

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL 2013

Second Reading

Resumed from 17 September 2013.

MR C.J. TALLENTIRE (Gosnells) [7.02 pm]: I am sure that some important information will soon be delivered to me to assist me with this Statutes (Repeals and Minor Amendments) Bill 2013—namely a copy of the draft bill. I understand the bill is designed to facilitate some important legislation in this place—

Mr P.T. Miles: It is for housekeeping matters.

Mr C.J. TALLENTIRE: Yes, some housekeeping matters—thank you, parliamentary secretary—to do with the issue of statutes repeals and minor amendments. No doubt, it is an important part of our legislative process that we tidy up things. This legislation contains some amendments to some very important acts such as the Genetically Modified Crops Free Areas Act 2003, with reference to section 9(4) and the deletion of the words “a Local Court” and the insertion of “the Magistrates Court”. When one sees these sorts of amendments in fairly recently passed legislation, one wonders why it is that little oversights occur with our advisers, those people who work so well normally drafting legislation. I suppose it is all part of the human condition that these sorts of things occur and it is necessary to amend pieces of legislation.

I suspect that perhaps colleagues on this side of the house will want to go into some of these repeals and minor amendments in greater detail. I note an amendment to the Water Efficiency Labelling and Standards Act 2006 that deletes the word “complaint” and inserts the word “charge”. I would like to know more about that and I am sure the parliamentary secretary will be in a position to tell me why we would remove the complaint capacity and replace it with a charging capacity. I see that an amendment applies to the Petroleum and Geothermal Energy Resources Act 1967 and mention is made of deleting the words “the complaint” and instead inserting into the provision “the charge of the offence”. The Petroleum and Geothermal Energy Resources Act was only recently amended by this place so it seems strange that we are revisiting the legislation with this albeit apparently minor amendment. However, I will return to the Water Efficiency Labelling and Standards Act. I am pleased that we have such legislation and it is to be noted that on our statute books we have special labelling and standards laws for water efficiency. I note that there is much debate about labelling when it comes to food standards. It is regrettable that we do not have the same level of clarity applying to our food standards that we have with our appliances. Of course, we had an interesting federal matter in recent times when the federal government was set to put in place some very important information via a website on food labelling. It turned out that the food industry was actively lobbying against those food standards and the labelling laws and information that was to be provided on the website. It was found that the chief of staff to the minister with carriage of that legislation was a former lobbyist for the food industry and was still active in that area even though they held the position of chief of staff, which certainly led to that chief of staff resigning from the role. I believe the minister still holds that ministerial role but, unfortunately, Australia does not have that food standards information that was intended via that website. However, I am pleased to say that on our Western Australian statute books we have a Water Efficiency Labelling and Standards Act and that a minor change will be made to it. I trust that that minor change will improve the clarity of the intent of the legislation for those who need to refer to it. That is a notable feature of this particular bill.

I also see that some amendments in the bill reflect changes in nomenclature. Division 3(1) of the explanatory memorandum refers to the registrar of the Mentally Impaired Accused Review Board. In the Electoral Act 1907, changes have been made to section 59(1) with the deletion of the words “secretary, Mentally Impaired Accused Review Board” and the insertion of “registrar, MIARB” to mean the registrar of the Mentally Impaired Accused Review Board that was established under the Criminal Law (Mentally Impaired Accused) Act 1996.

Clearly, a number of amendments in this bill may on the surface appear minor, but it is important that we are fully aware of their ramifications. It is all very well to just want to sweep them through the Parliament and perhaps even catch the opposition unawares, but it is important that we scrutinise these amendments and be sure that the implications are not detrimental to the original intent of the legislation or against the wishes of the opposition. As members know, the opposition is always happy to be involved in improving and updating legislation, ensuring that definitions are valid and that the flow and context of legislation is coherent and works to the best effect to benefit Western Australians. However, when amendments are made, the opposition needs to do its due diligence and duty to ensure nothing untoward is going on when these amendments are put before us. Some of these pieces of legislation are intriguing. I had not been aware that we have a Geraldton Sailors and Soldiers’ Memorial Institute Act 1929. I have no doubt that it is of importance to many people, perhaps those living in the midwest region who have a soldiering or naval background, so it is pleasing to see that that act is being updated. I note as well that the Bush Fires Act 1954, a very important piece of legislation, has a seemingly minor amendment that proposes to delete the small roman numerals (i) and (ii) and replace them with the

