

LEGAL DEPOSIT AMENDMENT BILL 2023

Second Reading

Resumed from 15 March.

HON PETER COLLIER (North Metropolitan) [3.51 pm]: I stand on behalf of the alliance as lead speaker on this monumental bill to say that we will support the bill. I cannot keep up with the standing orders; do I have unlimited time?

Several members interjected.

Hon PETER COLLIER: I am joking. You missed it all, but it was worth it. I will not say it again.

This will not be a Churchillian performance. This is a fairly minor bill and the opposition will support it. Essentially, it deals with matters of historical record that have been kept at the State Library of Western Australia, which is a great thing, to provide an avenue for historical reflection. It is a repository of historical information. Do not say that too often after you have had a few! Essentially, we now have a vehicle that provides the opportunity for information to be kept online, streamlined through National edeposit, or NED. It was launched in 2019. It is a collaboration of member libraries of the National and State Libraries Australasia, including the State Library of Western Australia. It is a digital collection that enables publishers to meet their legal obligations by depositing a single copy of a digital publication into an online portal. This bill will provide the capacity for the State Library to use NED to collect, preserve and make available online publications. This will be cost-effective and maximise efficiency whilst providing the opportunity for publishers to satisfy their legal deposit obligation. Although many Western Australian publishers are voluntarily depositing digital publications using NED, it is proposed to make regulations that require publishers to do so.

It is important. As a former teacher of history I used to tell my students over and over that they have no hope of knowing where they are going if they do not know where they have come from. In this instance, the information that is contained within the State Library is absolutely vital. We are talking maps, diaries, photographs and musical content in addition to calendars, books, periodicals, newsletters et cetera. As a contemporary society, it is a great way for us to reflect on where we have been. It is really good and, particularly for those of us who are getting on in years, there is nothing better than a bit of nostalgia to stir up the emotions. For someone who had their adolescence in the 1970s, it is quite therapeutic to reflect on all the photographic and musical detail from that wonderful era known as the 70s.

I have to say that I do not have that much hope for the music that is currently going around, but I am sure that in 50 years, the adolescents of today will reflect quite fondly. There is one little group in particular that I mentioned before, called Spacey Jane. I have great personal affection for Spacey Jane. Years ago, I used to coach the mother of Kieran Lama, the drummer and manager, in tennis. She was a very good state and national player. I follow Spacey Jane; I like *Booster Seat* and all its songs. Having said that, as I will often say, it pales in comparison with the music of the 70s.

I will reflect very briefly on when I first came down from Kalgoorlie. This is why it is so important that we keep for posterity the photographic imagery and the documented evidence from a particular period. It is so good. This is an example. When I first came down from Kalgoorlie in the 1970s to go to university, my bestie from primary school had already moved in the early 70s to an outpost called Karrinyup. It was on the outskirts of Perth in those days. I stayed with him, and you could see kangaroos. To have that photographic evidence now is wonderful, it really is. If members look at the photographic evidence of that period, and also of the 70s and 80s with the Narrows Bridge, South Perth and the south, they will see that it is completely different now. They can look at Boans, Aherns and all those shops in central Perth and see that it has completely changed. The mall has changed, and pretty much everywhere in the metropolitan area is a completely different landscape. We would not know that if we did not have photographic evidence. That is why if planners for the community and people want to know, as a whole, where we are going, it is very important to know where we have come from. I suggest that in 50 years, when those young people of today but also the young people of the time, look at and reflect on what Perth looked like in 2023, I think it will be a completely different landscape. Just imagine, as we are gradually getting more infill and high-rise buildings, it will be a completely different metropolis. As an example of that, look at the Burswood peninsula now. It is nothing like it was 50 years ago. The casino, the stadium and all that residential area was not there.

Hon Matthew Swinbourn: I remember what was there, because the train I was on used to go past it every day, and on any summer's day you could smell the tip. It was horrible.

Hon PETER COLLIER: That is right.

The State Tennis Centre was not there yet. I hope that in 50 years, it is back at Kings Park, but that is a forlorn hope. It is a completely different landscape. That is why I said that history is a wonderful vehicle of reflection for not only nostalgia, but also learning. Do not think for a second that it is just there for nostalgia; it is there for learning.

As I said, if members look back at the music themes and, dare I say, the popularity of the various music themes over that period, it has changed significantly. I remember when I came down to Perth, back in those days—just give me a little indulgence, parliamentary secretary—there was the Perth Entertainment Centre. That is now gone. We can look back now and see that it was there in the 1970s, but that has gone. It was replaced by RAC Arena and now Yagan Square. It is completely different. People would never have known that that was going to happen. Someone born in 2023 would never know that the Entertainment Centre had been there. I think about the dozens of concerts at the Perth Entertainment Centre. Back in those days, we could not get tickets online—again, this will be documented by evidence. Do members know what we used to do? I was at St Columba College when I moved down to the University of Western Australia. I stayed at St Columba, which is now known as Trinity College. Tickets used to go on sale at nine o’ clock on a Saturday morning at the Entertainment Centre. We used to get our sleeping bags and sleep outside the Entertainment Centre. We would take our flagon of wine with us. Pinnichio’s —

Hon Dan Caddy: It used to be at the same building.

