman:** I would like to see you donate your superannuation to charity.

**Mr C.J. BARNETT:** I make very significant donations to charity every year; I hope the member does too.

Members opposite talked about the reduction in the number of committees. That is another area of reform. There is more to be done; there is no doubt about it. When this government came into power, I asked what I thought was a fairly straightforward question: how many committees are there? No-one could tell me. We counted them, and the list was over 1 200. Yes, many of those committees were internal, so they were struck off. There were internal working groups and the like. We concentrated on those committees in which external people were paid sitting fees, and there have been significant reductions in the number of committees. As we carry out further repeal and amend legislation, those committees will be reduced further. It continues.

The member for Cannington asked what the point of repealing this and that was. One of the acts that he mentioned was the Native Mission Stations Act. There are very good reasons for repealing that. That act was passed in a different era, when there was a lack of respect for Aboriginal people. That act needs to be repealed. For the wellbeing and esteem of Aboriginal people, we need to take pieces of legislation such as that off the statute book. That needs to happen. Perhaps there are other examples of that.

The member for Mandurah told us about some of the history of a cemetery in Mandurah. I guess we can say that as an act is repealed, a bit of history may be lost. But we should remember that Hansard has recorded the history of that legislation, including what I hope is its final repeal. Indeed, in the cemeteries area—the Minister for Local Government is not here—I am very keen to see legislative change and repeal in that area. To this day, I do not know why state cabinet is required to appoint members of the board of country cemeteries. I think local government is perfectly capable of doing that. We continue. This is perhaps a never-ending story in improving the efficiency of government.

The Leader of the Opposition just came in and plagiarised the speech of the member for Cannington. Good luck to him. The member for Butler recited the list of acts that the Standing Committee on Uniform Legislation and Statutes Review recommended be repealed. If he believes in that so fervently, perhaps he might support us in getting legislation like this through the house quickly. I think repealing 43 bills is not a bad start. In fact, it is not the start because last year we repealed a number of redundant state agreement acts. To have picked out 43 bills is

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a worthy start. There is a reason some of the other bills have not been repealed. Some of them may still have a lingering legacy, and that needs to be examined to ensure that their repeal does not take away anyone's rights or entitlements or create complications. We would expect to add to these 43 acts, including those recommended by the Legislative Council committee. I guess it is a case of picking the low-hanging fruit first, and that is what has been done. It does not mean that those other acts will not also be repealed. The member for Mirrabooka made comments about sunset clauses. That is a fair point. In some cases, however, we would not want sunset clauses attached to every piece of legislation, otherwise we would be continually re-enacting legislation that is still required. I think there is a point to be made about the degree of law by regulation that has become part of our system. The member for Midland talked about some of the history of the Midland Junction–Welshpool Railway Act and the like.

I think this is a simple piece of legislation. It simply repeals redundant and obsolete statutes. It makes the drafting of legislation and the enacting of laws simpler for government. It is not dramatic reform. As I said, it is best described as housekeeping but it is housekeeping that this Parliament should do. I have explained the more significant deregulatory and reform measures we have made across all portfolios. I did not mention Planning. We have seen fantastic reform by the Minister for Planning during both terms of this government. They are the real reforms that matter. I say to the member for Cannington that they very materially help small businesses, householders and citizens of this state. This government will continue on a reform agenda. Members opposite may mock it if they wish; I would prefer they get on board and help pass these changes quickly. They went on for two and a half hours. I suppose that is not too long. I hope we can deal with this legislation because more legislation will be introduced during Repeal Week across a range of areas in terms of deregulation, repeal and removal of unnecessary laws and regulations. If we take so long to deal with these laws and regulations, they will stay on the statute book longer and they will become a burden to the community.

