REPORT 15
STANDING COMMITTEE ON LEGISLATION
STANDARDISATION OF FORMATTING BILL 2009

Presented by Hon Michael Mischin MLC (Chair)

October 2009
STANDING COMMITTEE ON LEGISLATION

Date first appointed:
17 August 2005

Terms of Reference:
The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

“4. Legislation Committee

4.1 A Legislation Committee is established.

4.2 The Committee consists of 5 members.

4.3 The functions of the Committee are to consider and report on any Bill referred by the House or under SO 125A.

4.4 Unless otherwise ordered any amendment recommended by the Committee must be consistent with the policy of a Bill.”

Members as at the time of this inquiry:
Hon Michael Mischin MLC (Chair) Hon Helen Morton MLC
Hon Sally Talbot MLC (Deputy Chair) Hon Alison Xamon MLC
Hon Mia Davies MLC

Staff as at the time of this inquiry:
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REPORT OF THE STANDING COMMITTEE ON LEGISLATION

IN RELATION TO THE

STANDARDISATION OF FORMATTING BILL 2009

1 REFERENCE AND PROCEDURE

1.1 On 19 August 2009, the Legislative Council referred the Standardisation of Formatting Bill 2009 (Bill) to the Standing Committee on Legislation (Committee) for inquiry and report by 22 October 2009.1

1.2 The Committee called for public submissions on the Bill in advertisements placed in The West Australian newspaper on 12 September 2009 and 16 September 2009.

1.3 As the Bill amends a large amount of legislation across many different areas of the Government, the Committee also wrote to each State Government department and statutory authority seeking submissions on the Bill.

1.4 The written submissions received by the Committee are set out in Appendix 1.

1.5 On 16 September 2009 the Committee conducted a hearing and received evidence from Miss Nicola Armstrong, Assistant Parliamentary Counsel, Parliamentary Counsel’s Office. A copy of the transcript of evidence of that hearing is attached at Appendix 2.

2 PURPOSE OF THE BILL

Second Reading Speech

2.1 In his Second Reading Speech on the Bill, the Parliamentary Secretary representing the Attorney General stated:

As a result of the Parliamentary Counsel’s Office’s legislative drafting and database system project, the new Western Australian legislation and legislative information database came online in October 2007. The database is available through the State Law Publisher’s website and significantly improves access to Western Australian legislation. The primary purpose of the database is to make Western Australian legislation as accessible as possible. Consolidated versions of all acts and regulations that are of ongoing effect are now available through the website in Microsoft Word,

1 Western Australia, Legislative Council, Parliamentary Debates (Hansard), 19 August 2009, p6107.
All acts as passed since 1856 are also available and the Parliamentary Counsel’s Office is working to back-capture all acts passed by this Parliament since its inception. The searching capabilities of the new database are far superior to those previously available. The database also makes available a large amount of legislative information such as commencement dates, details of amendments and repeals, subsidiary legislation made under each act and the relevant administering portfolio and agency for each act. The legislation database is used by all sectors of government, members of Parliament, the courts, the legal profession, business and the general public. It is in the best interests of all those groups for the database to be as reliable as possible and have the best possible searching and useability capabilities. To this end, the Parliamentary Counsel’s Office is continuing its work to improve the database.

... The efficacy of any database is dependent on the quality of the data stored in it. To ensure that the state’s legislation database is of the highest possible quality and functionality, considerable work has gone into bringing the layout, style and formatting of the state’s legislation into line, as far as practicable, with current drafting standards. Much of this work has been done administratively. Some further changes have been effected through the exercise of the powers available under the Reprints Act 1984. However, some structural and formatting matters can be changed only by legislative amendment. The purpose of this bill is to effect some of those changes.

Uniformity of layout, style and formatting across the legislation database will improve the readability of legislation; increase the ability to search and manipulate the data on the database by improving its structural consistency; enable additional functionality to be incorporated into the database, such as the hyperlinking of references both within a document and between documents; and reduce the complexity of the database, thus simplifying its maintenance and reducing the likelihood of technical problems. With the rapid advances being made in information technology, it is likely to become possible in future to further improve the functionality of the database. Uniformity of layout, style and formatting will be essential to enable those improvements to be made.

The amendments proposed in the bill relate to two broad issues - headings to various legislative components, and the structure of subsections and paragraphs within legislation. In addition to those amendments, the opportunity is being taken to repeal schedules to
acts and certain other provisions because those schedules or provisions are redundant, spent or exhausted by the effluxion of time, for example, clauses 6 and 10; clause 13, which repeals long-obsolete provisions in the Constitution Act 1889; and clauses 49 and 63. Some amendments are corrections to incorrect citations, such as clause 7, and some are designed to improve citations, such as clause 38, for which references to schedule 9A of the Transfer of Land Act 1893 are renumbered as schedule 10 because there is currently no schedule 10 and all the other schedules are identified by ordinal numbers.

These amendments are otherwise changes only to layout, style and formatting. The amendments are not changes to the substantive law.\(^2\)

2.2 The Committee notes that the drafting of this Bill was rather unusual, in that the Bill originated from the Parliamentary Counsel’s Office. Miss Nicola Armstrong, Assistant Parliamentary Counsel, was both the chief policy officer responsible for developing the Bill and the drafter of the Bill.\(^3\) The Bill has been some time in development, with preliminary work being undertaken in 2003.\(^4\)

Explanatory Memorandum

2.3 The Explanatory Memorandum for the Bill is 479 pages long. Whilst it does not provide any additional information to that contained in the Second Reading Speech as to the purpose and development of the Bill, the Explanatory Memorandum sets out numerous examples as to how legislation that is to be amended by the Bill will look following such amendment.

Evidence of the Parliamentary Counsel’s Office

2.4 Miss Armstrong explained the aim of the Bill as follows:

The bill is one small step in a process of improving public access to the legislation of this state. The legislation is provided through the State Law Publisher’s website. The Parliamentary Counsel’s Office is responsible for the content of that site. In 2007 the database was overhauled and completely upgraded. It is now very much better than it was, but, as with all technological things, it is continuing to be improved, the content is being improved and the features and functions of the website continue to be improved. The aim of this bill

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\(^2\) Hon Michael Mischin MLC, Parliamentary Secretary representing the Attorney General, Western Australia, Legislative Council, Parliamentary Debates (Hansard), 18 August 2009, p6002.

\(^3\) Miss Nicola Armstrong, Assistant Parliamentary Counsel, Parliamentary Counsel’s Office, Transcript of Evidence, 16 September 2009, p1.

\(^4\) Ibid, p2.
is to help us to standardise the formatting of legislative documents. It does not and it is not intended to change the legal content or effect of any legislation at all. The purpose of trying to standardise the formatting is that if all the documents are standardised, it is then possible to run automated processes over those documents, rather than having to undertake the same processes manually, which is obviously time consuming and introduces the risk of human error. There are approximately 1,800 documents on the website of current laws. There are also very large numbers of other passed laws. In fact, now every act passed by the Western Australian Parliament is on the website.

One example of the sorts of processes we are talking about is the running headers on the tops of all the pages of all Western Australian legislation. They are actually quite complex. They include part headings, division headings, section numbers and so on. They change for schedules, where there is a slightly different format. There are different headers on the left and right-hand pages, so that the clause number is on the outside of the page, making it easier to find. Those are generated automatically and the process to do that depends on every single heading, section number, clause number, part number and so on being in the right format and having the right codes attached to it. If they do not have, those processes do not work properly and the headers all have to be manually manipulated. The same applies for the table of contents. The same applies for the document map that can appear with a Word document and the bookmarking that appears on the PDF documents. They can only be generated if the documents are all in the right format and styles. Those are the sorts of processes for the purpose of internal documents that we are talking about automating. So far as the website as a whole is concerned, the source documents are in Word format and we then generate other formats. At the moment, we have PDF and HTML documents. Those secondary documents are also generated by an automatic process, which has difficulties if the Word documents are not in the correct format and style. Although this bill may appear to actually do very little in substance, it is actually quite important in that it will help us improve the database and the access of all Western Australians to their laws.\footnote{Ibid, pp1-2.}
Structure of the Bill

2.5 The Committee was advised that the Bill is basically structured into two main blocks.\(^6\)

2.6 Part 2 of the Bill (clauses 3 to 42) proposes a series of amendments to bring about consistency in Schedule headings in existing legislation. Miss Armstrong advised the Committee that:

\[ \text{The first part of the bill is directed at changing all of the schedule headings which are not in our current format into that format. For schedules which have a title, obviously we continue with that current title. There are quite a lot which do not have a title at all, and in those cases an appropriate title is being inserted. The vast majority of those amendments are being made by clause 4 and this enormous multipage table. Those were all able to be grouped on the basis that the existing schedule headings were in two or three reasonably similar formats. In the acts that are amended by the other clauses in that part, the existing headings were different in various ways so we were not able to fit the amendments into that table so we had to do them in separate clauses. But the effect is the same; we are rearranging the components of the schedule heading into the current format. The only changes that are to be made are to insert titles where that is necessary.}^{7}\]

2.7 It was noted by the Committee that, due to the enormity of the task involved, this Bill will not go as far as to create a consistent numbering style for schedules across all existing legislation:

\[ \text{The CHAIRMAN: I have noticed in that regard that you mentioned that part of the purpose was to insert numerals or that there is a particular format now involving the identification of a schedule as schedule whatever and using a numeral. But I notice that some of these amendments do not actually do that, but you leave the number of the schedule in words and simply insert an explanatory heading. Why is that?}^{6}\]

\[ \text{Miss Armstrong: From an automation point of view, it is not necessary for the schedule number to be in numerals or words; it simply has to be a series of characters. When the correct style is applied to it and the correct codes, it recognises that as the heading to the schedule. It does not matter for structural purposes whether it is in words or numbers or letters or even, indeed, if it is the word}^{7}\]

\(^6\) Ibid, pp2-4.
\(^7\) Ibid, p3.
“Schedule”. There are some where they are described as an appendix. From the structural point of view, it works the same.

The CHAIRMAN: Would it not matter from a searching point of view, though? Why not? If I was searching for references to “Schedule 16” and the fact that it is called the sixteenth schedule —

Miss Armstrong: Yes, it would make a difference in that context. But if we were to go through and change all of the schedules which are numbered using words, or some where they are simply called “Schedule” and they do not have a number at all, every single cross-reference to those schedules throughout the act would also have to be changed. When we were deciding how far to go with these amendments, that was one of the things we considered. And given the number of acts and the number of references to each of those schedules, it would have been such a huge task to do it that it was decided that it was better to leave it the way it was. There would also be references outside the legislative documents. We can change acts and regulations, but there would be other documents used by departments and references elsewhere to things by the schedules by their names. Just as one example, the Transfer of Land Act has a vast number of schedules which are in words, and most of them have forms which are used by the department. If we were to change them, the department would have to change all their forms as well, so it would create a huge amount of administrative work.

Hon ALISON XAMON: And expense.