Hon PETER COLLIER: Yes! Pinnochio’s—what do you call it? The pizza place—not just the nightclub. The member is thinking of the nightclub! That shows the difference between us.

Right next to the nightclub was Pinnochio’s pizza parlour. We would get there at about eight o’clock and be smashed by about 10 o’clock, and then we would go and get our pizza. We would wake up at eight o’clock in the morning and the doors would open at nine o’clock. We would get in to the front row. Do members know what we saw in 1977? We saw ABBA, Fleetwood Mac, Electric Light Orchestra, Billy Joel, Elton John, Bob Dylan, the Beach Boys and Queen in one super-year. All that entertainment was in the one year. It was great. People would come down from Kalgoorlie where, if you were lucky, you would see Slim Dusty. He was good in those days. That was life in the 1970s. I absolutely loved it.

Of course, it is completely different today, and it would be such a shame if we did not have historical evidence of that period. It would be just the same for the people who went through that in the 1980s, the 1990s or 2000s.

Hon Dan Caddy: The 1980s?

Hon PETER COLLIER: Yes. The 1980s.

As I said, having this vehicle to ensure that evidence is kept in a digital form is really important. I understand that it will be compulsory to provide that evidence. Even though we do not think it is important now and are living for the day, it will be important in 50 years’ time. As I said, I am in a time warp. I am in 1976 and I remember it vividly. I did my tertiary admissions examination —

Hon Samantha Rowe interjected.

Hon PETER COLLIER: I know, mate. Ask any of my friends, it was 1976—I say it proudly. I had my horse, my tennis, Kalgoorlie and then I had uni. It was a completely different lifetime.

Anyway, forget all that, parliamentary secretary. In normal circumstances, I would use the opportunity as lead speaker of the opposition to bring down the government, but because the parliamentary secretary is one of my favourites, I will not do it.

Hon Samantha Rowe: You’re not meant to have favourites!

Hon PETER COLLIER: I know; there you go—I have said it. I am also not going to use this opportunity to give one of my Churchillian contributions. It is an eminently sensible piece of legislation. I think we cannot deny that we are going to learn from our past, regardless of the future. As I said, I was a history teacher for over 20 years and I always used to tell my students to never underestimate the value of history, because if someone does not learn from history, they will be no good in the future. I always told my students to make sure that they understood where they came from. That is why this is a good piece of legislation and the alliance supports it.

HON DAN CADDY (North Metropolitan) [4.03 pm]: It gives me great pleasure to talk about the Legal Deposit Amendment Bill 2023. I will state at the outset that I do not intend to speak for that long either. I will also seek the house’s indulgence to go a little bit off message, as did my friend and colleague Hon Peter Collier. I want to speak to this bill because the library and its history are important to me and my family. To many people here today, the bill before us is perfunctory. It is a bill that essentially updates a system as we become more dependent on the digital creation and dissemination of materials. This was outlined in the second reading speech and a little bit by Hon Peter Collier.

To use one example, as we see the demise—I mean that in a positive way—of hardcopy local association newsletters and the proliferation of digital newsletters, the reason for updating the legislation obviously becomes critical. I will talk very briefly about my understanding of what the bill will actually do. I hope I get this right. I take this opportunity to reflect on just how important it is to a civilised society to have an institution like the State Library of Western Australia. I will also talk about the history of the State Library of Western Australia and the commitment over the

past 130 years to ensuring that we do not lose our record of the past. I would hate Hon Peter Collier to lose track of what happened in the 1970s. It is very important to all of us.

One of the most impressive reference institutions I have seen is the Natural History Museum in London. I could, and did, spend days there. In a similar way, through the collection and retention of local publications and state records, the State Library of Western Australia is probably the most important repository of our societal history. Essentially, this bill is important because it will update the way the state library collects and publishes shared publications. It will enforce the obligation on publishers in Western Australia, and at the same time minimise compliance costs and the effort required by publishers to satisfy their legal deposit obligations. It will maximise the efficiency and the cost effectiveness of the State Library.

