

LEGISLATION BILL 2018

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Sue Ellery (Leader of the House)**, read a first time.

Second Reading

HON SUE ELLERY (South Metropolitan — Leader of the House) [6.13 pm]: I move —

That the bill be now read a second time.

An important responsibility of government is to provide public access to accurate, up-to-date and reliable versions of legislation in a timely and efficient manner. This responsibility stems from the principles that everybody is presumed to know the law, and that ignorance of the law is no excuse. Neither of these principles can operate fairly and effectively if the law is not made publicly accessible. In Western Australia, this responsibility is carried out by the Parliamentary Counsel's Office and the State Law Publisher. Individual acts as passed and bound volumes of acts passed each year are published in hard copy and made available through SLP. Subsidiary legislation as made is generally published in full in the *Government Gazette*, which is published in both hard copy and electronic forms. Reprints of acts and subsidiary legislation—that is, with their amendments incorporated—are prepared by PCO under the authority of the Reprints Act 1984 and printed and published by SLP. PCO also hosts and maintains the WA legislation website.

Under current WA law, generally only hard copy versions of acts and hard copy versions of the *Government Gazette* in which subsidiary legislation is published have official status. Electronic versions on the WA Legislation website and the electronic version of the *Government Gazette* have no official status. Demand for printed copies of WA legislation has steadily declined over recent years and usage of the WA Legislation website continues to increase. The number of subscribers to the *Government Gazette* also continues to decrease. It is therefore a reasonable assumption that most people who want to access WA legislation do so by looking at the versions on the WA Legislation website or, in the case of subsidiary legislation, the electronic version of the *Government Gazette* in which it appears.

The bill proposes to modernise the processes for publishing WA legislation. It will enact a new Legislation Act that sets out the responsibilities for publishing WA legislation, provides for the official status of both hard-copy and electronic versions of WA legislation and gives PCO a more useful set of editorial powers so that WA legislation can be kept up to date, modernised and simplified, and errors corrected, without the need for the changes to be enacted by Parliament. The Reprints Act 1984 will be repealed. In line with conferring official status on electronic versions of WA legislation, the electronic version of the *Government Gazette* will also be given official status.

A number of benefits will flow from the bill. It will improve public access to subsidiary legislation and introduce greater efficiencies in the availability of printed copies of WA legislation with official status. It will bring the legal status of electronic versions of legislation into line with hard-copy versions, as is already the case in the majority of other Australasian jurisdictions and many other overseas jurisdictions. It will make PCO's electronic legislation updating processes simpler and more efficient. It will significantly improve the quality of reprints and their usefulness to users, and save parliamentary time, because a greater range of editorial changes could be made. The current restriction on the exercise of editorial powers will remain. They must not be used to alter or otherwise affect the substance or operation of any written law.

I note that the bill will not alter the processes for the development and passage of legislation through Parliament, nor will it change the way in which acts are handled under the existing publication regime. The bill will introduce a significant change to the way in which subsidiary legislation is published. The Parliament of Western Australia performs a close supervisory function with respect to subsidiary legislation, particularly through the Joint Standing Committee on Delegated Legislation and the disallowance power vested in each house by section 42 of the Interpretation Act 1984. No change is proposed with respect to that function.

PCO has consulted extensively on the changes that are proposed to be implemented in the bill. They have widespread support from key legal stakeholders. There was some feedback on the proposals to enhance the current editorial powers. PCO currently takes a very careful and conservative approach to the exercise of the editorial powers available under the Reprints Act 1984, and this approach will be adopted in relation to the enhanced editorial powers. If there is any doubt about whether the exercise of an editorial power would change the law, PCO would not exercise the power. Any change would then have to be made by Parliament in the normal way, principally through a Statutes (Repeals and Minor Amendments) Bill.

The bill supports the government's objectives to make its processes more efficient and cost effective through more effective use of technology, and to improve the provision of its services to the public. The bill will create administrative efficiencies across government and also reduce costs to all government agencies. The bill will also enhance public accessibility of WA legislation. In enhancing access to legislation, the bill will improve access to justice, which is a key priority of this government.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to a bilateral 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 I table the explanatory memorandum.

[See paper 2130.]

Debate adjourned, pursuant to standing orders.