STATUTES (MINOR AMENDMENTS) BILL 2017

Second Reading

Resumed from 16 May.

HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition) [3.12 pm]: Thank you Mr Deputy President.

The ACTING PRESIDENT (Hon Robin Chapple): I like the elevation!

Hon MICHAEL MISCHIN: Mr Acting President.

The ACTING PRESIDENT: Thank you.

Hon MICHAEL MISCHIN: I rise to indicate the opposition's support for the Statutes (Minor Amendments) Bill 2017, and for the amendments that have been foreshadowed in supplementary notice paper 5, issue 1. I will make a few comments on the 105th report of the Standing Committee on Uniform Legislation and Statutes Review that, in its capacity as a statutes review committee, considered the bill and made certain findings and a recommendation in June this year. The bill itself is relatively straightforward. It makes a number of corrective amendments to 11 statutes. One of them at the time of the introduction of this bill had not yet been proclaimed and become operative, and I will turn to that in a moment. The amendments are of a corrective nature and the committee had the opportunity to look at the various elements of the bill and what was proposed, and it set out its views and analysis of what they involved in its report. I do not think it is necessary that I go through it; all members who are interested in it will have had the chance to do so.

However, I turn to one element of the report that relates to clause 2 of the bill, which, amongst other things, contained a provision that part 1 of the bill would come into operation at the date of royal assent and that part 2 of the bill, which had the substantive provisions of the bill, would come into operation on a day or days fixed by proclamation. The standing committee, on occasions in the past and again on this occasion, observed that it is arguable, and has been argued in the past, that that executive action of deciding when to bring it into operation, being an executive action, subverts or affects the will of Parliament and its sovereignty as the commencement of legislation has past. Of course, there can be very sound reasons why those sorts of discretions are left to the executive. It may be that elements of a bill need to be brought into line with other legislation. It may be that regulations need to be prepared or other groundwork laid. It may be that the timing needs to be geared to various matters that are more conveniently or necessarily dealt with by the executive. In this particular case, given that it was a corrective measure to legislation that had already been passed, there seemed to be no good reason that the discretion to fix the legislation ought to be left in the air. Because of the character of the bill, it was unlikely that it would never be proclaimed and commence operation; however, the potential was there. The point that the committee makes, essentially, is that rather than using the standard form provisions, those responsible for a bill turn their mind to the timing for its operation and, unless there is a good reason for it, it ought to take effect in a timely fashion after its royal assent and so alter the law as intended by Parliament.

We wrote to the Attorney General about that element of the bill. He indicated that clause 12 involved some amendments to the Sentencing Act 1995 relating to provisions in part 3 of that act about post-sentence supervision and that was due to come into operation on 1 July this year. The operation of that element of the bill ought to be left at large and of the discretion of the executive because it was always possible that this bill would come into operation before the substantive provisions that amend it came into operation. As it happens, that is not the case. It did not explain, of course, why the other remaining 13 clauses needed to be left at the executive's discretion, but there we are. I understand that the Leader of the Government has foreshadowed these amendments in order to bring the rest of the act into operation immediately after the day of royal assent, and we are supportive of that taking place.

The other amendment foreshadowed by the government is to page 5, line 25. It only goes to show that no matter how carefully one picks through legislation, something is almost invariably missed. It seems to be a typographical error, by enclosing brackets around the substantive section number as well as the subsection number. That is being corrected by the amendment proposed in serial 2/12 on the supplementary notice paper. Other than that, the bill, in the opposition's view, should be supported and we propose to support the amendments if and when they are moved. On that note, from the point of view of the committee, we commend the bill to the house and the opposition will support the amendments and the substantive bill.

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [3.19 pm]: The Statutes (Minor Amendments) Bill 2017 is an inauspicious bill. I sometimes wonder how some of the changes that are being inserted come to people's attention. I note that the change to the Administration Act 1903, the very first amended statute in the bill, has the inclusion of the word "the", which is probably bigger than some of the

minor amendments that have been made in the past when there has been the insertion or the deletion of a semicolon and its substitution with another grammatical mark.