That was a very brief statement encompassing my understanding of what the bill will do in practical terms. At this point, I could probably sit down. However, I was moved to talk to this bill today because the State Library of Western Australia—initially known as the Victoria Public Library—is a subject close to my heart. I am indebted to State Librarian Catherine Clark. She recently took time out of her incredibly busy schedule to have a chat with me about the library and its history. Her reflections on the library and the importance of the library as an institution were incredibly enlightening. As a recent user of the library, I commend her and her approximately 160 staff—I hope I got that number right—for the important work they all do in saving, cataloguing and protecting not just documents, but also our heritage and the record of Western Australia. I want to give a particular shoutout to Caitlin, whose knowledge and willingness to help was incredibly useful to me on my last visit, as I fumbled my way through the records, funnily enough, in preparation for this speech.

In talking about the importance of record keeping, I want to reflect on Hon Samantha Rowe’s opening words when she read the bill into this place on 15 March this year. She stated —

This government is committed to Western Australia’s documentary history being collected, cared for and made accessible for future generations. The State Library of Western Australia is a keeping place for a vast collection of artworks, diaries, film, maps, music, oral histories, photographs, archives, newspapers and the ephemera of everyday life. These collections are part of who we are. They help us interpret and tell our collective and individual stories.

I will reference the words said to me by the State Librarian in a conversation I had with her recently. I hope she does not mind me quoting her. She said that keeping such records ensures the preservation of the record of the state’s identity—economic, social, creative, scientific and educational—for current and future generations. Those statements put side by side, by two impressive women, I might add, cover exactly why our library is a very important institution in the state.

Record keeping has been important to most modern societies. When I say modern societies, I am talking about during the last 700 years or so, which can be seen as the end of the Dark Ages or the start of the Renaissance. Amongst other things, we saw record keeping really flourish. In Western Australia there was no central repository until the 1890s, when the Victoria Public Library was established and was shortly thereafter renamed the Perth Public Library. Then, in 1956, with the creation of the State Library of Western Australia, all Western Australian material was gathered together into one branch and opened as the J.S. Battye Library of West Australian History and State Archives—so named to honour the role played by Dr James Battye in the acquisition of the collection.

Funnily enough, the creation of this new library was “leaked” to the Battye family in a letter from Mr Sharr, who replaced Dr Battye after his death. It was on Library Board of Western Australia letterhead, dated 25 January 1956, and addressed to Mr James Daniel Battye, the eldest child of Dr Battye. The letter states —

My Dear Jim,

Thank you very much for your kind letter, which I very much appreciate.

I think you will be interested in one of the Board’s plans to enlarge considerably the scope of the present Archives Section in the State Library and create a good library of local history to be known as the James Battye Library of West Australian History. There is no other memorial, so far as I know, to the many services which your father gave to this State and none could be more appropriate than a library devoted to his particular interest. This is not yet public information, but, I thought that you would like to know of what we had in mind.

So I want to talk today in a bit of detail about Dr Battye, about his life and about the extraordinary legacy he left when it comes to the State Library of Western Australia.

Dr James Sykes Battye, CBE, was appointed State Librarian—the first State Librarian in Western Australia—as a relatively young man. He was in his twenties and fresh out of university with a law degree and a modicum of experience in the Victorian Public Library before he arrived in Perth to head up the Victoria Public Library, on 1 August 1894. It was not until the mid-1890s that funding was actually put aside for the creation of a state library

in Western Australia. This funding was taken, I believe, as a portion of the £5 000 put aside to commemorate the fiftieth anniversary of the reign of the monarch of the time—hence the name, Victoria Public Library. His fervour for research, record keeping and for starting and building a collection of material referencing life in Western Australia was, at that point, unparalleled. On his arrival there were approximately 5 000 volumes in the newly established library; 60 years later, at the end of his tenure, there were approximately 200 000 volumes.

Back to James Battye. As well as his tenure of 60 years as State Librarian, he was also responsible for the WA Museum and Art Gallery during this time. He was a member of the royal commission that led to the founding of the University of Western Australia, and indeed he served as chancellor at the university as well. I also note that at a recent—it was a couple of years ago now—event to commemorate, if that is the right word, the closing of Princess Margaret Hospital for Children—an event at which my good friend and colleague Hon Matthew Swinbourn delivered a fantastic speech—James Battye’s photo and name was included on the page commemorating those who were responsible for the commencement and construction of what would become Princess Margaret Hospital all those years ago. He also went on to be president of the Children’s Hospital, as it was then known.

Dr Battye not only collected and recorded Western Australia’s history; he contributed to it himself, authoring two substantial works. The most notable was his *Cyclopaedia of Western Australia*, published in two volumes, which detailed the then Colony of Western Australia from 1829 through to just before the start of the First World War. Indeed, I have at home a first edition of both volumes; it is not an insignificant piece of work.

His commitment to the history of Western Australia went beyond his role as chief librarian. This role clearly was the cornerstone, but as well as his incredibly detailed *Cyclopaedia of Western Australia*, which I have just mentioned, in 1926 he established the Western Australian Historical Society and was chair of the Centenary Celebrations Committee in 1928–29.