Miss Armstrong: And expense, yes. Generally speaking, if you are using an act that has a number of schedules and you are looking for the sixteenth schedule, you will be aware that it is schedule 16 or the sixteenth schedule.8

2.8 Part 3 of the Bill (clauses 43 to 50), proposes amendments to various other headings in existing legislation.9 Miss Armstrong advised the Committee that:

[T]here is a second small category of other headings, which is part 3 of the bill. The first of those relates to what is usually part 1. Modern practice is that if an act is divided into parts then every section must be in a part. There was a time when the first few sections of an act—its citation, commencement provisions and sometimes a contents provision—actually appeared before part 1. Clause 43 of the bill will

8 Ibid.
9 Ibid, pp2-4.
amend those acts where that is still the case to put in a part heading or move the heading to part 1 so that all sections then do fall in a part. There are a number of acts around which have what we describe as ad hoc headings, where there are headings which are not part, division, subdivision or section headings. Most of them are, in fact, the equivalent of part or division headings and serve the same purpose and are simply changed by this bill into part, division and subdivision headings. There are a small number where that is not the case and where these ad hoc headings actually serve very little useful purpose, if any at all. Some of them are headings which effectively just repeat the subsequent section headings, so they are being deleted because there is no appropriate reformatting to deal with them.\(^{10}\)

2.9 Miss Armstrong advised the Committee that she was confident that there would be no legal consequences flowing from the deletion of headings to parts and divisions of various existing Acts, which would currently form part of the written law by virtue of the *Interpretation Act 1984*.\(^ {11}\)

2.10 The Bill also proposes, in Part 4 (clauses 51 to 63), the amendment of the structure of a number of subsections and paragraphs of existing legislation. Miss Armstrong advised the Committee that:

> Part 4 of the bill is perhaps a little more difficult to explain in that it is amending the structure of subsections and paragraphs where they do not meet the current structure. Most of them deal with situations where the current structure for a subsection would involve some opening words and, if it was necessary, then a series of paragraphs and perhaps closing words, but it would always start with opening words before the paragraphs. There are some older acts where the provisions are numbered as if they were paragraphs but are in fact a complete sentence on their own and they do not have the opening words, so it is not entirely clear whether they are subsections or paragraphs. There are others where the opening words and the paragraphs do not necessarily follow from each other. That has commonly been caused by subsequent amendments being inserted where the grammar is incorrect or, for example, an exception has been inserted in relation to one of the paragraphs that does not apply to the rest of the provision. The structure of those sorts of provisions is not in accordance with our current format.\(^ {12}\)

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\(^{10}\) Ibid, p4.

\(^{11}\) Ibid.

\(^{12}\) Ibid, pp4-5.
3 CONSULTATION WITH AFFECTED AGENCIES AND BODIES DURING THE DEVELOPMENT OF THE BILL.

3.1 Miss Armstrong provided the following evidence in relation to the extent of consultation with relevant stakeholders during the development of the Bill:

_The CHAIRMAN_: In the course of your preparation of the bill, to what extent did you consult with the various departments and agencies or other organisations that either administer or are affected by the bill?

_Miss Armstrong_: Every department or agency that administers any of the acts that are to be amended was consulted. They were provided with a copy of the bill and explanatory memorandum. They were asked if they had any comments and to confirm whether they thought that the amendments were satisfactory.

_The CHAIRMAN_: And what was their response?

_Miss Armstrong_: There was a certain amount of discussion but they all agreed to the amendments that are now in the bill.

_The CHAIRMAN_: What was the character of those discussions? What sorts of issues were raised at them?

_Miss Armstrong_: Much the same as the issues that have been raised by the committee. They asked why we were doing it and that kind of thing. No-one had objections to the amendments.

_The CHAIRMAN_: Either the principle or the detail?

_Miss Armstrong_: That is right.

_The CHAIRMAN_: Some of these acts deal with references to church lands and the like. Were the relevant churches approached?

_Miss Armstrong_: The departments that administer the acts were consulted. Whether they consulted other entities, I cannot say.

_The CHAIRMAN_: So the level of consultation was with the departments administering the acts?

_Miss Armstrong_: The departments and agencies.

_The CHAIRMAN_: When you say “agencies”, you went to, for example, statutory authorities?
**Miss Armstrong**: Yes. Whichever agency was formally assigned to administer the act.

**The CHAIRMAN**: Was there no adverse comment or suggestion of disagreement with what was being proposed?

**Miss Armstrong**: Absolutely none. I was surprised at how enthusiastic people were.\(^{13}\)

3.2 The Committee received 19 written submissions, all of which were from Government agencies, statutory authorities and independent statutory office-holders. All of these submissions confirmed that there had been consultation regarding the Bill. In addition, the Committee received a large amount of correspondence from various organisations that did not wish to make a submission, but who confirmed that consultation had taken place.

3.3 Only the submission of the Information Commissioner expressed opposition to proposed amendments contained in the Bill.\(^{14}\) The concerns of the Information Commissioner were with respect to clause 59 of the Bill only, and are set out later in this report.

**The need for future formatting bills**

3.4 When queried as to whether any further bills to standardise the formatting of existing legislation were planned, Miss Armstrong advised that:

> There is none on the cards right at the moment. I would think that it is quite possible there may be to address perhaps other issues of formatting when they come to light. This bill on its own is not going to achieve perfection in terms of standardisation, so there may be. There is none on the cards at the moment.\(^{15}\)

3.5 In the course of receiving submissions on the Bill, the Committee received correspondence from the Electoral Commissioner noting that the *Electoral Act 1907* is not one of the Acts proposed to be amended by the Bill.\(^{16}\) The Electoral Commissioner invited the Committee to give consideration as to whether the *Electoral Act 1907* should be included within the Acts proposed to be reformatted by the Bill.\(^{17}\)

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\(^{13}\) Ibid, p12.

\(^{14}\) Submission No 15 from Mr Sven Bluemmel, Information Commissioner, undated (received 6 October 2009).

\(^{15}\) Miss Nicola Armstrong, Assistant Parliamentary Counsel, Parliamentary Counsel’s Office, *Transcript of Evidence*, 16 September 2009, p13.

\(^{16}\) Letter from Mr Warwick Gately AM, Electoral Commissioner, Electoral Commission, 23 September 2009, p1.

\(^{17}\) Ibid.
The Committee sought the advice of the Parliamentary Counsel’s Office on the matter, who advised that the *Electoral Act 1907* was one of a small number of Acts in which the extent of the non-conformity with current drafting standards is such that significant amendments would be necessary to bring it into conformity with those standards.\(^{18}\) The Parliamentary Counsel’s Office advised that it would not be appropriate to include amendments of this scale in the Bill, but that they will endeavour to make the appropriate amendments to these Acts when Bills proposing substantive amendments to these Acts are next drafted.\(^{19}\)

3.6 The Committee notes this particular issue, but considers that it is beyond the scope of the Committee’s inquiry into the Bill to comment further.

Amendments to the Bill

3.7 The Committee was advised that there are no proposed Government amendments to the Bill.\(^{20}\)

4 **SPECIFIC PROVISIONS OF THE BILL**

Clause 2 - Commencement

4.1 Clause 2 of the Bill provides that the substantive provisions of the Bill, being clauses 3 to 63, are not to commence operation until a date to be fixed by proclamation, and that different dates may be fixed for different provisions. The *Explanatory Memorandum* for the Bill states:

> Commencement on proclamation is provided to address the possibility of amendments to be made by the Bill being rendered incorrect or redundant by reason of the provision to be amended being amended or deleted by another Bill that is passed while this Bill is before the Parliament. If this occurs the relevant provision of this Bill would not be proclaimed.

> It is anticipated that the Bill (other than any provisions that are not to be proclaimed at all) will be proclaimed very shortly after it receives the Royal Assent.\(^{21}\)

4.2 The Committee was advised that the Bush Fires Amendment Bill 2009, which is currently before the House, is such a bill that, if passed prior to the passing of the Bill,

\(^{18}\) Letter from Miss Nicola Armstrong, Assistant Parliamentary Counsel, Parliamentary Counsel’s Office, 15 October 2009, p1.

\(^{19}\) Ibid.


would necessitate certain provisions of the Bill not being proclaimed. Miss Armstrong stated that:

[The Bush Fires Amendment Bill 2009] would make significant amendments to the Bush Fires Act and they may well overlap with some of the amendments proposed in this bill. The only other way of dealing with those sorts of provisions is to make amendments to this bill in committee or to that bill while both of them are in Parliament. That can get very difficult, particularly if the bills are in different houses and cross over and that kind of thing. The most practical solution, if the provisions do conflict, is to not proclaim the provisions in this bill.²²

Part 2

4.3 Clause 3 of the Bill defines the terms “current format”, “identifier”, “reformat” and “shoulder note”, which are used throughout Part 2 of the Bill.

4.4 Clauses 4 and 5 of the Bill reformat schedule headings in over 200 separate Acts. As well as amending existing, or inserting new, identifiers, titles and/or shoulder note cross-references, the Bill reformats the schedule headings into the “current format”, which is defined in clause 3 of the Bill as:

**current format, in relation to the heading to a Schedule to an Act, means —**

(a) one or more lines of continuous text consisting of —

(i) the identifier for the Schedule; then

(ii) an em rule; then

(iii) the title to the Schedule, with only the first word, capitalised defined terms and proper nouns being capitalised, that is centred and in bold non-italic 14 point Times New Roman font; and

(b) a separate line of text consisting of the shoulder note for the Schedule —

(i) in which the relevant provision is identified using an appropriate abbreviation; and

²² Miss Nicola Armstrong, Assistant Parliamentary Counsel, Parliamentary Counsel’s Office, Transcript of Evidence, 16 September 2009, p13.
The Freedom of Information Act 1992 (FOI Act) is one of the Acts proposed to be amended by clause 4 of the Bill. The proposed amendment merely reformats the schedule headings in the FOI Act to the “current format”. For example, the heading to Schedule 1 of the FOI Act currently appears as follows:

Schedule 1

[Glossary cl. 1]

Exempt matter

If clause 4 of the Bill is passed, the heading to Schedule 1 of the FOI Act will appear as:

Schedule 1 -- Exempt matter

[Glossary cl. 1]

Clauses 6 to 42 make more complex amendments to specific Acts in order to reformat schedule headings. Some of these amendments go beyond merely altering the style of existing schedule headings and involve the deletion of large sections of substantive text and the correction of existing errors in cross-referencing. As discussed later in the report, such proposed amendments may arguably be more appropriately contained within an ‘omnibus’ bill. The relevant provisions are highlighted below.

Clause 6(2)

The Bill proposes to delete the Third Schedule to the Administration Act 1903. Currently the Third Schedule appears as follows:

Third Schedule

[Sec. 144.]

Rules

[The Rules contained in this Schedule were revoked by Rules made under s. 144 of the Act and published in the Gazette on 11 Sep 1967 p. 2249-64.]

The proposed amendment therefore does not involve any formatting. It merely repeals an obsolete provision. The Explanatory Memorandum states:
Section 144 of the Administration Act 1903 provides for Rules of Court to be made for dealing with matters under this Act. The Rules set out in the Third Schedule applied until revoked by new Rules made under section 144. New Rules were made on 11 September 1967 rendering the Schedule redundant.\(^{23}\)

4.10 With respect to these types of amendments contained in the Bill, Miss Armstrong advised the Committee that:

There are a small number of provisions where the provision was found not to comply with the current formatting standards but on looking at it, it was apparent that the provision was spent and had no ongoing legal effect. It is therefore very difficult to amend it. It would be pointless to amend something that has no ongoing legal effect. It would be a waste of Parliament’s time to bother dealing with it. It would also potentially have an adverse affect because if Parliament were to amend it, it would suggest that Parliament thought that the provision was still alive and still had some ongoing effect. In those cases, the only way to deal with the non-standard formatting issue is to delete the provision. If the provision has no ongoing effect and simply does nothing anymore, deleting it will not change the substantive effect of the law. The third schedule to the Administration Act is an example of that. It contained rules for dealing with matters under the Administration Act that were revoked by rules made under that section of the act in 1967. The content of the third schedule to that act has been redundant since 1967.\(^{24}\)

4.11 The Committee queried whether such amendments related to standardisation of formatting in the strictest sense:

**The CHAIRMAN:** I can understand the rationale for disposing of them, but the repeal of provisions, no matter how uncontroversial they may be, do they strictly fall within the idea of it being a standardisation of formatting, given the long title of the act, and indeed the short title, to standardise the formatting of certain aspects of those laws?

**Miss Armstrong:** I would consider that they do because they are being deleted for the purpose of correcting the formatting. Deleting them is the only way to address the problem. They are not being


deleted simply because we found them and they are spent or have no effect. Deleting them is the only appropriate form of amendment.

...

**The CHAIRMAN:** To be more technically correct, those provisions are being deleted, but they are being deleted as a consequence of the need to reformat. On that argument, is it falling within the concept of a standardisation of the formatting because the only way of reformatting is to delete them?

**Miss Armstrong:** Exactly, yes.  

4.12 The Bill proposes to amend the shoulder note in the Schedule of the Agricultural Produce Commission Act 1988 by deleting the words “[Section 5(3)]” and substituting the words “[s. 5(6)]”. The Explanatory Memorandum notes that this amendment is a correction to the existing legislation.  