When I was in federal Parliament I used to find it extraordinary that things were done quite differently. In the state Parliament I found that these sorts of bills, which achieved the general housekeeping and clean-up work that needed to be done legislatively, were introduced every year as a routine part of government. But in the Abbott era in federal parliament such changes to statutes were exclaimed as part of a "red tape repeal day" and great moment would be made of the introduction of legislation that was, generally speaking, of a very minor and administrative nature. I just reflect upon that.

I note that the Attorney General has agreed that the government is prepared to support an amendment that will give effect to the concerns raised by the committee about the date of proclamation and the bringing into effect of proposed amendments. I listened to the comments of Hon Michael Mischin—the former Attorney General. He outlined the routine reasons why we allow the executive to make the ultimate decisions about the dates that particular parts of legislation are brought into effect by way of proclamation. I think we are going to see these particular comments from the Standing Committee on Uniform Legislation and Statutes Review coming through all the time. I would be very interested to know, and so I ask Hon Michael Mischin what his practice was as the former Attorney General when these many frequent pieces of legislation were brought to the house.

Hon Michael Mischin: You can't help yourself, can you?

Hon ALANNAH MacTIERNAN: I am asking him whether he did or did not routinely have in —

Hon Michael Mischin: Why are you filibustering on a bill like this?

Hon ALANNAH MacTIERNAN: I am asking —

Hon Michael Mischin interjected.

The DEPUTY PRESIDENT: Order! There are too many interjections when it comes to a two-way flow of information. I am going to ask the minister to direct her remarks through the Chair.

Hon ALANNAH MacTIERNAN: I was asking a genuine question. I listened to the contribution of Hon Michael Mischin and I am genuinely interested to know whether or not the position that he articulated was one that had been in accordance with his practice during the years in which he was the Attorney General.

Hon Michael Mischin: Why are you filibustering this?

Hon ALANNAH MacTIERNAN: I am asking Hon Michael Mischin a question, because in a piece of uniform legislation that we will be dealing with tomorrow I had seen a very similar comment from the Standing Committee on Uniform Legislation and Statutes Review. I am genuinely interested to know whether or not this has been a Paul's conversion on the way to Damascus enlightenment about the need to argue for a parliamentary prerogative, when, in fact, as the member himself outlined, there are very strong and practical reasons why, in a general sense, we should accept that the proclamation of the bill should be at a time that is determined by the executive. I think this is interesting. There are a lot of issues we need to raise in the Parliament, and I would not like us to start being ritualistic and impractical about legislation. That is why I am asking this question. It is about an important matter. It is about the practicality of government. I am very interested to know whether or not the member took an opposite view when indeed he was on this side of the house and responsible for the introduction of a great deal of legislation. It is always important that we get the right balance of responsibilities between the Parliament and the executive. Inevitably, there are always issues that will have to be put in place once a bill has been assented to, to ensure that all the required bureaucratic mechanisms that give effect to a bill are met so it can be assented to. I am just making what I think is a small but important statement of principle, that we in this place must always have an eye on the practicalities and realities of what we need to do to give effect to the work we do in this place.

Again, I am making those comments and am making a general statement. I am always happy to receive interjections. I note that that does not seem to be the practice on the other side of the house now, but I am happy to do that so that we can facilitate an exchange of ideas and to clarify points. I pay the courtesy of listening to members when they speak in this place and I attempt to absorb and understand what they are saying. Perhaps if the member does not feel confident to speak at this moment, the member might be able to clarify behind the Chair whether he had a different practice when he was in government. With that I commend this very excellent piece of housekeeping to the house.

HON ADELE FARINA (South West) [3.27 pm]: I rise to speak on the Statutes (Minor Amendments) Bill 2017. Although most members find these types of bills somewhat boring, I, on the other hand, find them interesting. I put that in context. In 2012, when I was Chair of the Standing Committee on Uniform Legislation and Statutes Review, the committee undertook a review of the statute book through a 12-month inquiry. Getting

information from members was a bit like pulling teeth. The committee identified that 48 acts on the statute book were obsolete; 16 had specified sections in acts that were identified by government agencies as being obsolete; 25 items of subsidiary legislation were identified by government agencies as being obsolete; 53 acts were identified by government agencies as requiring further investigation and potentially obsolete; eight specific sections in acts were identified by government agencies as potentially obsolete, requiring further investigation; and one item of subsidiary legislation was identified as potentially obsolete, requiring further investigation. A pretty comprehensive review of the statute book was carried out and the committee was surprised to find how much obsolete or potentially obsolete legislation was on the statute book.