In a quote attributed to him in *The West Australian* circa 1944 he said, according to my notes —

“The object of the library is, as far as possible, to provide at least some information on any subject which a reader may require.”

This is a critical part of what drove him. Any collection of information, be it private or state-sponsored, is generally influenced by the collector’s personal wishes for that collection. Dr Battye understood that he was creating a repository for everyone, all Western Australians, and he was conscious of this responsibility. That was what drove him—creating a collection that was sufficiently broad in its scope that there was something there for everyone.

Members may be wondering why I have taken such interest in the man who was the first State Librarian for Western Australia—a man who held that post for 60 of the nearly 130 years it has existed. Well, when he died, he was survived by his wife and five of his seven children, one of whom I referred to earlier, James Daniel Battye. His daughter was Rosalie-Ann Battye, and I have spoken in this place previously about Rosalie-Ann Battye as Ann Caddy—my incredible grandmother. So Dr Battye, her grandfather, was my great-great-grandfather, and it is for this reason that the State Library, of which the Battye Reference Library is now a constituent part is, as I mentioned in my opening statement, important to me and to my family.

James Battye died in 1954, at the age of 82, still as the State Librarian. It was a job he held for life. Life tenures are not common outside the Vatican, and in this regard, I make two observations: the first being that his original tenure was actually set at three years; however, the wording on the agreement said that it would continue thereafter for as long as he performed well. He took those words and interpreted them to mean tenure for life, so that is what he did. The second thing I would note—and this is related to the first—is that at the age of 82, the government of the day was not so keen on continuing the lifetime tenure of the State Librarian. I note that Bert Hawke and his cabinet were in “negotiations” with Dr Battye to retire at the time of his death. If only my tenure in this place were as difficult to sever as was my great-great-grandfather’s so many years ago! I must say, as competent a Premier as the great Bert Hawke was, I am not sure I would have backed him to beat Grandpa Battye, as my grandmother used to refer to him. Only four years prior to his death, Grandpa Battye had secured the withdrawal of a bill that would have placed the library under the control of a new board.

I will not be following in his footsteps and trying to secure the withdrawal of this bill; in fact, quite the opposite. This bill will modernise the current act, allowing for more efficient depositing and collection of materials in the spirit of my great-great-grandfather, who was the original architect of the State Library of Western Australia and who, over 120 years ago, understood the importance of the collection and classification of a wide range of contemporary publications and materials to document the history of this state. I must say, that is an understanding shared wholeheartedly by our current State Librarian. In the digital age, she has far more tools at her disposal, but also an infinitely larger challenge than he ever faced, given the amount of information needed to be collected in the digital age.

I mentioned that James Battye grew the library collection from 5 000 to 200 000 volumes. I am reliably informed that today’s library has enough shelving in it to stretch from the library building in Northbridge all the way to the

Premier's electorate of Kwinana. As with all institutions of this type, the State Library is constantly growing and evolving. It is important that the State Librarian is given all the necessary tools at her disposal to carry on this valuable work. That is what this bill will do, and I commend the bill to the house.

HON SAMANTHA ROWE (East Metropolitan — Parliamentary Secretary) [4.18 pm] — in reply: I would like to begin by thanking members for their contributions to the Legal Deposit Amendment Bill 2023 this afternoon; Hon Peter Collier for his and the opposition's support; and, of course, my friend and colleague Hon Dan Caddy for his contribution and support for the bill.

It is always interesting to hear people's personal stories intertwined when they make contributions in this place. As always, I was pleased to hear about the 1970s from Hon Peter Collier, even though I was late to the party in the 1970s, only being born in 1978, and also to hear about the personal history that Hon Dan Caddy has with the State Library of Western Australia, with his great-great-grandfather being the first State Librarian. This bill will protect our history in the documenting of really important and significant parts of our history so that future generations will have the opportunity to look back and enjoy those documents.

The passage of the Legal Deposit Amendment Bill 2023 means that regulations for the legal deposit of Western Australia internet documents can be finalised, and the State Library will be able to use the National edeposit service, or NED, as it is known, to collect, preserve and make available online publications. This will minimise the compliance costs and effort required by publishers to satisfy their legal deposit obligations and maximise efficiency and cost effectiveness for the State Library.

At this time, I would like to thank all the staff at the State Library of Western Australia, and, of course, Catherine Clark, our State Librarian, for all the tremendous work they have done to make sure we have been able to secure the passage of this bill. Although it is small, it is a really significant bill in what it will do for the protection of our state's history and documentation. Thank you to all those who have been involved in its preparation. I commend the bill to the house.

Question put and passed.

Bill read a second time.

[Leave granted to proceed forthwith to third reading.]

Third Reading

Bill read a third time, on motion by **Hon Samantha Rowe (Parliamentary Secretary)**, and transmitted to the Assembly.