

LEGISLATIVE COUNCIL

OBSOLETE LEGISLATION REPEAL BILL 2015

SECOND READING SPEECH

Hon Michael Mischin MLC
MINISTER FOR COMMERCE

Mr President

I move that the Bill be now read a second time.

This Bill will repeal obsolete and redundant legislation from the statute book, including some Imperial Acts.

In total, the Bill will repeal 10 obsolete Acts that are presently the responsibility of four portfolios, being the Departments of Commerce, Fire and Emergency Services, Housing, and the Attorney General.

This Bill, together with the Licensing Provisions Amendment Bill 2015, Residential Tenancies Amendment Bill 2015 and Disposal of Uncollected Goods Amendment Bill 2015, promote the Government's plan to reinvigorate regulatory reform by cutting unnecessary regulation, and thereby supporting small businesses, investment, and jobs growth.

Together, the four Bills demonstrate the Government's continuing commitment to ensure legislation only remains in force for as long as it is necessary, and that legislation currently in force operates effectively and efficiently.

Removing unnecessary legislation from the statute book assists the Government's legislative program, and parliamentary business generally, by reducing the number of consequential amendments that must be considered when undertaking legislative change.

The *Fire and Emergency Services Authority of Western Australia (Consequential Provisions) Act 1998* and the *Housing Societies Repeal Act 2005* are now exhausted, as they have already achieved their stated purposes.

Otherwise, the Bill will repeal six Imperial Acts that are no longer relevant in Western Australia or have been superseded by more contemporary legislation.

These are the:

- *Bills of Exchange (day for payment) Act 1836*;
- *Bills of Exchange (non-payment) Act 1832*;
- *Debts Recovery Act 1830*;
- *Debts Recovery Act 1839*;
- *Executors Act 1830*; and
- *Infants' Property Act 1830*.

The Bill will also repeal the *Business Licensing Amendment Act 1995* as many of its reforms have already become effective.

Parts 2 and 3 of that Act have not yet been proclaimed, but these are now to be incorporated among other reforms in the Licensing Provisions Amendment Bill 2015, which, along with this Bill, forms part of the Government's Repeal Week programme.

A further significant reform effected by this Bill is the repeal of the *Sunday Entertainments Act 1979*, which prohibits the keeping, opening or use of places for paid public entertainment or amusement on Sundays, Christmas Day or Good Friday.

Since 1979, Ministers of successive governments have granted permanent and short-term exemptions from the operation of the Act and published exclusion notices in the *Government Gazette* to allow cinemas, sporting events, live music performances, carnivals, festivals and the like to operate.

Where exemptions do not apply, a person must apply to the Minister for approval before their premises can be used to host public entertainment on non-exempted days. Nowadays, most applications are to allow cinemas, ice rinks and some other amusement centres to operate on Good Friday.

Repealing the Sunday Entertainments Act is timely as:

- the Act no longer reflects community attitudes;

- the process of having to apply for an exemption from the Act is unnecessarily burdensome on businesses and an inefficient use of their and government resources; and
- a sufficient level of government oversight of such activities already exists through local government and other regulation.

Removing this unnecessary regulation provides greater flexibility to industry as business owners, landlords and lessors no longer need to seek approval to use a place for paid public entertainment on Sundays, Christmas Day or Good Friday, and will expand consumer choice and convenience.

Pursuant to Legislative Council Standing Order 126(1), I advise that this Bill is not a uniform legislation Bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the Government of the State is a party. Nor does this Bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the Commonwealth.

I commend the Bill to the House and table the explanatory memorandum.