alphabeticals (a) and (b). They are minor amendments; nevertheless, this bill is something we need to scrutinise. I am sure the shadow minister is ready to tackle this with gusto and scrutinise the other aspects of the bill that I have not been able to get to. I am happy to leave the shadow minister to lead the debate on this and take up his full hour of allocated time and examine these different statutes.

Several members interjected.

Mr C.J. TALLENTIRE: The speaker list is probably growing as I go through this bill.

The ACTING SPEAKER (Mr N.W. Morton): Member for Mandurah, if you wish to make a comment, make it from your chair.

Mr C.J. TALLENTIRE: This bill will amend many pieces of legislation. I see that the Health Act 1911 is also subject to amendment, with the proposed deletion of the definition of a public place and the insertion of a definition that reads —

public place includes every place to which the public ordinarily have access, whether by payment of fee or not;

We need some explanation of the implications of that amendment to the broader context of the Health Act. I note this is probably contained in the definitions section of that act, which is early on in the act. We find that change in section 3(1) of the Health Act. The Housing Act 1980 is also subject to change, and a section will be deleted and new section 6(1) inserted —

The body corporate constituted under the repealed Act by the name “The State Housing Commission” is preserved and continues in existence for the purposes of this Act as a body corporate retaining the same corporate identity.

I am not sure of the implications of that change to the Housing Act, but given that housing is such an important issue for so many of us in this place, that is something that needs clarification.

Looking now at the Interpretation Act 1984, I hope that the member for Albany will not be disappointed to see that in section 13CA(2) it is proposed to delete “Albany” and insert “Narrogin”. The member for Albany would read on and see that we are again instructed to delete “Albany” and insert “Narrogin”. I am not sure why we are moving from an Albany-centric perspective in the Interpretation Act to a Narrogin-centric perspective, but no doubt that will be explained to us. Then I see that clause 28 will amend the Marketing of Potatoes Act 1946. Last night in the courtyard we had a function with representatives from the Potato Marketing Board and the celebration of all things to do with potatoes as a major achievement of the government. No doubt these amendments were discussed along with fine food and wine last night, so it will be interesting to contemplate the context of some of those changes.

This is indeed a very wide-ranging bill. These repeals and minor amendments touch on legislation in many portfolios, and no doubt that is why members on this side of the house have had to think carefully about which of our shadow ministers should respond. This bill touches on so many portfolios; indeed, I looked for my own portfolio area and I note an amendment to the Wildlife Conservation Act 1950. It seems relatively minor and is simply the renumbering of a section, but noting that the Wildlife Conservation Act is long overdue for some major amendments and, we hope, replacement, I did wonder why we would not just get to the real job of bringing in a biodiversity conservation act rather than fiddling around updating the Wildlife Conservation Act 1950 with a tiny amendment. I trust that my colleagues are ready to get into the detail of this Statutes (Repeals and Minor Amendments) Bill 2013 and I look forward to hearing how amendments to such important pieces of legislation as the Genetically Modified Crops Free Areas Act 2003 will impact on the wellbeing of Western Australians and ensure that we have legislation that is robust, up to date and ready to deal with the issues of the day. I conclude my remarks and I look forward to hearing those of my colleagues.

