

STATUTES (REPEALS) BILL 2016

Second Reading

Resumed from 16 November.

MR J.R. QUIGLEY (Butler) [4.05 pm]: I will be brief in my comments on this bill. The Statutes (Repeals) Bill seeks to repeal several pieces of legislation that are obsolete and can with safety and confidence be repealed. The bills that will be repealed by this legislation are the Coal Industry Tribunal of Western Australia Act 1992, the Labour Relations Reform Act 2002, the Spear-guns Control Act 1955, and the Western Australian Marine (Sea Dumping) Act 1981. The Labor opposition supports this bill in its entirety.

I would like to say something about the preparation and passage of legislation through this chamber. The bill that preceded this bill is the Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016. That bill had 104 clauses. As I said during the second reading debate on that bill, those clauses were drawn from the report of the Law Reform Commission on restraining orders legislation. Those clauses were sound. However, as I also mentioned during that debate, we do not believe those clauses go far enough. The consideration in detail of the restraining orders legislation went for less than an hour and the bill had a quick and compliant passage through this chamber.

The bill that preceded the restraining orders bill was the Sentencing Legislation Amendment Bill 2016. The debate on that bill went on for quite a while. The government sought—disgracefully—to gag the debate on that bill when we were dealing with a very nutty constitutional issue. For those members who supported that gag, let that hang as a badge of shame around their neck. The opposition is conscious that the community needs, and wants, both this repeal bill and the restraining orders bill. The government brought the restraining orders bill before this house at the eleventh hour, on the last day of this sitting, after years of having it on the agenda. We have been pushing for that bill for months and months.

The government embarked on a disgraceful stunt today in relation to the proposed amendments to the Bail Act. That was, again, driven by the absolute incompetence and laziness of the Attorney General. The Attorney General introduced those amendments in June 2016. He then let them lie on the notice paper. In August 2016, after a circumstance of high political controversy in which a paedophile, after pleading guilty, was released on bail, the Attorney General said that the government would move to block that straightaway by amending the Bail Act. The opposition moved a motion in this chamber calling for the dismissal of the Attorney General for allowing this to happen. In response to that motion, the Deputy Premier said that the government would move to attend to the matter immediately and that the Attorney General would move to block it immediately. That was in August 2016. Then, yesterday shortly before 12.00 noon, a Mr Jerga, a reporter with Channel Nine, rang me to ask what was happening with the bail bill. I said that he would have to ask the Attorney General. He rang the Attorney General at 12 o'clock. The Attorney General had done nothing of what he promised to do immediately and what the Deputy Premier undertook to this house would be attended to immediately, the Attorney General having been asleep at the wheel and incompetent. Today he handed the opposition a draft of an amendment to the government's amendment to the Bail Act. When I looked to the footer of the draft, I noticed that that draft was prepared at 1.18 pm yesterday, so nothing had happened. Talk about immediate action; nothing had happened at all until there was a media inquiry. Then the Attorney General had the gall to say that his move on this amendment was not a stunt. Members of the public will not be duped; they know.

The DEPUTY SPEAKER: Member for Butler, I have given you considerable latitude in your preamble. Can you now please direct yourself to the bill.

Mr J.R. QUIGLEY: I am talking about the preparation of legislation.

The DEPUTY SPEAKER: We are not talking about the preparation of legislation; we are talking about the Statutes (Repeals) Bill 2016.

Mr J.R. QUIGLEY: I note that the Premier is pleased with the ruling, because he does not want the government's incompetence and laziness further canvassed in this chamber. If I am not allowed to speak about the preparation of the bills, I have nothing more to say on this bill.

MR D.A. TEMPLEMAN (Mandurah) [4.12 pm]: Obviously, this Statutes (Repeals) Bill 2016 is a repeal bill. Being a historian—not being a historian, but having an interest in heritage—I want to make note that we are in fact repealing a very historic piece of legislation as part of this repeal bill, that being the bill referred to in part 6, Escheat and forfeiture of real and personal property of 1834. The explanatory memorandum states that the bill covers the transfer and forfeiture of real and personal property to the Crown or the state. The matters covered by the bill are now addressed in more modern legislation. There is a historical aspect to the legislation. I always look with interest at repeal bills, particularly those that jettison acts of Parliament to history.

Mr C.J. Barnett: Perhaps you can then tell me what “escheat” means.

Mr D.A. TEMPLEMAN: I do not know.

Mr C.J. Barnett: Okay; we will rely on the clerks to do some research.

Mr D.A. TEMPLEMAN: I would be very interested to know that. I do not even know whether I pronounced it correctly. How did the Premier pronounce it?

Mr C.J. Barnett: I followed your lead!

Mr D.A. TEMPLEMAN: I would not be overly confident in following my lead!

The legislation is of interest. When we jettison legislation through repeal bills, I think it is a moment to reflect on the historical nature of that legislation. I will give an example of a past repeal bill in which this Parliament ultimately repealed legislation regarding burials around the Christ's Church in Mandurah. I reflected on the history and the importance of that legislation at the time of the state's development. Of course, that bill dated back to 1872 and related to where people could be buried in the City of Mandurah town site so as not to have a detrimental health impact on access to water.

As the member for Butler highlighted, we have these bills that have suddenly been thrust upon us in the dying days of this government and this Parliament. It is important to reflect on the jettisoning of legislation, particularly legislation that dates back to 1834. I do not know whether the Premier has been given the definition of "escheat".

Mr C.J. Barnett: Yes; I have done a lot of research!

Mr D.A. TEMPLEMAN: I thought the Premier had!

Mr C.J. Barnett: It is the reverting of the state's land back to the Crown in the case of someone dying without leaving a will or legal heirs. So there you go. They thought of everything back in 1834!

Mr D.A. TEMPLEMAN: We learn something.

Mr C.J. Barnett: As a self-professed historian, I thought you would have known that!

Mr D.A. TEMPLEMAN: I cannot profess to know everything!

Mr W.J. Johnston: What?

Mr D.A. TEMPLEMAN: It has been a total facade for the last 16 years!

In the spirit of this, I note that the Spear-guns Control Act 1955 will also be repealed because there is more modern legislation that defines "spear guns". From my reading of the explanatory memorandum, that legislation was superseded by the Weapons Act and therefore it will be repealed. I think it is quite interesting that in the history of our legislation, there is very specific legislation regarding the control of spear guns. I assume that in 1955 the use of spear guns became more prevalent. That is probably when they started being more widely used and there was therefore a need to actively regulate them by appropriate legislation. But on this historic day in the last moments of this government, it is interesting that we are repealing legislation that dates back to 1834 and also the Spear-guns Control Act that dates back to 1955. I note the historic nature of that.

MR C.J. BARNETT (Cottesloe — Premier) [4.18 pm] — in reply: I thank members for their support of the Statutes (Repeals) Bill 2016. It repeals five obsolete or redundant pieces of legislation. It is a bit more than housekeeping, but obviously we should get rid of redundant legislation to keep the statute book as concise as it can be. Every time a piece of legislation comes in, it imposes costs, and there can be cross-references to legislation because obsolete legislation exists, even though it is not used, and that can result in consequential amendments and the like. Every year, Parliaments produce more new legislation than they get rid of, but I think it is a proper requirement that we continually try to remove unnecessary and obsolete legislation. I thank members for their support.

Question put and passed.

Bill read a second time.

Third Reading

Bill read a third time, on motion by **Mr C.J. Barnett (Premier)**, and passed.