The committee delivered its report on 15 November 2012. Interestingly, about a week before that, on 8 November 2012, the former Premier announced an inaugural Repeal Day to clean out annually obsolete legislation and to cut out unnecessary red tape. A lot of fanfare was made about this inaugural annual Repeal Day. The fact is that we annually look at repeals and minor amendments to legislation, so an omnibus bill is usually before the house at least once a year. This great announcement about the inaugural Repeal Day was laughable in many respects because we do it constantly.

After the committee handed down its report on 15 November 2012, in July 2013 the then Attorney General advised the committee of the government's support for its recommendations and commitment to repealing obsolete legislation. On 12 November 2013, the then Premier, Colin Barnett, also wrote to the committee to confirm the government's commitment to repealing obsolete legislation. He advised the committee that a bill, largely informed by the committee's seventy-ninth report, was being developed to repeal obsolete legislation. Members can imagine the committee's pleasure at getting those letters in view of the immense amount of work that was undertaken. After the announcement of Repeal Day, the State Agreements Legislation Repeal Bill 2012 was introduced to Parliament by the then government—the only repeal bill introduced in 2012. It repealed five obsolete state agreements. In 2013, the bill repealed a number of pieces of legislation; however, it did not comprehensively take on the recommendations of the seventy-ninth report. That was disappointing given that most of the work had already been done for the government. The bills and sections of bills that were obsolete had been identified and I expected that they would be included in the bill, but they were not. I do not recall Parliament considering an omnibus bill in 2014. I stand to be corrected in case I missed it, but I did a quick check before I got up to speak and I could not find one. Despite the then Premier's commitment to an annual Repeal Day, there were no repeals in 2014. In 2015, a repeal bill repealed five acts and six imperial acts. In 2016, we considered another repeal bill that dealt with the repeal of four acts and one imperial act. I have done a quick check of what has been repealed to date since the seventy-ninth report of the Standing Committee on Uniform Legislation and Statutes Review, and a number of acts that were identified in 2012 by the committee as obsolete are still on the statute book. I think that is a concern and should be addressed.

The Statutes (Minor Amendments) Bill 2017 would largely have been prepared during the term of the previous government given that it was introduced so soon after the election. It is interesting that it does not finish the task of implementing the recommendations in the seventy-ninth report, which I find disappointing. I am sure the minister will draw that to the attention of the Attorney General so that we can get on and implement the recommendations of the seventy-ninth report.

Another interesting aspect of the seventy-ninth report was that the committee found that between 1970 and 2012, 70 statutes that were passed by Parliament with royal assent still had not been proclaimed—70 statutes! That is enormous; it is absolutely staggering! This raises serious questions when so much time is spent in this place considering legislation that the executive put up to the Parliament, yet 70 statutes with royal assent still have not been proclaimed. The committee found that of those 70 statutes, 21 were not substantially proclaimed, other than sections 1 and 2, which is the short title and the commencement of the bill. The committee's seventy-ninth report recommended that if there was no intention to ever proclaim these statutes, they should be removed from the statute book. Nothing has been done to address that issue. Again, I think we need to look at that. It is probably timely for the Standing Committee on Uniform Legislation and Statutes Review to have another look at and conduct a review of the statute book to get more current information, because the information I am working on dates back to 2012. A lot of work needs to be done to clear the statute book. The bill before us does only a very minor job in dealing with them. Bills that were identified in 2012 as being obsolete or potentially obsolete and were not proclaimed are yet to be dealt with. I draw that to the attention of the minister to take it to the Attorney General, because clearly some clarification and clearing up of that problem would be appreciated.