I thank members for what I take is their support for the bill and I look forward to its passage.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

*Consideration in Detail*

**Clauses 1 and 2 put and passed.**

**Clause 3: WA Acts repealed —**

**Mr W.J. JOHNSTON:** I indicated in my second reading contribution that I would ask the Premier about the acts that were identified by the upper house committee and included in appendix 1 of the committee's report. My understanding is that the procedure that the committee used was to ask each minister to specify acts that they believed were redundant, or obsolete, I think, is the word the committee used. Appendix 1 to that report listed all those acts that the committee believed the ministers had identified as redundant, and, of course, the footnotes state which minister said what. Obviously, the bill is not repealing all those acts that were identified by the upper house committee. Could the Premier let us know why some acts that we expected would be in this legislation are not in the legislation?

**Mr C.J. BARNETT:** The reason for that is pretty straightforward. I think the view is that the acts listed can be repealed. However, in going through the matter, there was some doubt about some of the acts in that there may be some legacy issues or they may have some unintended consequence; therefore, they were put to one side. They will be revisited and may well be repealed. The 32 acts in this bill are ones that are considered to have no legacy or other impact, and, as I said before, we are simply picking the low-hanging fruit. These are non-controversial acts with no legacy issues and no unintended consequences. There may be some unintended consequences to some of the other acts, but I also intend to bring forward most, if not all, of those at some stage to be repealed.

**Mr D.A. TEMPLEMAN:** I have a couple of questions about the Mandurah Church Burial Ground Act 1947. I want to know when it would be appropriate to ask them. As the member for Cannington said, that act does not appear in the bill itself but in the schedule. Can I seek some guidance on when it would be appropriate to ask a question relating to the Mandurah Church Burial Ground Act 1947?

**Mr C.J. Barnett:** I think that is a question for the chairman.

**The ACTING SPEAKER (Mr I.M. Britza):** You can deal with it now, member, or you can deal with it when we get to the schedule at the end.

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**Mr D.A. TEMPLEMAN:** I will deal with it when we get to the schedule.

**Mr W.J. JOHNSTON:** I do not want to delay the bill, but I will ask a couple of questions about the schedule when we get to it. I just make the point that even though this comes under the heading of Repeal Day, this is not about Repeal Day; it is about repealing redundant legislation. It is a good idea; all governments do it. This government is lucky that it had that interim report. It would probably be helpful to the Parliament if at some time the government could explain why those other acts have been left out. I accept that there is obviously a good reason, but it would be helpful to the Parliament to have an understanding about why those other acts are not part of schedule 1.

**Mr C.J. BARNETT:** I think I have answered that: if there was any doubt at all, they were left out. Most, if not all, of them will come back to Parliament for repeal.

**Clause put and passed.**

**Clause 4 put and passed.**

**Clause 5: *Advance Bank (Merger with St. George Bank) Act 1998 amended* —**

**Mr W.J. JOHNSTON:** Again, I will not take very long. This is an interesting issue for me because I used to bank with Advance Bank. I will explain quickly why I did. When I first left school, my mother encouraged me to join a credit union. She had been a member of a Catholic credit union in Canberra that had got into financial trouble; and, as used to happen, it was made to amalgamate with another one. It therefore amalgamated with the PA—that is, the Police Association credit union—so I was a member of the Police Association credit union. There were two building societies in Canberra, the Canberra building society and the Civic building society, and they amalgamated to form Advance Bank. When the PA got in trouble financially, it amalgamated with Advance, so I ended up with Advance. I think I was probably the only Advance customer in Western Australia when it was taken over by St George, and St George is now part of Westpac. It is amazing how everything just keeps changing!

**Mr C.J. Barnett:** I'm surprised you didn't object and delay the process!

**Mr W.J. JOHNSTON:** I am sorry; I should have objected? I was never a member of the Civic building society, but that was the one in which the real crime took place, because the directors kept all the reserves when they listed the company. It was outrageous what they did, but I was not a member at the time.

