

ATTORNEY GENERAL; MINISTER FOR COMMERCE

Our Ref: 44-05422

The Hon K Doust MLC
Chair
Legislative Council Standing Committee on
Uniform Legislation and Statutes Review
Parliament House
PERTH WA 6000

Dear Ms Doust

INQUIRY INTO THE FORM AND CONTENT OF THE STATUTE BOOK – REPORT 79

Thank you for your letter dated 27 June 2013, which enclosed a copy of Report 79 of the Committee into the *Inquiry into the Form and Content of the Statute Book*. The Inquiry recommends the repeal in an omnibus Bill of a number of obsolete enactments and the further review of a number of other potentially obsolete enactments.

In your letter the Committee has asked for the Government's response to the Report.

The Government's response to the four recommendations of the Report 15 as follows:

Recommendation 1: The Committee recommends that the Government introduce an omnibus bill that includes the obsolete enactments identified in Appendices 1, 2 and 3.

The report has been referred to Parliamentary Counsel's Office for attention. At this stage it is anticipated that a Bill will be drafted later this year dealing with the amendments identified in Appendices 1 and 2 and, subject to further investigation, the Ordinances in Appendix 3.

Recommendation 2: The Committee recommends that the Government conduct a review of those enactments identified in Appendices 4, 5 and 6 as requiring further investigation in order to determine if they are in fact, obsolete.

The legislation identified is being investigated as per the Committee's recommendation. It is anticipated that any amendments arising would be incorporated into an omnibus Bill in 2014.

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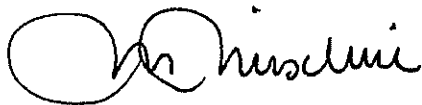
Recommendation 3: The Committee recommends that the Government's next omnibus bill include those obsolete imperial enactments identified by the Western Australian Law Reform Commission's *Report Project No 75 on United Kingdom Statutes in Force in Western Australia* in 1994.

The Law Reform Commission's Report dealt with over 200 Imperial Acts. Some of the Imperial Acts referred to were noted as being ready for repeal, however, there were others that required re-enactment as Western Australian legislation, preservation due to their historical interest or preservation pending a further review. The Imperial Acts that can be repealed will be dealt with in suitable legislation.

Recommendation 4: The Committee recommends that the Government's next omnibus bill repeal those substantively unproclaimed Acts that they do not intend to proclaim.

Appendix 7 lists 79 Acts with royal assent that have provisions that are not yet proclaimed. It is possible that many of the provisions awaiting commencement could be repealed, but there are others that should be retained. For example, the *Commonwealth Powers (De Facto Relationships) Act 2006 (WA)* is the subject of continued intermittent negotiation with the Commonwealth regarding powers of the Family Court of Western Australia in relation to superannuation. Which provisions can safely be repealed are now being considered and it is hoped that they will be the subject of an omnibus Bill in 2014.

Yours sincerely

A handwritten signature in black ink, appearing to read "Michael Mischin". The signature is written in a cursive style with a large, circular initial "M".

Hon. Michael Mischin MLC
ATTORNEY GENERAL; MINISTER FOR COMMERCE

22 JUL 2013