I now turn to the Standing Committee on Uniform Legislation and Statutes Review's report on the Statutes (Minor Amendments) Bill 2017. The committee's main recommendation addresses the issue of royal assent and proclamation. In view of the committee's 2012 findings in the seventy-ninth report about the number of statutes that received royal assent but had not yet been proclaimed, I think it is a timely point for the uniform legislation committee to raise again the question of whether we should pass legislation that is proclaimed by royal assent

given that it not only undermines the Parliament's sovereignty in determining when that legislation can be brought into effect, but also leaves in the hands of the executive the possibility that that legislation will never be brought into effect. In its 2012 investigation, the committee found that 70 statutes had never been brought into effect, despite the executive of the day, and governments from both sides of politics, bringing those bills into Parliament. I think that is a timely issue for the committee to raise. The minister has indicated that the government will move an amendment to address that problem in this bill. Hopefully, we will not see it happen again without a very good explanation of why the bill should be proclaimed by royal assent rather than proclamation.

I went through each of the proposed amendments in this bill and I note that it repeals no acts, which is somewhat disappointing, but there are a number of minor amendments. I found the length of time it has taken to correct a number of these minor amendments absolutely surprising. For example, the proposed amendment to the Administration Act 1903 will amend the reference to the Family Provision Act 1972. That act came into effect in 1972 and now, in 2017, we are correcting a typographical error in the 1903 act. I do not know how it came about that someone identified a typographical error of one word—"the"—which has stood okay since 1972, but suddenly someone has decided it is an issue. It comes before us in a committee report that has identified a number of obsolete and potentially obsolete legislation that has not yet been dealt with. In any event, we are now addressing it, even though it has been there since 1972. The Equal Opportunity Act 1984 has been around for quite some time. The act was passed in 1984 and now we are amending section 69. Again, it is a long passage of time between when the legislation was enacted and now, when we feel an amendment is needed. It makes me wonder what has happened with the interpretation of that provision over all those years. At some point, I would really like an explanation about why it has taken so long for these minor amendments to come before Parliament. I would have thought the need for these amendments would have been discovered well before 30 years had passed since the date it had been implemented.

There are a number of other ones that are also quite lengthy in time. It would be interesting to one day get an explanation as to how this happens and how other more obvious changes that need to be made to the statute book are ignored.

I want to briefly comment on another thing that bugs me—explanatory memoranda. I have stood in this place on numerous occasions to talk about explanatory memoranda and the fact that they very frequently provide very little explanation whatsoever to help people understand legislation. They are often just a repeat of what is in the legislation, which is not very helpful at all. When I looked at the amendment proposed to the Criminal Law (Mentally Impaired Accused) Act 1996, the explanatory memorandum states —

> Under *Criminal Law (Mentally Impaired Accused) Act 1996* s. 21, if an accused is acquitted of a Sch 1 offence on account of unsoundness of mind the court must make a custody order.
>
> By *Criminal Law Amendment Act (No. 1) 1988* s. 4(3), Sch 1 was amended by including a reference to *Criminal Code* s. 388E(1)(a) …

It goes on. What interested me was that the explanatory memorandum is actually saying that a 1988 bill caused an amendment to a 1996 act. Most of us who know anything about statutory interpretation will know that that is just not possible, so there is actually an error contained in that explanatory memorandum. Also, the Criminal Law Amendment Act (No. 1) that is referred to is actually a 1998 act, not a 1988 act, and that is probably just another typographical error. It is really important that explanatory memoranda actually assist members of Parliament to understand the legislation before them. It is quite humorous that, while we are dealing with some typographical errors in a bill, we actually find them in the explanatory memorandum. Perhaps a little more care could be taken in future.

Having said those few words, correcting errors in legislation is really important. We do our best in this place to ensure that we get it right—particularly in this place, which is a house of review—but we do not always get it right, and no matter how many people look at legislation, things always slip through. Sometimes when we are making amendments on the run, on the floor of this place, the potential for errors is greater. That is why I so strongly support the committee system and the referral of bills to committees for consideration, because it provides an opportunity for bills to be considered in detail so that hopefully errors can be picked up before they are enacted. Given the length of time it has taken for some of these errors to be corrected, we have to wonder what sorts of problems they are causing in various legal processes in which lawyers and judges are trying to interpret legislation that contains errors. It is a very important process and I commend the bill to the house.