MR B.S. WYATT (Victoria Park) [7.20 pm]: For the record, I am not the lead speaker. I think we are still in frantic negotiations over who that may be. It may be the member for Mandurah. I am not the lead speaker, so I do not need an hour. I rise to speak on the Statutes (Repeals and Minor Amendments) Bill 2013 and I commend the member for Gosnells for a thorough analysis of the many changes that are proposed in this bill. For the record, the shadow Attorney General will be our lead speaker. This bill was introduced by the Attorney General in the Legislative Council last year. The bill was referred to the Standing Committee on Uniform Legislation and Statutes Review and the committee tabled its eighty-first report, which stated, “The Bill’s 44 clauses propose the repeal of one Act and amendments to 41 Acts.” I commend my colleagues in the upper house on that standing committee for their thoroughness in their analysis of all those various recommendations, and there are a lot.

The member for Gosnells already alluded to the opposition asking detailed questions on all these amendments during consideration in detail. I, too, note that there are a range of amendments that the Labor Party has as policy positions that it took to the last election that may differ from the government, and this might be a good

opportunity for discussions around those areas. Interestingly, it is proposed to amend the Electoral Act 1907, and I know that for many of my colleagues on the government benches elections are forefront in their mind. I note that, according to journalists, Hon Norman Moore today was the only nominee for state Liberal Party president, so maybe elections are not at the forefront for members opposite.

Mr J.M. Francis: You know more about it than I do.

Mr B.S. WYATT: I follow Twitter. Hon Norman Moore is institutionalised and cannot escape this place. I follow Twitter and I am on Twitter. Hon Norman Moore was institutionalised after what seemed like 63 years in this place, and it looks as though he will be the president of the state Liberal Party.

Mr D.J. Kelly: It's generational change!

Mr B.S. WYATT: It is generational change in the state Liberal Party with Hon Norman Moore, who is fresh out of his apprenticeship in the Parliament of Western Australia, to take on that heavy mantle. The presidency is interesting, because it brought to mind an interesting piece of mail I got on Monday—two days ago. Mr Acting Speaker (Mr N.W. Morton), you will be interested to know that the federal member for Hasluck—I think that is probably your federal seat—Ken Wyatt, and I accidentally get wrong mail to each other. Members would not be surprised—Ken Wyatt and Ben Wyatt. When Ken was elected, member for South Perth, I said to him, “I got elected first. You've got to change your name to Graham, because this Ken and Ben is going to cause some issues”—and it does.

Mr D.A. Templeman interjected.

Mr B.S. WYATT: Sometimes it could be. I have not yet got a big cheque made out to Ken wishing him all the best for the upcoming election, but regularly I get mail to Ken and I forward it to him, and regularly I get mail to Ben that has been forwarded to me from Ken. I have become used to that. However, I was very surprised to receive in the mail on Monday a document from John Ruddick, who is running for the federal Liberal presidency. It was addressed to Ben Wyatt, because I do not open Ken's mail, at my address, and it is impressive. It is quite an expensive document.

Mr J.M. Francis: He was the best man at my wedding. He is a great bloke.

Mr B.S. WYATT: John Ruddick? The member for Jandakot —

The ACTING SPEAKER (Mr N.W. Morton): Member for Victoria Park, I assume you are about to make a reference back to the bill.

Mr B.S. WYATT: To the Electoral Act—of course. They are very important amendments to the Electoral Act, and I want to reference some elections that are taking place. John Ruddick, who the member for Jandakot has said is a good friend of his—hopefully he is still a good friend of the member if he was the best man at the member's wedding —

Mr J.M. Francis: We are very, very close. He is a very, very good friend.

Mr B.S. WYATT: I wish him all the best. I am not sure whom he is up against, but it looks as though he has the support of the Prime Minister. I like what the Prime Minister says about John Ruddick. I quote to the house —

“For me John Ruddick evokes the spirit of George Washington — not just because of his willingness to stand up for a principle and fight for a good cause but because of his rigorous honesty.”

That was said by Tony Abbott in 1998, so I am not sure how relevant it may be. It is an interesting read—not just because it was sent to me. I am thinking that I may well vote for John. I am assuming that my ballot paper will also arrive in the mail at some point.

The ACTING SPEAKER: Member, I am still waiting for that reference to the bill.