These acts will have continuing effects. I was wondering whether the Premier could explain that. Obviously, the Advance Bank (Merger with St. George Bank) (Taxing) Act 1998 will be repealed and the Advance Bank (Merger with St. George Bank) Act 1998 will be amended. The bill repeals one and amends the other. I am just trying to establish what is being preserved. Having read the bill, I am not quite sure of the meaning of the explanatory memorandum, and I am sorry if that is the case. Could the Premier help me by explaining why we need to amend and not simply repeal?

**Mr C.J. BARNETT:** Part of this act made provision for payments of a stated equivalent amount to Treasury through the merger process. We presume that that payment has been made and is complete. I understand that is the case. The act is no longer necessary. This is about the tax matter. I do not know whether that helps the member.

**Mr W.J. Johnston:** Given that the bill is not repealing the act, what will remain and what will be the continuing effect?

**Mr C.J. BARNETT:** We are taking out the tax payment part because that has been completed. The merger part still prevails. That is the reason. The member might wonder why but, as I said, we are just taking out the easy stuff first.

**Mr W.J. JOHNSTON:** I am sorry to delay, but is it expected that the balance of the legislation will at some time be repealed; and, if that is the expectation, is there likely to be a condition precedent before the legislation will be repealed?

**Mr C.J. BARNETT:** I imagine this act will be repealed. One of the issues will be to make sure that there is no unintended consequence. I cannot make a commitment on it, but we do intend to get rid of as much legislation as we can.

**Clause put and passed.**

**Clause 6 put and passed.**

**Clause 7: *Racing and Gambling Legislation Amendment and Repeal Act 2003 repealed* —**

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**Mr W.J. JOHNSTON:** It appears that clauses 7, 8 and 9 are all related to each other and that this clause is related to the formation of Racing and Wagering Western Australia—RWWA—as I understand it. Now I understand: clause 7 repeals the legislation and clauses 8 and 9 remove the references to the legislation.

**Mr C.J. Barnett:** Yes.

**Clause put and passed.**

**Clauses 8 to 14 put and passed.**

**Schedule 1: WA Acts repealed —**

**Mr D.A. TEMPLEMAN:** I am seeking clarification. We are repealing the act known as the Mandurah Church Burial Ground Act 1947. When I read the act, it refers to effectively closing the cemetery that is on church grounds and no burials can occur there, but the minister controlling cemeteries may, in special circumstances, issue a permit. I may sound naive, I do not know, but in repealing this bill, what will be the status of the cemetery at the old church in Mandurah? Does that mean that burials can be held at the cemetery given agreement by the Anglican Church, the parish or the parish priest, or whoever? My understanding is that because this legislation will be repealed, there is no prohibition on any burials there into the future. I do not expect that there would be a demand; however, there are many living descendants of the original settlers, many of which are buried there. I mentioned a couple of names in my second reading contribution. What I am really asking for is clarification: where does the status of that cemetery sit now with the repealing of the bill that actually was set up to prohibit any further burials there?

**Mr C.J. BARNETT:** I have been advised that the Mandurah church burial ground, which I will have a look at when I am down there —

**Mr D.A. Templeman:** I will show you around.

**Mr C.J. BARNETT:** Yes.

It was never a declared cemetery. Any proposed burial, if there is one, would now come under the Cemeteries Act 1986, which makes it an offence to bury a person in a place other than the cemetery without the minister's approval, with a penalty of \$1 000. The current cemeteries legislation overtakes it. A person is not allowed to be buried there without the minister's approval. It is not a declared cemetery. It will not receive any more burials but it will continue as a historic part of Mandurah.

**Mr D.A. TEMPLEMAN:** Would no-one be able to be buried there unless, according to the existing Cemeteries Act, permission was requested by the minister, not by the Cemeteries Act board?

**Mr C.J. BARNETT:** Only the minister could authorise a burial there. I think it is highly unlikely, unless there is some historic reason to do so.

**Mr W.J. JOHNSTON:** I must say that I am particularly impressed by the sixteenth act listed under schedule 1 to be repealed—the Miscellaneous Repeals Act 1991. There is a sentence here that I have to put in *Hansard*. It states —

Part V deals with repeals of written laws: essentially that repeal also repeals amendments and that a repeal of a repeal does not revive the repealed enactment.