HON ALISON XAMON (North Metropolitan) [3.43 pm]: I rise on behalf of the Greens to indicate that we will also support the Statutes (Minor Amendments) Bill 2017. I just want to make a few comments. I am always pleased when I see this sort of tidy-up legislation, if you like, come into this place because it is really important to ensure that our legislation is as current and accurate as it can be. As Hon Adele Farina just commented, it can well and truly be the case that, no matter how many eyes are cast over legislation at any given point, or as legislation is

amended, there will always be errors. I note that one of the errors that has been identified was a printing error, so it is important to ensure that our legislation is as accurate as possible.

I also want to thank the people who picked up the various errors and have done the work. It may seem to some members that it is not important, but I think the lawyers amongst us would agree that it is really important to make legislation as accurate as we possibly can. It is frustrating to find these errors. I should add that practitioners, law students and sometimes just interested members of the public can often find errors that have occurred. We know that it is necessary for this sort of legislation to come before Parliament at least once a year because it is inevitable that things will be missed. It would be great if there were, for example, a government website that people could log on to and note legislation in which they think minor amendments might have been identified—a shared community brains trust, if you like, to identify legal error. I can think of small errors that I picked up in the course of my duties as a legal practitioner and thought, "Oh, it's funny that didn't get noted—ho-ho-ho!" But it actually would have been useful to have had that pick-up documented somewhere and perhaps audited by people who could then identify whether in fact it was a genuine error or something that could be picked up by this sort of legislation.

I thought I would throw that out there, because often it will be government lawyers and practitioners who will pick this up, but there are many more errors in our various laws, I can assure members, and it would be useful to be able to pick these errors up as we go so that we can ensure that our statutes are as accurate as possible.

I will make a couple more comments. I just had a bit of a blast from the past when I looked at the final amendment, which deals with the Hairdressers Registration Board, and the memories of this came back. I recall the lengthy, impassioned debates that occurred when I was last in this place in a previous Parliament. I recall that I was potentially the only one who was stridently calling for the retention of the Hairdressers Registration Board, which is no more. That memory was brought back by seeing this particular amendment, and a reminder that it is finally gone.

The other comment I will make is that when this was first handed to me, before I had even read the second reading speech, I flicked through the first couple of pages and was temporarily very, very excited when I saw proposed changes to the Criminal Law (Mentally Impaired Accused) Act 1996, until I read what the amendment was, and then I was less excited. I recognise that although that is a diabolical piece of legislation—heinous, and utterly devoid of any respect for human rights—that must be urgently amended when it finally comes before this place, the sorts of amendments we need to contemplate to it will be anything but minor, and they will not be before time. I recognise that as much as I would have loved to have seen massive changes somehow find their way into that terrible piece of legislation at this time, the scope would unfortunately have been far beyond anything that could ever have been contemplated within this legislation. I am really looking forward to that legislation finally making its way into this place. I keep getting assurances that it is coming sooner rather than later. I am aware from talking to stakeholders that a number of people whom I think should be consulted are being consulted, and I give that acknowledgement. I am pleased to hear that, and I certainly hope we will see that legislation sooner rather than later.

I digress, but I wanted to make mention of that hideous act because we have seen an amendment to it in this legislation, but nothing close to what I would like to see, and I am looking forward to making that major change. On that note, I again say a thankyou to those people who find these errors and who then draft accordingly, because it is really important work. The Greens will be supporting this legislation.

The DEPUTY PRESIDENT: Members, the question is that the bill be read a second time. I am pleased to give the call to our dear friend and colleague Hon Sally Talbot.

HON Dr SALLY TALBOT (South West) [3.50 pm]: I am blushing here!