4.13 Miss Armstrong provided the following evidence in relation to this proposed amendment:

**The CHAIRMAN:** There are a number of cross-references and the like that are also corrected by the operation of the bill. For example, clause 7 [and] clause 11 appears to correct references, albeit minor.

**Miss Armstrong:** The shoulder note.

**The CHAIRMAN:** How are they strictly a standardised formatting, and could they be corrected by way of the Reprints Act?

**Miss Armstrong:** I do not think that we would correct them by way of the Reprints Act. Generally speaking, cross-references of that nature would be corrected using the omnibus bills rather than the Reprints Act. The reason for including them in these provisions is that it would be inappropriate to ask Parliament to enact a section heading that was wrong. We are inserting a section heading with a shoulder clause. It does need to be correct.

...
The CHAIRMAN: ... Was consideration given to dealing with the corrections, deletions and like of spent provisions by way of some means other than including them in this bill, such as by way of a minor corrections and repeals act or some other omnibus legislation?

Miss Armstrong: Those sorts of amendments probably could be included in one of the omnibus bills. It was considered more appropriate to include them in this bill because dealing with them is part of this one exercise.²⁷

Clause 10(3)

4.14 The Bill proposes to delete the Second Schedule of the Broken Hill Proprietary Steel Industry Agreement Act 1952. The Second Schedule currently contains two coloured maps of mining reserves and the following text:

Second Schedule

Temporary Mining Reserve Number 1258H comprising approximately twelve square miles known as “Koolyanobbing iron ore deposits”.

Mining Reserve consisting of late Coal Mining leases numbers 153 to 156 inclusive, 162 to 165 inclusive, 181 to 187 inclusive and 233, known as Collie Burn Coal reserve.

4.15 The Second Schedule relates to s 3 of the Broken Hill Proprietary Steel Industry Agreement Act 1952, which had been deleted in 1960. The Explanatory Memorandum states that:

Section 3 of the Broken Hill Proprietary Steel Industry Agreement Act 1952 provided that the mining reserves described in the Second Schedule were not to be opened for mining, cancelled or be temporarily occupied for 10 years from the commencement of the Act. Section 3 was repealed by the Broken Hill Proprietary Company’s Integrated Steel Works Agreements Act 1960 rendering the Second Schedule redundant.²⁸

4.16 Miss Armstrong gave the following evidence regarding clause 10:

²⁷ Miss Nicola Armstrong, Assistant Parliamentary Counsel, Parliamentary Counsel’s Office, Transcript of Evidence, 16 September 2009, pp11-12.
²⁸ Standardisation of Formatting Bill 2009, Explanatory Memorandum, undated, p104.
Miss Armstrong: ... Its relevance to the act is in section 3, and section 3 of the act was repealed in 1960. Why the second schedule also was not repealed is a bit of a mystery. In the past, it was sometimes considered that if you repealed the section that connected the schedule, the schedule would fall with the section. It may be that it was thought that it simply was not necessary to repeal it. That schedule has no effect at the moment because the provision that related to it has long since been repealed.

The CHAIRMAN: Is it the case that a schedule falls away —

Miss Armstrong: That is not the currently held view, no. That was considered to be the case in the past. There are discussions about that kind of thing in relation to the commencement of provisions. If you have a split commencement date for the provisions of a bill and one provision is commenced, the generally held view is that you should separately commence the schedule. It is another provision of the act that should be dealt with on its own.²⁹

Clause 11

4.17 The Bill proposes to correct the shoulder note in the First Schedule of the Churches of Christ, Scientist, Incorporation Act 1961 by deleting a reference to s 4 of that Act and substituting it with a reference to s 5 of that Act.

Clause 13

4.18 The Bill proposes to delete section 71 and Schedule D of the Constitution Act 1889. Those provisions currently read as follows:

71. Compensation to officers

And whereas by the operation of this Act certain officers of the Government may lose their offices on political grounds, and it is just to compensate such officers for such loss, be it enacted that the sums set opposite to the names of the persons in Schedule D, who at present respectively hold the offices therein mentioned, shall be payable to them annually by way of retiring allowance upon their ceasing to hold office on political grounds after the commencement of this Act; and all such sums shall be paid to such persons out of the Consolidated Account, and the Treasurer shall make such payments accordingly, on warrants under the hand of the Governor. Provided that if after any

²⁹ Miss Nicola Armstrong, Assistant Parliamentary Counsel, Parliamentary Counsel’s Office, Transcript of Evidence, 16 September 2009, pp8-9.
such annual allowance shall have become payable, the person entitled thereto shall accept any appointment under the Crown in any part of Her Majesty’s Dominions, then such allowance shall, during the tenure of such appointment, be suspended or be reduced pro tanto according as the salary of such appointment added to such allowance is greater than the salary of the office vacated in consequence of this Act.

Schedule D

[Section 71]

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<td>Charles Nicholas Warton, Esq., Attorney General</td>
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4.19 The Explanatory Memorandum states that:

Section 71 of the Constitution Act 1889 provided for retirement allowances to be paid to the persons who, at the time, held the offices of Chief Secretary, Attorney General, Treasurer and Surveyor General and Commissioner of Crown Lands, and who became liable to lose their offices on political grounds. After 120 years the provision is obsolete.30

Clause 22(2)

4.20 The Bill proposes to amend the Metropolitan Water Supply, Sewerage, and Drainage Act 1909 to delete s 114(2) and (3). Those subsections currently state:

(2) The notice shall be in the form or to the effect of the Seventh Schedule.

(3) A notice shall also be affixed upon some conspicuous part of the land, which notice shall be in the form or to the effect of the Eighth Schedule.

4.21 The Explanatory Memorandum states that:

Section 114(2) and (3) of the Metropolitan Water Supply, Sewerage, and Drainage Act 1909 require the use of notices in the form of the Seventh and Eighth Schedules. As those Schedules were repealed in 2005 section 114(2) and (3) no longer have any effect.\(^{31}\)

Clause 38

4.22 The Bill proposes to amend the Transfer of Land Act 1893 by changing the title of “Schedule 9A” to “the Tenth Schedule”, and making consequential amendments wherever the schedule title is referred to in that Act. The Explanatory Memorandum states that:

The Transfer of Land Act 1893 includes 13 Schedules. All but one are designated using ordinal numbers. The exception is Schedule 9A. For consistency, Schedule 9A will be renumbered as the Tenth Schedule (there currently being no Tenth Schedule).\(^{32}\)

Part 3

Clause 48(2)

4.23 The Bill deletes the heading “Affiliated institutions” before s 34 of the University of Western Australia Act 1911. The Explanatory Memorandum states:

The heading before section 34 of the Act relates only to that section and is unnecessary as it replicates the section heading and section 34 is properly part of what will become Part 6 of the Act.\(^{33}\)

Clause 49

4.24 The Bill proposes to delete various division headings in the Local Government (Miscellaneous Provisions) Act 1960. The Explanatory Memorandum states that:

Part XII of the Local Government (Miscellaneous Provisions) Act 1960 is divided into 3 Divisions - Divisions 1, 2 and 9 (Divisions 3 to 8 having been repealed). However, as only one section remains in

\(^{31}\) Ibid, p123.

\(^{32}\) Ibid, p136.

\(^{33}\) Ibid, p167.
Part 4

4.25 The Bill proposes the amendment of a large number of Acts by re-shaping and, in many cases, redrafting large paragraphs of text into subsections, paragraphs, subparagraphs, items and subitems - particularly where that text contains various provisos or exceptions. In relation to Part 4 of the Bill generally, the *Explanatory Memorandum* states:

Most of the amendments are straightforward and will be effected by clause 51 where they are set out in an amending table.

In a very small number of Acts the structure of a provision departs so far from the current PCO drafting standards that the only way to bring it into line with those standards is to delete and replace it. In these cases the wording of the provision will be changed only to the extent necessary to achieve compliance with the drafting standards.

In a few Acts a provision that would require amendment to bring it into line with the current PCO drafting standards has become spent or is otherwise obsolete. These provisions will be deleted.

The Acts in which one or more provisions are to be replaced or deleted are dealt with individually in clauses 52 to 63.\(^{35}\)

4.26 Those Acts to which a significant amount of text is proposed to be deleted and/or added are:

a) *Bush Fires Act 1954* (cl 52);

b) *Country Areas Water Supply Act 1947* (cl 54);

c) *Country Towns Sewerage Act 1948* (cl 55);

d) *Dental Act 1939* (cl 56);

e) *Electricity Act 1945* (cl 57);

f) *Government Railways Act 1904* (cl 60);

g) *Land Drainage Act 1925* (cl 61); and

\(^{34}\) Ibid, p170.

\(^{35}\) Ibid, p175.
Clause 58

4.27 The Bill proposes to relocate a definition for “relative” from s 6 of the Fatal Accidents Act 1959 and relocate it to s 3 of that Act. This proposed amendment will necessitate a shoulder note to Schedule 2 of that Act being amended to reflect the new relevant section.

Clause 59 - Proposed Amendments to the Freedom of Information Act 1992

4.28 Clause 59 of the Bill proposes amendments to Schedule 1 of the FOI Act.

4.29 Under the FOI Act a person has a right to access the documents of non-exempt Government agencies subject to the provisions of the FOI Act. Schedule 1 of the FOI Act lists the types of documents that may not be accessed under the FOI Act and the limits of such exemption.

4.30 There are 15 numbered clauses listed in Schedule 1 of the FOI Act, each with a subject heading for the exempt matter. For all of these clauses there are subclauses with various subheadings generally identifying the subclauses as relating to “Exemptions”, “Limits on exemptions” or “Definitions”.

4.31 Clause 59(13) proposes to delete all of the subheadings for the subclauses in Schedule 1 of the FOI Act. Clauses 59(2)-(12) of the Bill propose to insert in the place of the deleted subheadings in clauses 1 to 11 of Schedule 1 of the FOI Act additional subclauses that effectively state that a limitation applies to the particular category of exempt documents and that such limitation is set out in the following subclause. For example, clause 2 of Schedule 1 of the FOI Act currently appears as follows:

2. Inter-governmental relations

Exemptions

(1) Matter is exempt matter if its disclosure —

(a) could reasonably be expected to damage relations between the Government and any other government; or

(b) would reveal information of a confidential nature communicated in confidence to the Government (whether directly or indirectly) by any other government.
Limit on exemptions

(2) Matter is not exempt matter under subclause (1) if its disclosure would, on balance, be in the public interest.

Definition

(3) In this clause —

other government means the government of the Commonwealth, another State, a Territory or a foreign country or state.

4.32 If clause 59 of the Bill is passed, clause 2 of Schedule 1 of the FOI Act will read:

2. Inter-governmental relations

(1) Matter is exempt matter if its disclosure —

(a) could reasonably be expected to damage relations between the Government and any other government; or

(b) would reveal information of a confidential nature communicated in confidence to the Government (whether directly or indirectly) by any other government.

(2A) The exemptions in subclause (1) are subject to the limit set out in subclause (2).

(2) Matter is not exempt matter under subclause (1) if its disclosure would, on balance, be in the public interest.

(3) In this clause —

other government means the government of the Commonwealth, another State, a Territory or a foreign country or state.