Mr B.S. WYATT: The good thing about the Electoral Act is that it gives us a good chance to vote for the people we want in key positions. That is very important. I know that John Ruddick wants to hold this key position of the federal Liberal presidency. As he said, he wants to make membership rewarding by further disbursing political power to the ordinary members, because many factional bosses resisted this democratic reform. Often when I read things in the media or when I listen to my colleagues on the other side of this house and there is reference to factions in the Labor Party, it is good to know that the Liberal Party also, it appears, has factions. Despite what the member for South Perth may say when he gets to his feet, it is good to know that the factional bosses in the Liberal Party are resisting democratic reform. I know that they are following the federal Labor Party down that democratic path. Soon they will all have a chance to vote for their federal leader—I know they will. That is going to be because of the member for Jandakot's best friend, John Ruddick. Member for Jandakot, please pass on to Mr Ruddick my very best wishes, and tell him that I look forward to more mail from him. It says that to

learn more about John Ruddick, we should google John Ruddick. I have not yet googled him, but I will google John Ruddick. There is no doubt that he will have all sorts of information.

Ms R. Saffioti: There may be a picture of the wedding.

Mr B.S. WYATT: There may even be a picture of the wedding, member for Jandakot.

Anyway, I will come back to the Electoral Act, Mr Acting Speaker.

The ACTING SPEAKER: That would be wonderful.

Mr B.S. WYATT: I appreciate the fact that you have given me a bit of leniency. I will forward it on to Ken, who is probably wondering where his paraphernalia from John Ruddick is.

A member interjected.

Mr B.S. WYATT: I assume that is why it arrived in my letterbox and not Ken's. Hopefully, Ken may also have it.

As the member for Gosnells pointed out—coming back to some of these amendments—there is the Commercial Tenancy (Retail Shops) Agreement Act. Of course, the Labor Party has a position on a lease register in shopping centres. No doubt that will get some discussion going when we enter consideration in detail regarding that legislation. There is the Legal Profession Act 2008. I know that I will be interested in the amendments that are taking place there, as will the shadow Attorney General, who is probably directly impacted.

The member for Gosnells also alluded to the amendment to the Marketing of Potatoes Act. I noted that last night the Potato Marketing Corporation of Western Australia was holding quite a soiree in the courtyard at Parliament House. I do not think it has held one before—certainly not in the time I have been in this place. It had lots of potatoes, as we would expect from the Potato Marketing Corporation. I saw them all there. I did not join the festivities; I know that a lot of members did. The aroma of those potatoes wafted through Parliament, convincing all my conservative friends exactly why we must have a Potato Marketing Corporation in Western Australia.

Mr I.C. Blayney interjected.

Mr B.S. WYATT: The member for Geraldton, who is at the back of the chamber, is absolutely determined to keep hold of the Potato Marketing Corporation. I am looking forward to getting to that amendment because I might move a couple of amendments to the Marketing of Potatoes Act. I think it is worth reminding all my colleagues of the long, long, long history of the Potato Marketing Corporation in Western Australia. I note that it is a 1946 act. I want to quote from WA Labor's policy statement titled "Economic Reform: Freeing Up the Sale of Potatoes in Western Australia". When I move around Australia, as members of this place do, and speak to my colleagues about how active the Potato Marketing Corporation is in their economy, their eyes glaze over and they stare at me blankly and say, "The potato what?" They are somewhat stunned that we still have such an organisation. That WA Labor policy statement reads —

Western Australia's unusual situation arose out of a scarcity of supply in Australia during the Great Depression in the 1930's when the Australian Government set up the Australian Potato Committee to ensure a minimum return to growers and a secure supply. This scheme was disbanded by the Commonwealth at the end of World War Two, but the regulatory functions were taken up in Western Australia for the local industry with the introduction of the Marketing of Potatoes Act 1946.

This Act is still in force today —

We know that; the function last night told us that —

and provides the extensive powers under which the PMC —

That is, the Potato Marketing Corporation —

operates.