I think that has to get the Sir Humphrey award! That is not the act I was going to raise with the Premier; it is the twenty-first, Service and Execution of Process (Harbours) Ordinance 1855. I am interested in the words in the second paragraph, which state —

Under the Commonwealth Constitution, the Commonwealth Government has power to enact laws relating to the service and execution of process throughout Australia (s51(xxiv)). The Service and Execution of Process Act 1992 (Cth) appears to “cover the field” on this subject, although harbours are not specifically mentioned. There are no adverse effects on repeal of this Act.

I am sure the good lawyers who have done this are right, but it struck me that it says “although harbours are not specifically mentioned”. Are the people who are talking to us saying that that is not fatal; and, if they are, why are they raising it with us? If it does not make any difference, how come they are making us nervous by telling us that this actually is the situation?

**Mr C.J. BARNETT:** I am advised the commonwealth has that power. As members are aware, this is an 1855 act. I think its day is well and truly over. There is no consequence of repealing this.

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**Ms R. SAFFIOTI:** My question relates to the eighth act under schedule 1, the City of Perth Improvement Act 1913, which states in part —

This Act provides the City with the power to purchase or compulsorily acquire land for the purpose of extending streets.

It is said that the act has no ongoing effect and can be repealed because the land acquisition has been completed. I checked the original act—it did not look as though the act was there for any specific streets, but more generally to provide the power to purchase streets. Is it the case that it has been overridden by other legislation?

**Mr C.J. BARNETT:** I am advised that the City of Perth Improvement Act 1913 provided the city with the power to purchase or compulsorily acquire land. It was specifically for the William Street, Pier Street, Aberdeen Street and Stirling Street extensions. That was completed; therefore that act serves no purpose. It was an act of Parliament to allow the City of Perth to do those acquisitions for those streets. This is all done and dusted and is no longer needed.

**Mr C.J. TALLENTIRE:** I refer to the nineteenth act, the Ocean Gardens (Inc.) Act 2004. I understand that Ocean Gardens is in the member for Churchlands' electorate. He would perhaps have more knowledge of this establishment than I have. I imagine that is a place that is covered by the Retirement Villages Act. That is where it would look for the validation of its rules, which are referred to in the explanatory memorandum. It states that the Ocean Gardens (Inc.) Act 2004 has no continuing purpose. I am just wondering whether we can have some assurance that the terms of the Retirement Villages Act covers everything that was actually in the rules that were covered by the act that we are seeking to extinguish.

**Mr C.J. BARNETT:** As the member said, Ocean Gardens is a lovely facility in the member for Churchlands' electorate. I have visited it a number of times. This act was obviously to establish Ocean Gardens. As members opposite have said, it was the first entry of local government into retirement accommodation. This act basically helped formed the constitution of Ocean Gardens when it was established. Members might remember that about 10 years ago there was quite a lot of discontent between some residents and the Ocean Gardens' management committee. Following that, a new constitution was put in place, and it is my understanding that all is now well at Ocean Gardens. The new constitution in itself makes the act irrelevant.

**Mr C.J. TALLENTIRE:** Can the Premier confirm, though, that the new constitution is formulated around the provisions of the Retirement Villages Act?

**Mr C.J. BARNETT:** I would think it would have to comply with that, yes.

**Mr C.J. Tallentire:** But you're not sure.

**Mr C.J. BARNETT:** To the best of my knowledge, that would be the case. It was done about 10 years ago, so that legislation was already in place. As I said, there was quite a bitter dispute amongst residents of Ocean Gardens. As a nearby local member, I remember going to a few meetings out there.