4.33 The Committee understands that an early draft of the Bill provided for the deletion of the subclause headings in Schedule 1 of the FOI Act, without inserting any new subclauses into that Schedule.36 It was noted by the Parliamentary Counsel’s Office that the deletion of the subclause headings would have no legal effect on the FOI Act:

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36 Letter from Miss Nicola Armstrong, Assistant Parliamentary Counsel, Parliamentary Counsel’s Office, 12 October 2009, p1.
Under sections 31 and 32 of the Interpretation Act 1984 a Schedule to a written law forms part of the written law and a heading to a subclause of a written law is to be taken not to be part of the law. It is therefore our view that the subclause headings in Schedule 1 to the Freedom of Information Act 1992 can be deleted without altering the legal effect of the Schedule.\(^\text{37}\)

4.34 During the subsequent consultation stage in the development of the Bill, the then Acting Information Commissioner, Mr John Lightowlers, had nevertheless expressed concern at the possible effect of the proposed deletion of the subclause headings. In an email to Miss Armstrong dated 4 May 2009, Mr Lightowlers noted:

> There is only one issue I have about the amendments to the FOI Act. This relates to where it is proposed to delete subheadings in Schedule 1 that refer to “limits on exemptions”. These subheadings have their own operational effect. A series of published decisions has interpreted and referred to those parts of Schedule 1 as imposing limits on the exemptions contained in the clauses to Schedule 1. Deletion of the subheadings will have the effect of removing from the text of the legislation the basis on which the “limitations” have been interpreted as imposing limits on the scope of the exemptions. I accept that the substantive clauses will remain, but there is nothing in the body of the exemption clauses that picks up and uses the term “limits on exemption”.\(^\text{38}\)

4.35 Miss Armstrong advised the Committee that the current provisions of clause 59 were an attempt to address the concerns of the Acting Information Commissioner:

> In discussions with Mr Lightowlers it was agreed that new subclauses in the form now set out in clause 59(2) to (12) of the Bill should be inserted in place of the subclause headings to overcome those concerns. As a result, clause 59 in its current form was drafted and included in the Bill. Mr Lightowlers agreed to the clause in that form.\(^\text{39}\)

4.36 In his submission to the Committee, the current Information Commissioner expresses a different view regarding clause 59 of the Bill than that of his predecessor. The Information Commissioner has reconsidered the issue and is of the view that none of

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\(^{37}\) Ibid, p2.

\(^{38}\) Attachment to Letter from Ms Nicky Armstrong, Assistant Parliamentary Counsel, Parliamentary Counsel’s Office, 12 October 2009.

\(^{39}\) Letter from Miss Nicola Armstrong, Assistant Parliamentary Counsel, Parliamentary Counsel’s Office, 12 October 2009, p1.
the clause subheadings in Schedule 1 of the FOI Act should be deleted.\textsuperscript{40} He stated in his submission that:

\begin{quote}
The FOI Act creates an important right for all Western Australians and, in light of the objects of the Act, ... the FOI Act should be accessible to the public and as easy to understand as possible. The existing subheadings are simple and precise. The subheadings are useful for the accessibility of the FOI Act to the public. They provide clarity and assist the reader to locate and identify the relevant exemptions, the limit on exemptions and relevant definitions. Importantly, they inform the reader succinctly that there are limits to the exemptions.

The subheadings also have interpretive value. They assist in ascertaining the meaning of the provisions in Schedule 1 to the FOI Act. For example, the subheadings assist to confirm that the exemptions are subject to limits on the exemptions: s.19(1)(a) of the Interpretation Act 1984. Decisions of the Information Commissioner refer to the exemptions as being subject to the relevant “limits on exemption”. Deletion of the subheadings will mean that there will be nothing in the exemption clauses that uses the term “limits on exemption”.

Although the new subclauses in clauses 1 to 11 of Schedule 1 to the FOI Act, proposed by clauses 59(2)-(12) of the Bill, attempt to address this concern, those subclauses will make the exemption clauses more cumbersome, lengthy and difficult for both agencies and the public to comprehend. They will hinder rather than assist the readability of clauses 1 to 11 of Schedule 1 to the FOI Act.\textsuperscript{41}
\end{quote}

4.37 The Information Commissioner’s preference is for the clause subheadings to remain in Schedule 1 of the FOI Act. However, he noted that should the Committee consider that the public interest in the standardisation of the formatting of legislation outweighs the public interest in maintaining the current layout of Schedule 1 of the FOI Act as argued above, then he would argue that the clause subheadings may still be deleted but that the proposed additional subclauses as set out in subclauses 59(2) to (12) of the Bill should not proceed.\textsuperscript{42}

4.38 With respect to the additional subclauses proposed to be added to Schedule 1 of the FOI Act, the Information Commissioner has also pointed out an error in clause 59(9)

\begin{flushright}
\textsuperscript{40} Submission No 15 from Mr Sven Bluemmel, Information Commissioner, undated (received 6 October 2009), p3.
\textsuperscript{41} Ibid, pp2-3.
\textsuperscript{42} Ibid, p3.
\end{flushright}
of the Bill. Should subclause 59(9) of the Bill be passed, clause 8 of Schedule 1 of the FOI Act will read as follows:

8. Confidential communications

(1) Matter is exempt matter if its disclosure (otherwise than under this Act or another written law) would be a breach of confidence for which a legal remedy could be obtained.

(2) Matter is exempt matter if its disclosure —

(a) would reveal information of a confidential nature obtained in confidence; and

(b) could reasonably be expected to prejudice the future supply of information of that kind to the Government or to an agency.

(3A) The exemptions in subclauses (1) and (2) are subject to the limits set out in subclauses (3) and (4).

(3) Matter referred to in clause 6(1)(a) is not exempt matter under subclause (1) unless its disclosure would enable a legal remedy to be obtained for a breach of confidence owed to a person other than —

(a) a person in the capacity of a Minister, a member of the staff of a Minister, or an officer of an agency; or

(b) an agency or the State.

(4) Matter is not exempt matter under subclause (2) if its disclosure would, on balance, be in the public interest.

4.39 The Information Commissioner suggests that the new subclause (3A) as shown above would lead a reader to think that both subclauses (1) and (2) were subject to each of the limitations set out in subclauses (3) and (4) when, in reality, subclause (1) is only subject to the limitation set out in subclause (3) and subclause (2) is only subject to the limitation set out in subclause (4). The Information Commissioner recommends that, should clause 59(9) be supported by the Committee, then it should be amended to read as follows:

(9) Before Schedule 1 clause 8(3) insert:

43 Ibid, pp3-4.
(3A) The exemption in subclause (1) is subject to the limit set out in subclause (3) and the exemption in subclause (2) is subject to the limit set out in subclause (4).

4.40 After consultation with both the Information Commissioner and the Parliamentary Counsel’s Office, and further discussions between the Information Commissioner and the Parliamentary Counsel’s Office, the Committee was advised by the Information Commissioner that:

I remain of the view that the headings in Schedule 1 to the Freedom of Information Act (the FOI Act), which would be deleted by clause 59(13) of the Bill, enhance the accessibility of the FOI Act to the public. However I appreciate that Parliamentary Counsel’s Office has the view that this isolated benefit is outweighed by the public interest in minimising the number of laws which depart from standard formatting, as the latter has benefits of quality, functionality and cost. These benefit accrue across the whole WA legislation database and are not limited to one Act, and I appreciate that they can outweigh the benefit of accessibility I have identified above. ... In those circumstances, I have no objection to retaining clause 59(13) of the Bill as reflected in Ms Armstrong’s letter, consistent with the Committee’s preliminary view.

In any event I also remain of the view, as accurately reflected in Ms Armstrong’s letter, that clauses 59(2) to (12) should be deleted, consistent with the Committee’s preliminary view.45

4.41 Taking into account the agreed position reached between the Information Commissioner and the Parliamentary Counsel’s Office, the Committee is of the view that clause 59(13), which proposes the deletion of the subclause headings in Schedule 1 of the FOI Act, should stand but that clause 59(2) to (12) of the Bill should be deleted.

4.42 The Committee notes the previously expressed view of the former Acting Information Commissioner that the subheadings have “their own operational effect” and that in their absence there is nothing in Schedule 1 of the FOI Act that uses the term “limits on exemption”, being a term that has been used in a number of published decisions. The Committee, however, prefers the view of the Parliamentary Counsel’s Office that the deletion of the subclause headings will not have any interpretive affect on

45 Email from Mr Sven Bluemmel, Information Commissioner, Office of the Information Commissioner, 14 October 2009, p1.
Schedule 1 of the FOI Act. Pursuant to s 32(2) of the Interpretation Act 1984 the subclause headings do not form part of the written law, and the Committee is satisfied that there will be no material difference to the law as set out in Schedule 1 of the FOI Act by the deletion of the subclause headings.

4.43 The Committee also accepts that proposed new subclauses set out in clause 59(2) to (12) do not add any substantive material to Schedule 1 of the FOI Act, and may in fact tend to confuse. It is also noted that in at least one case (that is, clause 59(9)) the proposed subclauses are likely to actually mislead the reader.

Recommendation 1: The Committee recommends that clause 59(2) to (12) of the Standardisation of Formatting Bill 2009 be deleted. This amendment may be effected as follows:

Page 204 line 10 to page 206 line 5 — To delete the lines.

4.44 The Committee notes that the Parliamentary Counsel’s Office has agreed to the Committee’s recommended amendment to clause 59 of the Bill.46

Clause 63

4.45 The Bill proposes to delete a large amount of substantive text, amounting to many pages, from the Main Roads Act 1930 on the basis that the provisions (including an entire schedule) are obsolete. The Explanatory Memorandum states:

Section 32 of the Main Roads Act 1930 provides for the distribution of funds from the Main Roads Trust Account. Subsections (2) to (13) relate to grants for road works for the period 1 July 1980 to 30 June 1985 and are therefore spent. Distribution of funds to local governments is now effected under section 32(1) through agreements with the Western Australian Local Government Association.47

5 WHETHER THE OBJECTS OF THE BILL COULD BE ACHIEVED BY OTHER MEANS

5.1 The Committee noted that there are a number of options available to the Government for effecting formatting changes to existing legislation that do not require a specific bill.

5.2 For instance, the Reprints Act 1984 provides a wide discretion to the Parliamentary Counsel’s Office to make various minor formatting amendments to existing legislation when that legislation is reprinted.

46  Letter from Miss Nicola Armstrong, Assistant Parliamentary Counsel, Parliamentary Counsel’s Office, 15 October 2009, p1.

5.3 Omnibus bills, which have been introduced annually into the Parliament in recent years, have also been the usual method for making non-contentious amendments to a large amount of existing legislation.

5.4 The Committee therefore queried the Parliamentary Counsel’s Office as to whether such alternative options to the Bill were thoroughly explored.

**Reprints Act 1984**

5.5 Section 7 of the *Reprints Act 1984* provides a wide power to correct errors in, or make stylistic changes to, existing Acts or subsidiary legislation upon the occasion of a reprint of the legislation:

7. **Amendments of a formal nature**

(1) An authorised officer may exercise any of the powers conferred by this section in respect of a written law that is reprinted under this Act.

(2) The exercise of a power conferred by this section shall not have effect to alter or otherwise affect the substance or operation of any written law.

(3) An authorised officer may substitute —

(a) for words that designate cardinal numbers, figures that designate the same numbers;

(b) for words that designate ordinal numbers, figures and letters that designate the same numbers;

(c) for words that designate a sum of money, figures, together with the appropriate symbol, that designate the same sum;

(d) for words, or words and figures, that designate a date, an expression that designates the same date by means of —

(i) the number designating the day of the month;

(ii) the name of the month; and

(iii) where required, the year expressed in figures;
(da) for figures that designate a year of the 20th century for the purposes of a formality (e.g. as part of the date of completing a form), figures that designate a year of the 21st century for those purposes;

(e) for words, or words and figures, that designate a time of day, an expression that designates the same time by means of figures followed by the abbreviation “a.m.” or “p.m.” as the case may require;

(ea) for “per centum”, or “percent” or “per cent”, the symbol “%”;  

(f) for a reference to His Majesty the King or Her Majesty the Queen, a reference to the Crown or the Sovereign;

(g) for a reference to a written law or a law made by or under the authority of any legislature outside the State, a reference to any other written law or law so made if the effect of—

(i) the Interpretation Act 1984; or

(ii) any other written law,

is that the former is to be read, or to be taken to be amended to read, as the latter;

(ga) for a reference to a provision of a written law that was renumbered under an Act repealed by section 9(1), a reference to the provision as renumbered;

(gb) for a written law’s short title or other mode of citation which has been changed, a reference to the title or mode of citation as changed;

(h) for a name, style or title of a person, office, officer, authority, department, place, locality, or thing which has been changed, the name, style or title as changed;

(i) for a reference to —
(i) a subsection of a section of an Act or a subclause of a clause of a Schedule to an Act; or

(ii) any lesser subdivision of a section or clause; or

(iii) any corresponding provision of subsidiary legislation,

which is expressed in the long form (e.g. subparagraph (a), (b) or (c) of subsection (1) of section 4), a reference to that provision expressed in the short form (e.g. section 4(1)(a), (b) or (c)).