One of the things I am being reminded of is that government members get limited opportunity to speak, so I thank the Leader of the House for allowing me to make a couple of points on the Statutes (Minor Amendments) Bill 2017. I have a particular keenness to bring certain things onto the public record about the way legislation is written. I think the material that Hon Adele Farina just shared with us is a very salutary reminder about what we actually do in this place. I am acutely conscious of the fact that we have a number of new members. I was proud to take part in the induction session for new members. I was happy to share with them my experience of being totally overwhelmed by what I was presented with in terms of legislation that I was asked to consider. It does desperately matter. It really does matter. These funny little omnibus bills that we look at every now and then are a small reminder of how much it matters. Occasionally, as Hon Adele Farina said, we are correcting typos and correcting grammar, but the whole point is to make the law easier to read. If we were not concerned about that, we would not bother. We do not need to spend time doing this sort of thing when we could just delegate it to somebody else, but it actually matters. We heard from Hon Adele Farina, who is a very esteemed leader of this process of scrutinising legislation. We have only three legislation committees that scrutinise legislation, and she has made a very significant contribution to that through her work in this Parliament and nationally through meetings and conferences. It actually matters.

I will share with honourable members something I recently came across about the way we do things in Australia, because it is directly pertinent to this kind of omnibus bill. This is actually a pat on the back for the way we do things. Britain has been much more proactive than we in Australia have been in leading the charge to make legislation more acceptable to ordinary people who are not used to reading complex legal documents. Many of us in this place are not used to reading this kind of material. That is why I was at pains to assure new members that it is okay if it comes as a struggle and that they just need to persevere and they will get there. Britain has been much more proactive than we have in introducing the concept of public legal education. One reason it has done that is that there are lots of worldwide studies that show how people are disenfranchised. People's rights are compromised because they cannot get their heads around the complexity and unreadability of legislation. In some of the work done to suggest how they might change the way they do things in the United Kingdom, Australia was actually found to be a legislature that deserved commendation for the way we write our laws. I say to Hon Adele Farina that if this is the case with the Western Australian statute book, imagine how much worse it is in countries that are actually holding us up as an example.

I found a conference on the launch of an organisation called #goodlaw. One of the subjects addressed was the importance and evolution of drafting. I quote as follows —

> Australia was cited as a legislature that produced laws that were very accessible to the ordinary reader. While there was agreement on the need for more simplicity, one attendee pointed out that 'short sentences are good, but shorter sentences are not necessarily better.' The role that computers will play in the 'law as data' age was also considered, including the reflection that 'we are currently drafting laws with human beings (as readers) in mind.'

I think that as we go through this period of four years of government and parliamentary processes, we need to very much keep that in the front of our minds. As we consider the laws being looked at in that Legislative Council committee office on a Wednesday morning, and once we get into inquiries for hours and hours of other days in other weeks when we are not sitting, we need to look at what this #goodlaw launch pointed out were the main parameters—that people will be put off fighting for their rights in a legal sense if they cannot understand it, if they cannot find it, if it is too complicated, if it changes all the time, if there is too much of it and if they have to go back and forth through the law to understand it. Just remember those half a dozen parameters when the material is presented by committee staff and members are trying to make laws better. We can always come back into this place, like we are now, and tweak things and make corrections where needed, but the challenge is actually one that we should rise to, as lawmakers, to produce a better product in the first place. Then I think we would have a better system overall.

HON SUE ELLERY (South Metropolitan — Leader of the House) [3.55 pm] — in reply: I thank members for their contributions to the debate and their support for the Statutes (Minor Amendments) Bill 2017. I will quickly comment on the contributions made. I thank the shadow Attorney General for his contribution. When we go into committee, I will move an amendment in respect of the dates of operation. During his contribution, the Attorney General made note of the past practice of this committee and its different membership in taking a view about whether the executive was usurping the role of the Parliament. I note that the shadow Attorney General acknowledged that at times there are good reasons to do so, and indeed he did when he was Attorney General. The Minister for Regional Development referred to the red tape reduction theme of the then Abbott government. I note that the previous state government in Western Australia occasionally took the same view, and omnibus bills were brought before the house that actually did not reduce any regulatory burden, but did what this one does—which is tidy up legislation as required.

I value the contribution of Hon Adele Farina and her drawing the attention of the house to the review of the statute book conducted by this committee when she was its chair. She particularly asked me to draw to the attention of the Attorney General the recommendations of the seventy-ninth report, and I will do that. She drew our attention to the length of time between issues of fixing minor amendments.