They are quite extensive powers. Members would be surprised to know the sorts of powers the PMC has. Section 19 of the Marketing of Potatoes Act 1946 states that the PMC may —

prohibit the production of potatoes for sale to consumers in the State except in accordance with the conditions determined by the Corporation;

Ms M.M. Quirk: There are more controls for potatoes than there are for kronic.

Mr B.S. WYATT: That is a good point, member. Kronic is much less regulated in Western Australia than taties—my potatoes are much more regulated. I dislike the powers. The policy statement reads —

Some of the extensive powers held by the PMC include:

- The power to stop a vehicle that an inspector suspects of carrying more than 50 kg of potatoes.

There are two things. That is a lot of potatoes—I do not think we can deny that—but to stop a vehicle that that inspector suspects is carrying a few potatoes —

Mr J.M. Francis interjected.

Mr B.S. WYATT: Member for Jandakot, that is a great question.

Mr J.M. Francis: It's just three spare tyres.

Mr B.S. WYATT: I think the member for Jandakot agrees with where I am going with this contribution to Parliament. But not only that, member for Jandakot; as a good libertarian, as I know the member for Jandakot is, that inspector also has the power to search the vehicle and anything else the vehicle carries. If the inspector suspects the member for Jandakot has a lot of potatoes in his ute, he will have a look around. That very inflamed inspector, agitated by the potential huge quantities of potatoes in the member for Jandakot's ute, has the power to demand that the person in charge of the vehicle carrying potatoes must provide to the inspector the person's name and address, plus any paperwork related to the journey and destination. That inspector has the power to impound the documentation, any potatoes found and any packaging the inspector believes was used for the potatoes—not just the potatoes, but any of the packaging used to carry those potatoes.

Mr D.J. Kelly: Is “potatoes” defined?

Mr B.S. WYATT: I do not think so; but it is a potato. I am not so certain about the form of that potato.

Mr J.M. Francis: Pringles!

Mr B.S. WYATT: Pringles. The member for Jandakot is all over this! I think he has spent a bit of time on the subject of the Potato Marketing Corporation of Western Australia. I am sure the member for Jandakot would not be surprised that when we regulate something, we impose a cost on that industry.

Mr I.C. Blayney: Like the labour market.

Mr B.S. WYATT: Such as the labour market and anything else that we regulate. Well done, member for Geraldton!

Mr D.A. Templeman: You're an all-star farmer, aren't you?

Mr I.C. Blayney: No.

Mr B.S. WYATT: He is about to be. If we deregulate the potato industry, even the member for Geraldton might get a farm with some taters. I might give it a crack. I might go down to the big garden out the back of my father-in-law's house in Fremantle and give it a crack, but I will not do it with the fear of those potato inspectors breathing down my neck, I will tell members that right now. I do not want to be stopped, searched and seized under the powers of the Marketing of Potatoes Act 1946. Coming back to the member for Geraldton's very helpful interjection, it means that potatoes in Western Australia are more expensive than potatoes in other states. To be fair to my friends from the Potato Marketing Corporation who were here last night, I know that they would vehemently disagree with that. They had a sign showing that 81 per cent of Western Australians support the Potato Marketing Corporation—81 per cent. Its members had a big pie chart with 81 per cent on it. I am pretty sure that the first question asked by those 81 per cent of people was, “The potato marketing what?” No doubt when the Potato Marketing Corporation was explained to them, they were utterly convinced about its merits!

Members will be pleased to know that the Australian Bureau of Statistics keeps records and has conducted analysis on potatoes. I assume Western Australia Police keeps a record as well, because potato farming and the carrying out thereof is a serious matter in Western Australia. The average Western Australian family that eats a modest two kilos of potatoes a week would easily save around \$100 a year if Perth's potatoes were as cheap as Sydney's potatoes. Perth's potatoes are more expensive because of regulation. I reckon the member for Jandakot eats more than two kilos! I know exactly where the member for Jandakot will be when I move my amendment to that clause when we eventually get to it. He will be voting for it!