(4) An authorised officer may omit —

(a) any referential expression;

(b) words of enactment, and in the case of subsidiary legislation, words of attestation or authentication of its making, and any signature of the maker or makers;

(c) a provision as to the commencement of a written law;

(d) a provision that consists only of a statement showing the manner in which a written law is arranged into Parts or other divisions;

(e) a provision that has expired or become spent or had its effect;

(f) any repealing provision, including any list of repealed laws;

(g) any saving, transitional or validation provision which can conveniently be omitted by reason of its having application only to a time or events which have passed.

(5) An authorised officer may —

(a) make any amendment necessary to give effect to a provision in a written law whereby other written laws
are to be deemed to be amended, or to have effect or be construed as if they had been amended, in a specified manner;

(aa) amend a list of definitions in a written law by changing the sequence in which the definitions are listed;

(ab) amend an address, a telephone number or other contact details in a written law to reflect changes or additions to those details;

(b) correct any error in —

(i) spelling;

(ii) grammar;

(iii) punctuation;

(iv) the use of upper or lower case; or

(v) the typing or printing, in or of a written law;

(ba) correct any inconsistency within a written law in respect of any matter mentioned in paragraph (b);

(c) correct any error or anomaly in —

(i) the way in which a written law is referred to; or

(ii) the way in which a provision is designated.

(5a) For the purposes of subsection (5) an authorised officer may make any amendment not affecting the meaning of the written law.

(5b) Despite anything in subsection (2) or (5a), an authorised officer may make a clerk’s amendment to an Act even if the amendment affects the operation or meaning of the Act.

(5c) In subsection (5b) clerk’s amendment means an amendment of a reference in a provision of an Act to another provision of the Act, being an amendment in respect of which the Clerk of the Parliaments
has issued a certificate to the Attorney General to the effect that the amendment —

(a) is one that should have been made as a clerical amendment before an Act received the Royal Assent in consequence of other amendments made to the Act during its passage through Parliament as a Bill; and

(b) is necessary in order to enable an Act to have the operation and meaning that Parliament intended it to have.

...  

5.6 Miss Armstrong gave the following evidence as to the limitations of the Reprints Act 1984 with respect to introducing the types of formatting amendments proposed by the Bill:

**Miss Armstrong:** Mainly because of the necessity to change words and numbers. If it were a matter, for example, of changing only margins or purely appearances—a lot of that type of “cleaning”, for want of a better word, was done that way. However, the provisions being dealt with in this Act are actually changing substantive provisions of the law in very minor ways, but they could not be done through the Reprints Act.

**The CHAIRMAN:** None at all, or is it simply a convenient way of doing many of the same sorts of things, some of which could be covered by the Reprints Act?

**Miss Armstrong:** It is possible that some of them could have been done through the Reprints Act but not many, I do not think. It also would have taken a very long time to achieve that result if we were depending on reprinting the acts for that purpose. A lot of the acts are not the sorts of things that could be fixed through the reprints. It was considered whether it might be practical to amend the Reprints Act to give us the power to do these sorts of things, particularly like the schedule headings, but it was decided that that was not a good option, partly because the exercise would only have to be undertaken once. If a bill has to be passed through Parliament, it is best for Parliament to make the amendments rather than to change the Reprints Act to allow them to be changed when they are reprinted. Also, when things like titles must be inserted, that is not a clerical matter; that is a
Omnibus Bills

5.7 ‘Omnibus bill’ is the common name applied in Western Australia to bills whose purpose is to revise statute law by repealing spent, unnecessary or superseded Acts. Omnibus bills are generally formally titled ‘Statutes Repeals and Minor Amendments Bills’.

5.8 The policy behind such bills is to provide a regular opportunity for necessary legislative amendments of a non-contentious and minor nature to pass through Parliament without having to wait in line behind contentious political matters and major legislation. As the name suggests, the only thing that the amendments share in common is their nature, rather than their subject matter. Omnibus bills are said to be cost and time effective for the Parliament.

5.9 A Premier’s Circular (No 15 of 2003) has been issued instructing relevant government departments and agencies as to the purpose and limitations of omnibus statutes review legislation, namely:

- the repeal of obsolete legislation;
- the correction of typographical and other minor drafting errors; and
- amendments that make legislation more accurate by reflecting changes in names, titles, entities, designations, etc.

5.10 For instance, the long title of the Statutes (Repeals and Minor Amendments) Bill 2009 describes it as:

An Act to amend the statute law by —

− repealing various written laws; and

− making minor amendments to various other written laws,

and for related purposes.

5.11 As noted above, many of the clauses of the Bill effect changes that are not strictly matters of formatting, but which delete large amounts of obsolete substantive text or which correct existing errors in cross-referencing. Such amendments are more usually the subject of omnibus bills.

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48 Miss Nicola Armstrong, Assistant Parliamentary Counsel, Parliamentary Counsel’s Office, Transcript of Evidence, 16 September 2009, pp7-8.
Omnibus bills and the long and short title of the Bill

5.12 Given the existence within the Bill of matters that are not strictly matters of formatting, the Committee queried both:

a) why the vehicle of an omnibus bill was not chosen for those provisions of the Bill that are not strictly matters of formatting; and

b) whether there is a need to amend the long and short titles of the Bill so as to provide a more adequate description of the matters dealt with by the Bill.

5.13 Miss Armstrong gave the following evidence:

The CHAIRMAN: Just getting back to the question of the nature of the amendments and the title of the bill, although the effect of the bill is to standardise formatting, as you explained, it does not itself proclaim any standards for formatting, except by way of example.

Miss Armstrong: That is quite right, yes.

The CHAIRMAN: Is there any reason why it ought not to have been an omnibus bill or something along the line of an acts standardisation of formatting and minor repeals bill or something like that, as opposed to something that suggests that if you turn to the bill, you will find a menu, as it were, of how bills are to appear in future?

Miss Armstrong: It certainly does not fit in the category of the omnibus bills and the statutes (repeals and minor amendments) bills because the nature of those that makes them special is the fact that the amendments that they effect are unrelated. That is the very problem with those bills and why they have to be dealt with specially, so it does not fall into the category of an omnibus bill. The current practice of the Parliamentary Counsel’s Office is not to name bills as “Acts Amendment (Some Description)”, because it is generally felt that it is not a helpful title in terms of, for example, indexing or documents appearing on the website listed alphabetically; you get hundreds of acts appearing under “A”, which is not really very helpful. Often those names are not terribly helpful and they can be avoided. I discussed this with the Parliamentary Counsel and we considered that this was an appropriate title, given that it reflects the effect of the act.49

5.14 The Committee notes that it may be problematic to amend the short title of the Bill, given the expressed preference of the Parliamentary Counsel’s Office not to use words such as “amendment” or “minor amendment” in the title of bills other than omnibus bills.

5.15 The Committee is, however, of the view that an appropriate amendment to the long title of the Bill may be effected by the addition of the highlighted words as follows:

An Act to amend various written laws to standardise the formatting of certain aspects of those laws and to make other minor amendments for that purpose.

Recommendation 2: The Committee recommends that the long title of the Standardisation of Formatting Bill 2009 be amended to reflect the fact that the Bill contains proposals for minor amendments that are not strictly related to matters of formatting. Such an amendment may be effected as follows:

Page 1 line 6 — To delete “laws.” and insert:

laws and to make other minor amendments for that purpose.

5.16 The Committee notes that the Parliamentary Counsel’s Office has agreed to the Committee’s recommended amendment to the long title of the Bill.50

6 CONCLUSION

6.1 The Committee notes that it has highlighted a number of issues arising from the Bill and has made recommendations for amendments to the Bill. The Committee’s recommended amendments are set out in Supplementary Notice Paper format at Appendix 3.

6.2 The Committee commends its report to the House for consideration.

Hon Michael Mischin MLC
Chair
22 October 2009

50 Letter from Miss Nicola Armstrong, Assistant Parliamentary Counsel, Parliamentary Counsel’s Office, 15 October 2009, p1.
APPENDIX 1
LIST OF WRITTEN SUBMISSIONS RECEIVED BY THE COMMITTEE
# APPENDIX 1

## LIST OF WRITTEN SUBMISSIONS RECEIVED BY THE COMMITTEE

<table>
<thead>
<tr>
<th>No.</th>
<th>Submission</th>
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| 1   | Dr Ruth Shean  
Commissioner for Public Sector Standards | 15/09/09 |
| 2   | Mr Kim Taylor  
Director General  
Department of Water | 17/09/09 |
| 3   | Mr Robert Meadows QC  
Solicitor General | 22/09/09 |
| 4   | Mr Reece Wildock  
Chief Executive Officer  
Public Transport Authority | 21/09/09 |
| 5   | Mr John Skinner  
Public Trustee  
Department of the Attorney General | 23/09/09 |
| 6   | Mr Alan Ferris  
General Manager  
Perth Theatre Trust | 23/09/09 |
| 7   | Mr Patrick Walker  
Director General  
Department of Indigenous Affairs | 29/09/09 |
| 8   | Mr Stuart Smith  
Chief Executive Officer  
Department of Fisheries | 24/09/09 |
| 9   | Ms Michelle Reynolds  
Chief Executive Officer  
WorkCover WA | 29/09/09 |
| 10  | Mr Mike Donnelly  
Chief Executive Officer  
Perth Market Authority | 29/09/09 |
| 11  | Mr Richard Sellers  
Director General  
Department of Mines and Petroleum | 01/10/09 |
| 12  | Mr Brian Bradley  
Director General  
Department of Housing | 05/10/09 |
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<td>13</td>
<td>Ms Margaret Allen</td>
<td>Chief Executive Officer and State Librarian&lt;br&gt;State Library of Western Australia</td>
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<td>14</td>
<td>Mr Graham Searle</td>
<td>Director General&lt;br&gt;Department of Housing</td>
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<td>Mr Sven Bluemmel</td>
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<td>Mr David Price</td>
<td>Executive Director&lt;br&gt;The Law Society of Western Australia</td>
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<td>Mr Keiran McNamara</td>
<td>Director General&lt;br&gt;Department of Environment and Conservation</td>
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<td>Paul Rossair</td>
<td>Acting Director General&lt;br&gt;Department of Regional Development and Lands</td>
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APPENDIX 2

TRANSCRIPT OF EVIDENCE OF HEARING HELD ON
16 SEPTEMBER 2009
APPENDIX 2
TRANSCRIPT OF EVIDENCE OF HEARING HELD ON
16 SEPTEMBER 2009

STANDING COMMITTEE ON LEGISLATION

STANDARDSATION OF FORMATTING BILL 2009

TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
WEDNESDAY, 16 SEPTEMBER 2009

Members
Hon Michael Mischin (Chairman)
Hon Sally Talbot (Deputy Chair)
Hon Mia Davies
Hon Helen Morton
Hon Alison Xamon

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Legislation Committee

Legislation Wednesday, 16 September 2009 Page 1

Hearing commenced at 9.55 am

ARMSTRONG, MISS NICOLA
Assistant Parliamentary Counsel, Parliamentary Counsel's Office, sworn and examined:

The CHAIRMAN: On behalf of the committee, I would like to welcome you to the meeting. Before we begin, I must ask you to take either the oath or the affirmation. Which do you prefer?

[Witness took the affirmation.]

The CHAIRMAN: Could you please state your full name, contact address and the capacity in which you are appearing before us?

Miss Armstrong: I am Nicola Armstrong. I am Assistant Parliamentary Counsel from the Parliamentary Counsel’s Office. The address is 141 St Georges Terrace. It is part of the Department of the Attorney General.

The CHAIRMAN: You have signed a document, I believe, entitled “Information for Witnesses”. Have you read and understood that document?

Miss Armstrong: Yes, I have.