**Mr C.J. TALLENTIRE:** The Tamala Park Land Transfer Act 2001 refers to the share provision for a number of local governments and defines the share in land that tenants in common, including the City of Perth and the Towns of Cambridge, Victoria Park and the City of Vincent, would have. It says that with the transfer completed, the act would serve no further purpose, but I am concerned to know how those various local governments would be able to define their particular share of ownership in that Tamala Park site. What reference point would a councillor at, say, the City of Vincent, have to examine just how much of Tamala Park belonged to the City of Vincent?

**Mr C.J. BARNETT:** The proportional ownership between Cambridge, Victoria Park and Vincent is recorded on the title deed. If the member is thinking about what might happen to the structure of those local governments, it would simply be just another asset of each of those local governments.

**Mr W.J. JOHNSTON:** This is my last question. I just want to address the Fitzgerald Street Bus Bridge Act 1991—my favourite. I remember this act very well. Although I was a very junior person and not very prominent in politics at the time, it struck me to wonder why we would have an act like this. I remember the controversy. Funnily enough, the person who was secretary of the party branch that I belonged to at the time was a good friend of Ian Alexander, so I got to know Ian Alexander peripherally at the time, so I do remember this issue.

I have two questions. Firstly, I note that in the act it said that if the railway was put in a tunnel, the area could be traversed, but that otherwise a bridge could be built only with the vote of both houses of Parliament; it did not prevent it from happening. When the James Street bus bridge was built in 2010, what advice was sought to ensure that that was not covered by the provisions of this act? Even though the Fitzgerald Street Bus Bridge Act

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1991 was a specific discussion of the Fitzgerald Street bus bridge, I wonder whether the James Street bus bridge was covered by the act. We are about to repeal this act. Is that to retrospectively authorise what the government did anyway? Did the government comply with the act? Not that I care that the James Street bus bridge was built; in fact, the government could have built the Fitzgerald Street bus bridge, for all I care. But was the government confident that when it built the bridge, it was in compliance with this act of Parliament?

**Mr C.J. BARNETT:** I can only assume so; it has not been a problem. I was in my first year as a member of Parliament and I was both bemused and confused by that debate. It had to do with a lot more than simply the bus bridge. It was all about, I guess, what some would describe as a protest movement of sorts, and others would describe as a democracy movement of sorts; there were some strange goings-on. I remember that both Ian Alexander and Frank Donovan sat at the very back of the chamber and they were a little like the two old men in *The Muppets*, and I do not mean that disparagingly! It did not matter what was going on; one of them would jump up and generally have a go at the Premier of the day, then the other one would jump up. I found Parliament very confusing in those days! I think there were all sorts of motivations that maybe came from their new-found status as Independents, encouraged by Liz Constable, Phil Pandal and a few others at the time. It is a strange bit of history, but I cannot remember the finer details. I think it had to do with a lot more than the bus bridge.

**Mr W.J. Johnston:** Did the government —

**Mr C.J. BARNETT:** I am sure that that would have been checked at the time. If the member wants confirmation of that, I would have to go back and ask someone in the Department of Transport.

**Mr W.J. JOHNSTON:** I would appreciate knowing if it was something that was considered at the time. As the Premier said—I do not remember his exact words—we get rid of legislation because it is redundant and might get in the way of government decision-making, and clearly that is an example of redundant legislation that could potentially get in the way of government decision-making, and it would be helpful and I would appreciate it if, at some time —

**Mr C.J. Barnett:** I agree that potentially it could have; I don't believe it did, but I will seek some advice on that and write to you.

**Mr W.J. JOHNSTON:** I thank the Premier; that would be appreciated.

**Schedule put and passed.**

**Title put and passed.**

Leave granted to proceed forthwith to third reading.

*Third Reading*

**MR C.J. BARNETT (Cottesloe — Premier)** [9.55 pm]: I move —

That the bill be now read a third time.

**MR W.J. JOHNSTON (Cannington)** [9.55 pm]: I arrived at work today not realising that I was going to be the lead speaker on this legislation, but it is something that actually interests me.