I thank also thank Hon Alison Xamon for her support and observation of the importance of updating legislation so that it is accurate. I am not sure I am convinced of the merit of a website or portal that enables legislative drafting by collective, but I will pass that suggestion to the Attorney General. I thank Hon Sally Talbot for reminding us of the importance of getting the drafting right. With those comments, I commend the bill to the house.

Question put and passed.

Bill read a second time.

Committee

The Chair of Committees (Hon Simon O'Brien) in the chair; Hon Sue Ellery (Leader of the House) in charge of the bill.

Clause 1: Short title —

Hon MICHAEL MISCHIN: I might have missed something in this bill because we have spent a whole hour now dealing with a dozen typographical amendments, and maybe there is something of substance in this, but that is my only observation.

Clause put and passed.

Clause 2: Commencement —

Hon SUE ELLERY: I move —

> Page 2, lines 8 and 9 — To delete the lines and substitute —
>
> (b) the rest of the Act — on the day after that day.

I will give an explanation to the chamber. As the report refers to, and as the shadow Attorney General referred to in his commentary, the committee raised during the course of its consideration of the bill the notion of separate dates of operation. During the course of its considerations, I am advised that the Attorney General wrote to the committee and provided an explanation. I do not think that letter was attached to the report, but I will read the gist of the letter and then table it. The letter was addressed to the chair of the Standing Committee on Uniform Legislation and Statutes Review. The essential part is that the Attorney General writes —

> As the Committee has noted, clause 2 of the Bill "provides that Part 1" of the Bill containing provisions relating to the short title and commencement "will come into operation on the date of Royal Assent". The Committee also notes "that Part 2" … which deals with amendments to various pieces of legislation, is to "come into operation on a day or days fixed by proclamation".

He goes on to say —

> Your letter suggests that "there does not appear to be a reason why [Part 2 of the Bill] cannot take effect from the date of assent".

He then points out that at the time of drafting the Sentencing Legislation Amendment Bill —

> … there was a possibility that the Bill may have been enacted prior 1 July 2017. That is, if the Bill had received Royal Assent before that date, clause 12 would have come into operation before the 2016 amendments came into effect which clause 12 was to amend. Consequently, it was considered that the Bill's commencement provisions should enable a day on which, for example, clause 12 was to come into operation to be fixed by proclamation.
>
> Given that the Bill will now not be enacted before 1 July 2017, I can inform the Committee that an amendment is being drafted to provide that the all of the Bill, including Part 2, will take effect on Royal Assent. This amendment will be moved during the Committee stage.

That is the purpose of the amendment standing in my name on the supplementary notice paper. I seek the house's support.

[See paper 410.]

Hon MICHAEL MISCHIN: Could I just look at the letter for a moment, please? Apropos the letter, there is an error in the government gazettal date. It says 12 February 2017. From recollection, that is an error. Apart from that, this is the letter that we received. The only other thing of note is that it gives the Attorney General's email address as "Minister.Mischin@dpc.wa.gov.au" and his address as "10th Floor, Dumas House, 2 Havelock Street, West Perth", which suggests that the letterhead came from the stock that I was using between July 2012 and March 2014.

Hon Alannah MacTiernan: That is how bad the budget is; we have to make use of everything!

Hon MICHAEL MISCHIN: That is pretty desperate, but there we go.

Having pointed out that attention to detail, I thank the Leader of the House for her indication of the amendment. As I pointed out, there are often very good and sound reasons for leaving these things in the air, but when we are correcting typographical errors and the like in statutes, there seems to be no reason it cannot take effect immediately upon royal assent or shortly thereafter, so we will support that amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 3 to 11 put and passed.

Clause 12: *Sentencing Act 1995* amended —

Hon SUE ELLERY: I move —

Page 5, line 25 — To delete the line and substitute —

Restraining Orders Act 1997 section 4(1);

This amendment corrects a typographical error otherwise known as "the great bracket scandal". In reviewing the bill, the Parliamentary Counsel's Office spotted a typographical error in clause 12. It contains a reference to "*Restraining Orders Act 1997* section (4)(1)". This should read "*Restraining Orders Act 1997* section 4(1)".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 13 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and, by leave, the report adopted.