The CHAIRMAN: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document that you refer to during the course of this hearing so that it is recorded and it is plain from the record as to which document it is. Please be aware also of the microphones and try to talk into them. Ensure that you do not cover the microphones or obscure them with papers or make any noises near them. I remind you that your transcript will be a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. At present, there is no member of the public or media present. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. Would you like to make an opening statement to us?

Miss Armstrong: Yes, Mr Chairman. I was asked to come up to brief the committee about the Standardisation of Formatting Bill. I am in the unusual position in relation to this bill that I was the chief policy officer in developing it. I am also the drafter. It is rather unusual but the bill emanates from the Parliamentary Counsel’s Office, so I scored both roles. The bill is one small step in a process of improving public access to the legislation of this state. The legislation is provided through the State Law Publisher’s website. The Parliamentary Counsel’s Office is responsible for the content of that site. In 2007 the database was overhauled and completely upgraded. It is now very much better than it was, but, as with all technological things, it is continuing to be improved, the content is being improved and the features and functions of the website continue to be improved. The aims of this bill is to help us to standardise the formatting of legislative documents. It does not and it is not intended to change the legal content or effect of any legislation at all. The purpose of trying to standardise the formatting is that if all the documents are standardised, it is then possible to run automated processes over those documents, rather than having to undertake the same processes manually, which is obviously time consuming and introduces the risk of human error. There are approximately 1 800 documents on the website of current laws. There are also very large
numbers of other passed laws. In fact, now every act passed by the Western Australian Parliament is on the website.

One example of the sorts of processes we are talking about is the running headers on the tops of all the pages of all Western Australian legislation. They are actually quite complex. They include part headings, division headings, section numbers and so on. They change for schedules, where there is a slightly different format. There are different headers on the left and right-hand pages, so that the clause number is on the outside of the page, making it easier to find. Those are generated automatically and the process to do that depends on every single heading, section number, clause number, part number and so on being in the right format and having the right codes attached to it. If they do not have, those processes do not work properly and the headers all have to be manually manipulated. The same applies for the table of contents. The same applies for the document map that can appear with a Word document and the bookmarking that appears on the PDF documents. They can only be generated if the documents are all in the right format and styles. Those are the sorts of processes for the purpose of internal documents that we are talking about automating. So far as the website as a whole is concerned, the source documents are in Word format and we then generate other formats. At the moment, we have PDF and HTML documents. Those secondary documents are also generated by an automatic process, which has difficulties if the Word documents are not in the correct format and style. Although this bill may appear to actually do very little in substance, it is actually quite important in that it will help us improve the database and the access of all Western Australians to their laws.

The CHAIRMAN: Does anyone want to ask anything about that aspect?

Hon SALLY TALBOT: Perhaps, if I may, Mr Chair. How long has the bill been around? Is this its first presentation?

Miss Armstrong: Yes. The bill was just recently introduced. The work towards it has been going on for some years. I started work at the very preliminary stages of this in 2003.

Hon SALLY TALBOT: So, presumably, it was planned for at the time when the whole website updating and all that sort of thing was planned?

Miss Armstrong: We knew that we were going to have to have a bill of some sort; we did not know the details of it, but yes.

The CHAIRMAN: Has anyone else worked on it apart from yourself, or has it been entirely your responsibility?

Miss Armstrong: I have been the principal drafter. I have consulted other people, principally the Parliamentary Counsel himself, on a number of matters.

The CHAIRMAN: But you are the one who has had to sift through all the legislation and pick the eyes out of it?

Miss Armstrong: Yes. We have had a lot of assistance from our IT staff who have been able to develop programs that will —

The CHAIRMAN: Assist?

Miss Armstrong: — assist, yes.

The CHAIRMAN: Can you summarise for us the categories of reformatting that are embraced by the bill? We have obviously got schedules that are being dealt with. Can you outline for us the way in which you have dealt with it—you have already touched on that in your opening—but also any other changes to formatting and the blocks or categories of formatting?

Miss Armstrong: The bill is basically in two blocks. One, as you have mentioned, is the schedules, and in those we were largely directed at the schedule headings. If you are familiar with the current format of legislation, a heading appears—I do not know how well you can see this—like this: the
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word "Schedule", a number, an em rule and then the title, with the relevant section number underneath it. In the past, schedule headings have been done in a variety of other formats—sometimes just the word "Schedule"; sometimes they had the word "Schedule" and the title on a separate line.

The first part of the bill is directed at changing all of the schedule headings which are not in our current format into that format. For schedules which have a title, obviously we continue with that current title. There are quite a lot which do not have a title at all, and in those cases an appropriate title is being inserted. The vast majority of those amendments are being made by clause 4 and this enormous multipage table. Those were all able to be grouped on the basis that the existing schedule headings were in two or three reasonably similar formats. In the acts that are amended by the other clauses in that part, the existing headings were different in various ways so we were not able to fit the amendments into that table so we had to do them in separate clauses. But the effect is the same; we are rearranging the components of the schedule heading into the current format. The only changes that are to be made are to insert titles where that is necessary.

The CHAIRMAN: I have noticed in that regard that you mentioned that part of the purpose was to insert numerals or that there is a particular format now involving the identification of a schedule as schedule whatever and using a numeral. But I notice that some of these amendments do not actually do that, but you leave the number of the schedule in words and simply insert an explanatory heading. Why is that?

Miss Armstrong: From an automation point of view, it is not necessary for the schedule number to be in numerals or words; it simply has to be a series of characters. When the correct style is applied to it and the correct codes, it recognises that as the heading to the schedule. It does not matter for structural purposes whether it is in words or numbers or letters or even, indeed, if it is the word "Schedule". There are some where they are described as an appendix. From the structural point of view, it works the same.

The CHAIRMAN: Would it not matter from a searching point of view, though? Why not? If I was searching for references to "Schedule 16" and the fact that it is called the sixteenth schedule —

Miss Armstrong: Yes, it would make a difference in that context. But if we were to go through and change all of the schedules which are numbered using words, or some where they are simply called "Schedule" and they do not have a number at all, every single cross-reference to those schedules throughout the act would also have to be changed. When we were deciding how far to go with these amendments, that was one of the things we considered. And given the number of acts and the number of references to each of those schedules, it would have been such a huge task to do it that it was decided that it was better to leave it the way it was. There would also be references outside the legislative documents. We can change acts and regulations, but there would be other documents used by departments and references elsewhere to things by the schedules by their names. Just as one example, the Transfer of Land Act has a vast number of schedules which are in words, and most of them have forms which are used by the department. If we were to change them, the department would have to change all their forms as well, so it would create a huge amount of administrative work.

Hon. ALISON XAMON: And expense.

Miss Armstrong: And expense, yes. Generally speaking, if you are using an act that has a number of schedules and you are looking for the sixteenth schedule, you will be aware that it is schedule 16 or the sixteenth schedule.

The CHAIRMAN: Just on that point, and while I remember it, though, would that not be picked up by the Reprints Act anyway as something that could be changed in future in a reprint of the act?
Miss Armstrong: That is not changed on the reprints. I am not sure whether the power in the reprints would extend that far, but you would have the same problem in that if you changed the act, you have all the regulations, related documents and so on that would not be changed.

The CHAIRMAN: The forms would be valid, nevertheless, in terms of style because they are matters of style rather than substance. So under the Interpretation Act, they would still be protected even if they were out of kilter with the act. In any event, you have chosen not to take that path at this time.

Miss Armstrong: Yes. I must say, nowadays, we do number everything numerically and the number of acts with the schedules referred to in ordinal fashion is reducing.

The CHAIRMAN: You mentioned that was one category, or two I think you said.

Miss Armstrong: Yes, there is a second small category of other headings, which is part 3 of the bill. The first of those relates to what is usually part 1. Modern practice is that if an act is divided into parts then every section must be in a part. There was a time when the first few sections of an act—its citation, commencement provisions and sometimes a contents provision—actually appeared before part 1. Clause 43 of the bill will amend those acts where that is still the case to put in a part heading or move the heading to part 1 so that all sections then do fall in a part. There are a number of acts around which have what we describe as ad hoc headings, where there are headings which are not part, division, subdivision or section headings. Most of them are, in fact, the equivalent of part or division headings and serve the same purpose and are simply changed by this bill into part, division and subdivision headings. There are a small number where that is not the case and where these ad hoc headings actually serve very little useful purpose, if any at all. Some of them are headings which effectively just repeat the subsequent section headings, so they are being deleted because there is no appropriate reformatting to deal with them.

The CHAIRMAN: Apropos the deletion of headings, is there any legal consequence as to that as to the interpretation of the section following the deletion?

Miss Armstrong: I do not believe so. If, looking at those headings, there had been any suggestion that they added any meaning or served any interpretive purpose, we would not be deleting them.

The CHAIRMAN: To your knowledge, is there any case law that has relied on the heading as a way of interpreting the effect of any of these sections or parts of these acts?

Miss Armstrong: Certainly, headings to parts and divisions and so on under the Interpretation Act are a formal part of the law and they certainly would be capable of affecting the interpretation of the provisions, yes.

The CHAIRMAN: But you are confident that there is no legal consequence flowing from what has been undertaken?

Miss Armstrong: Yes. There are five acts in which we are deleting those headings, and, in those cases, yes, I would be confident that they are not going to have any impact on interpretation. One example, if I can find it, I think is the library board act. There is a heading that simply says “General provisions”, which really does not serve any purpose. The headings in the Conservation and Land Management Act do not add anything to the section headings of the provisions that follow them.

The CHAIRMAN: Those are the two areas of amendment?

Miss Armstrong: Those are the ones that deal with headings. Part 4 of the bill is perhaps a little more difficult to explain in that it is amending the structure of subsections and paragraphs where they do not meet the current structure. Most of them deal with situations where the current structure for a subsection would involve some opening words and, if it was necessary, then a series of paragraphs and perhaps closing words, but it would always start with opening words before the paragraphs. There are some older acts where the provisions are numbered as if they were
paragraphs but are in fact a complete sentence on their own and they do not have the opening words, so it is not entirely clear whether they are subsections or paragraphs. There are others where the opening words and the paragraphs do not necessarily follow from each other. That has commonly been caused by subsequent amendments being inserted where the grammar is incorrect or, for example, an exception has been inserted in relation to one of the paragraphs that does not apply to the rest of the provision. The structure of those sorts of provisions is not in accordance with our current format.

The CHAIRMAN: Can you give us some examples of those sorts of problems that you are addressing?

Miss Armstrong: I am sorry. I am just looking for the provision that I have in mind.

The CHAIRMAN: That is okay; take your time.

Miss Armstrong: The Bush Fires Act. It is clause 52 of the bill. It is on page 391 of the explanatory memorandum. If you have that handy, that may be easier to show the problem.

The CHAIRMAN: Page 391?

Miss Armstrong: Yes.

Hon SALLY TALBOT: So you are looking at clause 18?

Miss Armstrong: Clause 18, yes. Subsection (5) there begins with (5)(a) and starts with a provision which is, in effect, a whole subsection on its own, even though it is numbered as if it were a paragraph. All we are doing in this case is renumbering it in a subsection format so that it then fits into the current standard practice of structuring subsections.

Hon SALLY TALBOT: If I can just be absolutely clear then, were one to be in court referring to a precedent, and in court your precedent might be referred to as the name of the act, the clause—18 refers to this bill, does it not, so we are looking at what is called 18 on page 391—you might refer to (5)(a)(B), which would, I think, take you to the word “imposing” that has been crossed out.

Miss Armstrong: It would.

Hon SALLY TALBOT: Hansard is going to have fun with this! That then becomes (5)(ii) —

Miss Armstrong: It would be (5)(a)(ii), yes.

Hon SALLY TALBOT: So (5)(a)(ii), okay. How does the court check that you are referring to the same clause of the bill?

Miss Armstrong: If you had a reference to section 5(a)(B), it would be a reference to that provision at a particular point in time.

Hon SALLY TALBOT: So it is dated.

Miss Armstrong: At the time that the court referred to it the first time. So you would have to look at the act on that date to see what it was so you could then look at the act as it is now after these amendments and you would discover it was the same provision.