**Mr C.J. Barnett:** You need to get out more!

**Mr W.J. JOHNSTON:** I need to get out more; I thank the Premier! I do. What I need to do is to swap sides of the chamber so that I can be the one bringing the legislation in.

There is no doubt that these are all pieces of legislation that need to be repealed. As I say, prior to today I have had a look at a number of the issues in this bill—not every clause and not every word—so this afternoon when I found out we were dealing with this bill tonight, I was ready to go. I think it was an important point to make about the 9 178 pages of legislation. This is politics, so the Premier is entitled in his reply to the second reading debate to have a little dig back at us because we had a dig at him, but there was never any question that we would not support the repeal of these pieces of legislation, because they are redundant and they no longer have any effect. That is the point; it cannot be sold as red tape reduction. Every time the Premier tries to make out that this is red tape reduction, we are going to point out that it is not. It is important work of the Parliament, and that is why we are supporting it, but it is not red tape reduction.

In my contribution to the second reading debate and just now in consideration in detail, I focused a bit on the Fitzgerald Street Bus Bridge Act 1991. It seemed to me—the Premier seemed to imply that it seemed to him—that that was a bit of dopey law and not the sort of thing that the Parliament should have been doing, but the Parliament did it, and given that the Parliament did it, I think it needed to be complied with. If the government had not complied with it when it built the James Street bus bridge, necessary though that bridge was,

**Extract from Hansard**

[ASSEMBLY — Tuesday, 19 August 2014]

p5505b-5531a

Mr Bill Johnston; Mr David Templeman; Mr Mark McGowan; Mr Chris Hatton; Acting Speaker; Mr Paul Miles; Ms M.H. Roberts; Dr Kim Hames; Mr John Quigley; Ms Janine Freeman; Mr Colin Barnett; Ms M.H. Roberts; Ms Rita Saffioti; Mr Chris Tallentire

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it is a problem, because governments should comply with the law. Of course, if the government had come back in here and asked for the repeal of the act at any time, the Labor Party would have lined up to do it because it was not our legislation; it was a couple of dissidents and the Liberal Party having some political fun at the expense of the Lawrence government back in 1991, and good luck to them. That is what people do in politics, if they ever get the chance—they have a go. Of course, there is actually an issue for Ian Alexander because the problem he was trying to defend against was a large number of buses using Fitzgerald Street, which his constituents did not want to see. The residents believed that if that bridge was built, Fitzgerald Street would become unworkable. The echo of that is in the route of the Metro Area Express. It is a well-known challenge for the government to get MAX down Fitzgerald Street from south of Walcott Street to Newcastle Street, where the road is quite narrow. That is exactly the same problem that existed when Ian Alexander was dealing with that act. I would appreciate an answer to that.

The clauses that relate to Advance Bank are quite important. If those acts are redundant, that is it; if they are not, we should have an understanding of why this is needed. That is equally so with the bills recommended for repeal by Hon Adele Farina's Standing Committee on Uniform Legislation and Statutes Review in its seventy-ninth report, "Inquiry into the Form and Content of the Statute Book". That was a very good report by a very talented and hardworking Labor member of Parliament. I am surprised that the other acts mentioned in that report are not included in this bill. The Premier has given an answer, and although I am satisfied with the answer the problem is that the Premier says we will get to those matters later and there are reasons for that. That is fine, and this is not a criticism; the Premier might not know the details of all those pieces of legislation, but it is probably good for the Parliament to know what the reasons are because then we can judge performance, if you like, on the government's commitment to remove these redundant pieces of legislation.

The Statutes (Repeals) Bill 2013 is not an unusual piece of legislation; statute repeal bills come up from time to time. The government has been very lucky because of the excellent work undertaken by the Legislative Council Standing Committee on Uniform Legislation and Statutes Review in its seventy-ninth report. The opposition is very pleased to support the legislation. We have placed on the record our political position, as we are entitled to do and should do, and we look forward to the legislation moving to the other place.

Question put and passed.

Bill read a third time and transmitted to the Council.