I encourage members to get behind this matter because the Marketing of Potatoes Act 1946 is probably past its due date. I get that we needed to regulate potato marketing during the Great Depression, the First World War and the Second World War, and I get why we needed to ensure a return to those farmers and the supply of potatoes. I am not sure whether any members have read the Economic Regulation Authority's draft report titled “Inquiry into Microeconomic Reform in Western Australia”. The final version is being prepared before being sent to the government on 30 June. The ERA recommends in the report that it is time to repeal the Potato Marketing Corporation. I note there was some agitation in favour of regulation from the people representing the Potato Marketing Corporation and, interestingly, Murdoch University made some comments. I was very critical of the universities not responding to the ERA's report but there was a response from Murdoch University. I noted on one of the signs that I saw last night at the drinkies and potato soiree run by the Potato Marketing Corporation

that it has a partnership with Murdoch University. It is a partnership of some form, involving a research of potatoes, I assume.

Mr J.E. McGrath: It is research based at Murdoch University.

Mr B.S. WYATT: I am assuming it is about growing potatoes.

Mr D.A. Templeman: Member for South Perth, I thought this was the bill in which you were going to introduce some amendments to the Parliamentary Superannuation Board. You promised!

The ACTING SPEAKER (Ms J.M. Freeman): Member for Victoria Park, I have been directed by the Clerk that you need to stay within the —

Mr B.S. WYATT: The Marketing of Potatoes Act 1946.

The ACTING SPEAKER: Member for Victoria Park! I have been reminded by the Clerk that you need to keep the debate within the bill, and I understand you are and that although we are allowing members some latitude this evening, maybe you need to bring it back from talking about universities to the bill.

Mr B.S. WYATT: The Marketing of Potatoes Act, which established the Potato Marketing Board, has a relationship or a partnership with Murdoch University, as helpfully confirmed by the member for South Perth. The member for Mandurah distracted me, I think, with an amendment the member for South Perth intends to make to the State Superannuation Act 2000, but we will wait for him to make that amendment in due course. I am not sure what his amendment is, but if we keep this going till about quarter past two in the morning, the member for South Perth will jump up and move that amendment then. Although we do not all agree, I think it is time to abolish the Potato Marketing Corporation. The member for Jandakot, the libertarian that he is, will agree.

[Member's time extended.]

Mr B.S. WYATT: I am looking forward to moving the amendment to clause 28 of the Statutes (Repeals and Minor Amendments) Bill 2013. I know that I have got two votes and I might rustle up a few more. I might convince the member for Geraldton yet.

Mr I.C. Blayney: I want to deregulate the labour market, not the potato market.

Mr B.S. WYATT: Let us look at the bill. The member for Geraldton makes a good point. I find it curious that he wants to deregulate the labour market, but he still wants to regulate taters. That is extraordinary. As a result of regulating the harmless potato in Western Australia, we get less choice and higher prices. That is the inevitable result of regulating the potato industry. The Second World War is over and the economic rationale for this organisation no longer exists. I look forward to the member for South Perth's support for my amendment after he has made his amendment to the State Superannuation Act 2000. I think my amendment is useful and that, as the member for South Perth said, it is time we moved beyond the regulated potato industry and adopted the position that every other state in our fair commonwealth has adopted and allowed our potato farmers to just grow potatoes, stick them in the car, and move them without fear of being accosted by inspectors and having their documents seized and answers demanded.

Several members interjected.

Mr B.S. WYATT: Imagine what the Spudshed would do in a deregulated environment and the potatoes that would be on offer. I know what the Spudshed owner thinks, too.

Mr J.E. McGrath: There would be no room for planes at Jandakot airport!

Mr B.S. WYATT: I am sure there is another bill that can deal with that. I think we are amending the Transport Co-ordination Act 1966; there we go. We have plenty to deal with. Madam Acting Speaker will be pleased to know that I intend to sit down shortly. This will be an interesting debate because when we get the opportunity to debate a broad range of legislation, a broad range of questions are asked. I know that my colleagues from the Liberal Party—the deregulators—will support me when I move that amendment, and I look forward to that support.

Debate adjourned, on motion by **Mr J.E. McGrath.**