Hon SALLY TALBOT: So somewhere in the system there will be a copy of the Bush Fires Act 1953 as it was on 16 September?

Miss Armstrong: Yes. It is on the State Law Publisher’s website, yes.

The CHAIRMAN: The part that I am curious about, just using that as an example, is why there is a need to do it anyway. Looking at section 18(5)(a), you are changing it to section 18(5).

Miss Armstrong: It is really a matter of the numbering. The current structure of numbering is that a subsection is numbered using numerals in brackets and to have the (5) and then the (a) as a single number for that provision —

The CHAIRMAN: I see.
Miss Armstrong: It may seem like pedantry, and perhaps it is, but it is all part of making the system consistent.

The CHAIRMAN: I am with you now. A subsection must then proceed into text and not into a reference to a further —

Miss Armstrong: A further number, yes; quite right.

The CHAIRMAN: — paragraph.

Miss Armstrong: Yes. If you were to give this provision to an automated process, it would look at the (5) and it would look at the (a) and it would not be able to tell whether this was a subsection or a paragraph.

[10.25 am]

The CHAIRMAN: Is much of this being driven from the imperatives of the database, as it were, rather than necessarily something is that stylistic?

Miss Armstrong: There is an element of that to it as well. If all legislation used the same numbering sequences, a person familiar with using one act would be able to pick up another act and be able to follow the numbering scheme. It does help with the understanding of legislation generally.

Hon SALLY TALBOT: It looks to me like this might be one of those happy occasions when the technical provisions actually coincide with better English.

Miss Armstrong: That is very likely in a number of cases.

Hon SALLY TALBOT: If you read you way through section 5 that we are looking at, to have the word "vary" followed by a subsection when it is not followed by a series of points but only one point, looks to me as if it reads better in your reformatting of it.

Miss Armstrong: There are certainly some cases like that, yes.

The CHAIRMAN: We are probably descending into too much detail, but I notice that subsection (5) is followed by subsection (5B). Why not have subsection (5A) rather than skip a letter of the alphabet?

Miss Armstrong: I was endeavouring to make sure that the numbers changed as little as possible. What was previously section 18(5)(b) now becomes (5B).

The CHAIRMAN: It might look odd when it finally gets printed because it seems to skip sequences.

Miss Armstrong: Yes, but in almost all acts when multiple amendments have been made, you end up with missing numbers. Short of renumbering an act each time, the numbering will inevitably end up with gaps.

The CHAIRMAN: The other question that flows from that, of course, is—I presume it has been addressed, but, again, we are, to a very large extent, dependent upon your assurance—were no consequential amendments overlooked by references to other parts of the act or indeed in the regulations or in other statutes that depend on the original numbering?

Miss Armstrong: There are none that I could find that are not included. There are a very small number but for each of these amendments, searches were done over the entire database to find any other reference to those provisions. In most of the cases the acts we are amending are older acts that tend to have a lot fewer internal cross-references than modern acts. There are a lot fewer of those types of cross-references that need to be corrected. They have been searched for. I point out also that there is a provision in the Interpretation Act that a reference to a provision in a written law is a reference to that provision, as amended. This renumbering is a form of amendment. If a reference to
the provision was missed prior to this amendment, the Interpretation Act provision would enable that reference to be read correctly.

The CHAIRMAN: Would that reference be updated at some point by way of automatic reprint?

Miss Armstrong: If we found any such provisions, they would be amended. It would have to be done through the next Statutes (Repeals and Minor Amendments) Bill but they would be amended. It may be possible to do them through the powers under the Reprints Act as an incorrect reference to a provision.

Hon ALISON XAMON: On that note, if we discover that inadvertently the intention of the legislation had changed, would that automatically be picked up? Do you understand what I am asking? I suspect that one of the primary concerns that people will be looking at is to make sure that we are not effectively changing the intent of the various acts. That is obviously what we are asking people to comment on. If it turns out that that has happened by accident, would it be expected that that would be reversed as part of that process, or would we need to revisit that on its own terms?

Miss Armstrong: There would not be a process whereby we could do it automatically. We cannot undo an amendment made by Parliament. It would have to be a legislative amendment but we would certainly do it as soon as we could, quite possibly through the omnibus bills.

Hon ALISON XAMON: I was trying to get an understanding of whether the responsibility for making sure that that was effectively repealed would go through that process.

Miss Armstrong: Yes.

The CHAIRMAN: Is there anything else you would like to say about that aspect?

Miss Armstrong: No, I do not think so, if no-one has any more questions.

The CHAIRMAN: Moving on to the next category of amendments, part 4 deals with that sort of thing.

Miss Armstrong: Yes, it is that sort of thing. In part 4 there are a number of subsections in a section and those subsections are not numbered. We have simply given them numbers. The very first provision in section 91 of the Aboriginal Affairs Planning Authority Act is an example of that. Section 90 has two subsections that are not numbered. We have simply numbered them subsections (1) and (2).

The CHAIRMAN: Do you have a page number?

Miss Armstrong: It is page 78 of the bill.

The CHAIRMAN: Can you give me a page reference in the explanatory memorandum? That would be easier to follow.

Miss Armstrong: It is on page 175.

The CHAIRMAN: Have any other categories of formatting been undertaken?

Miss Armstrong: No. In general terms, the whole of part 4 covers those sorts of matters. The exact amendments vary. The amendments in clauses 22 onwards, in some places, are more voluminous because the provisions being corrected are so far removed from the current format that the only way to bring them into line with that format is to delete them and re-enact the provisions in the current format. As far as possible we have not changed the words. The wording has only been changed to the extent that it is necessary for reformatting purposes.

The CHAIRMAN: Why was it not possible to do this by operation of the Reprints Act?

Miss Armstrong: Mainly because of the necessity to change words and numbers. If it were a matter, for example, of changing only margins or purely appearances—a lot of that type of "cleaning", for want of a better word, was done that way. However, the provisions being dealt with
in this Act are actually changing substantive provisions of the law in very minor ways, but they could not be done through the Reprints Act.

The CHAIRMAN: None at all, or is it simply a convenient way of doing many of the same sorts of things, some of which could be covered by the Reprints Act?

Miss Armstrong: It is possible that some of them could have been done through the Reprints Act but not many, I do not think. It also would have taken a very long time to achieve that result if we were depending on reprinting the acts for that purpose. A lot of the acts are not the sorts of things that could be fixed through the reprints. It was considered whether it might be practical to amend the Reprints Act to give us the power to do these sorts of things, particularly like the schedule headings, but it was decided that that was not a good option, partly because the exercise would only have to be undertaken once. If a bill has to be passed through Parliament, it is best for Parliament to make the amendments rather than to change the Reprints Act to allow them to be changed when they are reprinted. Also, when things like titles must be inserted, that is not a clerical matter; that is a legislative matter. There are some things it would not be appropriate to do in reprint, even if we were to amend the Reprints Act.

The CHAIRMAN: There are a number of substantive changes that seem to us to go beyond formatting, as such. I would like you to comment on those. For example, clause 6(2), which is the deletion of a schedule. I am not sure what page it is.

Miss Armstrong: It is page 23 of the bill and page 100 of the explanatory memorandum. This is one example of it. There are a small number of provisions where the provision was found not to comply with the current formatting standards but on looking at it, it was apparent that the provision was spent and had no ongoing legal effect. It is therefore very difficult to amend it. It would be pointless to amend something that has no ongoing legal effect. It would be a waste of Parliament’s time to bother dealing with it. It would also potentially have an adverse affect because if Parliament were to amend it, it would suggest that Parliament thought that the provision was still alive and still had some ongoing effect. In those cases, the only way to deal with the non-standard formatting issue is to delete the provision. If the provision has no ongoing effect and simply does nothing anymore, deleting it will not change the substantive effect of the law. The third schedule to the Administration Act is an example of that. It contained rules for dealing with matters under the Administration Act that were revoked by rules made under that section of the act in 1967. The content of the third schedule to that act has been redundant since 1967.

The CHAIRMAN: There are a couple of other things and I suspect that your response will be of a similar nature.

Miss Armstrong: There is one that may alarm people, which is to do with the Constitution Act Amendment Act.

The CHAIRMAN: I was going to get to that in a minute but another one that I picked up was clause 10 on page 104 of the explanatory memorandum.

Miss Armstrong: Clause 10, to delete the second schedule, is in the same category. Its relevance to the act is in section 3, and section 3 of the act was repealed in 1960. Why the second schedule also was not repeated is a bit of a mystery. In the past, it was sometimes considered that if you repealed the section that connected the schedule, the schedule would fall with the section. It may be that it was thought that it simply was not necessary to repeal it. That schedule has no effect at the moment because the provision that related to it has long since been repealed.

The CHAIRMAN: Is it the case that a schedule falls away —

Miss Armstrong: That is not the currently held view, no. That was considered to be the case in the past. There are discussions about that kind of thing in relation to the commencement of provisions. If you have a split commencement date for the provisions of a bill and one provision is commenced,
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the generally held view is that you should separately commence the schedule. It is another provision of the act that should be dealt with on its own.

The CHAIRMAN: Clause 13 of the Constitution Act is another one.

Miss Armstrong: That is also in the category of a provision that simply no longer has any effect. It is not capable of having any effect.

The CHAIRMAN: Would you otherwise have had to break that section into several subsections, perhaps?

Miss Armstrong: It is because of the schedule. Section 71 operates in relation to the schedule. The schedule heading is what would have caused the problem. The schedule is no longer required because that provision—the two are linked. If you delete the schedule, the section is deleted as well. That provision relates to four individuals who are no longer around.

The CHAIRMAN: And have not been since at least the 1800s.

Miss Armstrong: They retired in 1889.

The CHAIRMAN: Clause 22(2).

Hon SALLY TALBOT: Page 123.

The CHAIRMAN: That deletes two subsections for the seventh and eighth schedules.

Miss Armstrong: Those seventh and eighth schedules have long since been repealed. The provisions have no effect. They do not achieve anything because the schedules to which they relate have been repealed.

The CHAIRMAN: What does section 114(1) say? That provides for the taking of the possession of land. Is that what is referred to in subsection (4)?

Miss Armstrong: I do not have a copy of it in front of me.

The CHAIRMAN: Subsection (4) stands in reference to some earlier effective provision regarding taking possession of land.

Miss Armstrong: It may be section 114(1). I suspect that there is a lengthy series of provisions about the taking possession of land.

Hon SALLY TALBOT: Will section 114(1) now read “114(1) and 114(4)”?

Miss Armstrong: Yes. That is not uncommon. As a matter of practice, we do not renumber provisions. If the subsections are deleted, the numbering of the subsequent subsections is not changed.

Hon HELEN MORTON: Do you have a word deleted behind subsection 114(2)? Does “(2)” stay there and it just has “deleted”?

Miss Armstrong: A note will be inserted instead of the provision to note that that has been deleted.

The CHAIRMAN: Clause 63.

Miss Armstrong: That is page 220 of the bill and page 464 of the memorandum.

The CHAIRMAN: It deletes a few subsections.

Miss Armstrong: It deletes a number of subsections from section 32. I assume that is the one you are referring to.

The CHAIRMAN: What are the reasons for that?

Miss Armstrong: Those provisions no longer have any effect because they are related to road funding for the period 1 July 1980 to 1985.
The CHAIRMAN: Right. Are there any other similar deletions? Have we effectively picked up all of them?

Miss Armstrong: There are none that I can think of offhand. There may be one or two, but you certainly have picked up all the ones that come to mind. The notes in the explanatory memorandum should explain the reasons why those provisions are being deleted, if there are any others.

The CHAIRMAN: I can understand the rationale for disposing of them, but the repeal of provisions, no matter how uncontroversial they may be, do they strictly fall within the idea of it being a standardisation of formatting, given the long title of the act, and indeed the short title, to standardise the formatting of certain aspects of those laws?

Miss Armstrong: I would consider that they do because they are being deleted for the purpose of correcting the formatting. Deleting them is the only way to address the problem. They are not being deleted simply because we found them and they are spent or have no effect. Deleting them is the only appropriate form of amendment.

Hon SALLY TALBOT: They are not being repealed. I think in your question, Mr Chairman, you used the word “repeal”. They have already been repealed.

The CHAIRMAN: No, I do not think they have, have they?

Miss Armstrong: They certainly have been not been repealed yet. The effect of the bill is to delete them. We refer to deleting provisions of an act. You repeal the whole of an act but you delete provisions of it.

The CHAIRMAN: I am sorry—delete them.

Miss Armstrong: That is the terminology that is used now, if that makes sense.

The CHAIRMAN: It does.

Miss Armstrong: It is pedantry, I am afraid.

The CHAIRMAN: To be more technically correct, those provisions are being deleted, but they are being deleted as a consequence of the need to reformat. On that argument, is it falling within the concept of a standardisation of the formatting because the only way of reformatting is to delete them?

Miss Armstrong: Exactly, yes.

The CHAIRMAN: There is some replacement of slabs of text within some acts. Clause 52 is an example of that. Tell us about that and how that is a standardisation of formatting.

Miss Armstrong: Again, the only reason for doing anything to that provision is that it does not comply with the current formatting standards. Unfortunately, it is so far removed from the current standards that it simply is not possible to reformat it sufficiently just by making a single word amendment. The only way of dealing with those provisions is by replacing them. The actual words used, as far as is absolutely possible, are the same as the current provisions.

The CHAIRMAN: I am trying to find a reference to the page number in the explanatory memorandum.

Miss Armstrong: It is 89. Section 88 is on page 405.

The CHAIRMAN: Another example is clause 54, existing section 99, for example.

Miss Armstrong: Yes.

The CHAIRMAN: As an example, you appear to have taken out of section 99(1)(c) a lengthy proviso and inserted that proviso as new subsection (2). Subsection (3) is the proviso of existing 99(1)(d). Is that right?

Miss Armstrong: Yes, those provisos are simply being moved to form separate subsections.
Legislation Committee

Legislation Committee

Wednesday, 16 September 2009

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The CHAIRMAN: Similar things have been done in clauses 55 through to 73 inclusive.

Miss Armstrong: Yes, that is right.

The CHAIRMAN: Are you able to identify for us any other amendments of a similar character that we have not picked up on?

Miss Armstrong: Clauses 52 to 63 make those larger amendments.

The CHAIRMAN: Right. What is the rationale for that?

Miss Armstrong: That was the only way that we could reformat the provisions. The provisos in section 99 that you referred to, for example, form completely separate sentences that are stuck in a series of paragraphs. That simply is not correct English grammar, apart from anything else. The only way to deal with them is to move them into separate subsections.

The CHAIRMAN: There are a number of cross-references and the like that are also corrected by the operation of the bill. For example, clause 7 of clause 11 appears to correct references, albeit minor.

Miss Armstrong: The shoulder note.

The CHAIRMAN: How are they strictly a standardised formatting, and could they be corrected by way of the Reprints Act?

Miss Armstrong: I do not think that we would correct them by way of the Reprints Act. Generally speaking, cross-references of that nature would be corrected using the omnibus bills rather than the Reprints Act. The reason for including them in those provisos is that it would be inappropriate to ask Parliament to enact a section heading that was wrong. We are inserting a section heading with a shoulder clause. It does need to be correct.

The CHAIRMAN: Are there any other corrections that we have not been able to pick up? The ones that we have noticed were clauses 7 and 11. Are there any others?

Miss Armstrong: If there are, it is a very small number of them. I cannot identify them offhand.

The CHAIRMAN: That is comforting!

Miss Armstrong: If the committee wants me to, I can review the bill and get back to the committee on that.

The CHAIRMAN: Do we need to know this stuff?

Hon SALLY TALBOT: That might be useful. Is that a terribly time-consuming thing to do? Presumably you can search on—what could you do a search on?

Miss Armstrong: I am not sure, to be honest.

The CHAIRMAN: Would you have kept a record as you were going through of those sorts of corrections that you can easily gain access to?

Miss Armstrong: I do not believe that there is a list, as such, of that sort of thing but I may be able to identify them through the notes in the explanatory memorandum.

The CHAIRMAN: Let me put it another way then, which might answer the question: if there are any such corrections would you have identified them in the explanatory memorandum or the preamble to the illustrations of the changes in the explanatory memorandum?

Miss Armstrong: Yes.

The CHAIRMAN: Thank you.

Hon HELEN MORTON: What page in the memorandum are clauses 7 and 11?

The CHAIRMAN: Page 101 for clause 7 and page 104 for clause 11. That might help for the transcript. Was consideration given to dealing with the corrections, deletions and like of spent
provisions by way of some means other than including them in this bill, such as by way of a minor corrections and repeals act or some other omnibus legislation?

Miss Armstrong: Those sorts of amendments probably could be included in one of the omnibus bills. It was considered more appropriate to include them in this bill because dealing with them is part of this one exercise.

The CHAIRMAN: In the course of your preparation of the bill, to what extent did you consult with the various departments and agencies or other organisations that either administer or are affected by the bill?

Miss Armstrong: Every department or agency that administers any of the acts that are to be amended was consulted. They were provided with a copy of the bill and explanatory memorandum. They were asked if they had any comments and to confirm whether they thought that the amendments were satisfactory.

The CHAIRMAN: And what was their response?

Miss Armstrong: There was a certain amount of discussion but they all agreed to the amendments that are now in the bill.

The CHAIRMAN: What was the character of those discussions? What sorts of issues were raised at them?

Miss Armstrong: Much the same as the issues that have been raised by the committee. They asked why we were doing it and that kind of thing. No one had objections to the amendments.

The CHAIRMAN: Either the principle or the detail?

Miss Armstrong: That is right.

The CHAIRMAN: Some of these acts deal with references to church lands and the like. Were the relevant churches approached?

Miss Armstrong: The departments that administer the acts were consulted. Whether they consulted other entities, I cannot say.

The CHAIRMAN: So the level of consultation was with the departments administering the acts?

Miss Armstrong: The departments and agencies.

The CHAIRMAN: When you say “agencies”, you went to, for example, statutory authorities?

Miss Armstrong: Yes. Whichever agency was formally assigned to administer the act.

The CHAIRMAN: Was there no adverse comment or suggestion of disagreement with what was being proposed?

Miss Armstrong: Absolutely none. I was surprised at how enthusiastic people were.

The CHAIRMAN: Which agency did you consult regarding the Constitution Acts Amendment Act?

Miss Armstrong: The Department of the Premier and Cabinet is responsible for that.

The CHAIRMAN: Clause 2 of the bill provides for substantive provisions of the bill to commence on a date to be fixed by proclamation. The explanatory memorandum notes that the commencement clause was drafted that way in case another bill amends the legislation before this bill commences so as to make proposals contained in this bill redundant. Are you aware of any bills currently before Parliament that may have an affect on this bill?

Miss Armstrong: I am aware of one that I believe is on the notice paper to be introduced today to amend the Bush Fires Act.
The CHAIRMAN: You do not sound happy about that one! What is the problem? Is it because it amends the —

Miss Armstrong: It is purely a coincidence that it is on the notice paper today. It would make significant amendments to the Bush Fires Act and they may well overlap with some of the amendments proposed in this bill. The only other way of dealing with those sorts of provisions is to make amendments to this bill in committee or to that bill while both of them are in Parliament. That can get very difficult, particularly if the bills are in different houses and cross over and that kind of thing. The most practical solution, if the provisions do conflict, is to not proclaim the provisions in this bill.

[11.05 am]

The CHAIRMAN: That raises certain logistical issues should there be reformatting of provisions, where there are amendments that may change references in the provisions to be reformatted where you do want the provision reformed, but you also have to make some kind of substantial change to a reference or a schedule or something like that.

Miss Armstrong: Depending on what the amendments are, if the amendments in this bill are not proclaimed, we may have to make equivalent amendments by way of the next omnibus bill or something of that nature to end up with the right result.

The CHAIRMAN: Cross one bridge at a time, I think.

Hon HELEN MORTON: If this bill were proclaimed before the bush fires act, or whatever it is, completed its passage through the Parliament, why could you not then make the amendments to that act while it was still in the Parliament?

Miss Armstrong: It is possible; it could be done that way. It depends on the relative speed of the two bills and which one is in which house. It is quite possible that they will pass each other between houses. It may end up that if you were proposing to make further amendments to the Bush Fires Amendment Bill in the second house, you would then cause it to be referred back to the first house, which may not be a desirable result.

Hon SALLY TALBOT: That is if you tried to do both at the same time.

Miss Armstrong: Yes, and, unfortunately, if both bills are in Parliament at the same time, it is quite possible.

Hon HELEN MORTON: But you could not do anything with the other bill anyway until this is proclaimed. That is the starting point to consider doing something else other than that.

Miss Armstrong: That bill has to deal with the act as it currently is. This is not something peculiar to this bill. The possibility of overlapping amendments happens with every bill.

The CHAIRMAN: Are there any further bills standardising the existing legislation anticipated by you?

Miss Armstrong: There is none on the cards right at the moment. I would think that it is quite possible there may be to address perhaps other issues of formatting when they come to light. This bill on its own is not going to achieve perfection in terms of standardisation, so there may be. There is none on the cards at the moment.

The CHAIRMAN: Are you aware whether the government proposes any amendments to the bill as it currently stands?

Miss Armstrong: Not that I am aware of.

The CHAIRMAN: Just getting back to the question of the nature of the amendments and the title of the bill, although the effect of the bill is to standardise formatting, as you explained, it does not itself proclaim any standards for formatting, except by way of example.
Miss Armstrong: That is quite right, yes.

The CHAIRMAN: Is there any reason why it ought not to have been an omnibus bill or something along the line of an acts standardisation of formatting and minor repeals bill or something like that, as opposed to something that suggests that if you turn to the bill, you will find a menu, as it were, of how bills are to appear in future?

Miss Armstrong: It certainly does not fit in the category of the omnibus bills and the statutes (repeals and minor amendments) bills because the nature of those that makes them special is the fact that the amendments that they effect are unsectored. That is the very problem with those bills and why they have to be dealt with specially, so it does not fall into the category of an omnibus bill. The current practice of the Parliamentary Counsel’s Office is not to name bills as “Acts Amendment (Some Description)”, because it is generally felt that it is not a helpful title in terms of, for example, indexing or documents appearing on the website listed alphabetically; you get hundreds of acts appearing under “A”, which is not really very helpful. Often those names are not terribly helpful and they can be avoided. I discussed this with the Parliamentary Counsel and we considered that this was an appropriate title, given that it reflects the effect of the act.

The CHAIRMAN: Has there been any thought given to setting out in the act or some other legislation like, say, the Reprints Act the current practice for the appearance of acts by setting out, for example, the principles that are being adopted in this bill but as a template or a set of principles for the structure of acts in future that may then allow the reprinting of legislation to comply with that formatting or may govern future legislation?

Miss Armstrong: I am not aware of any proposals of that sort. As you have described it, these are procedures, practices and standards. I doubt whether there would be enthusiasm for the idea of setting them out in statute. They do change from time to time. It would be very restrictive if they could not be changed, particularly with the move to electronic legislation.

The CHAIRMAN: I suppose what exercises my mind is if Parliamentary Counsel does decide, because of a change in the technology that is being used or because it decides that stylistically things should be presented in a different fashion, we may have to go through this whole exercise yet again to change the formatting of every piece of legislation that has been passed up until that point to make it conform.

Miss Armstrong: I do not believe so if the changes are purely matters of appearance, because that would not require legislative change. The reason these provisions require legislation is because of the changing of words and renumbering of provisions, inserting of titles and so on. If standards were changed, for example, so that we used a different typeface, it would not be necessary for legislation to achieve that.

The CHAIRMAN: No, if the current practice is to use numerals rather than words for references to schedules and the like, at some stage there may have to be an ability to do that. Would we have to amend the statute again, or can there be recourse to, say, the Reprints Act in order to do that or some like provision? Is it desirable to do that?

Miss Armstrong: I am sorry; I have not understood the question.

The CHAIRMAN: For example, some of the schedules are described as the “Twenty-fourth schedule”. The current practice is to use numerals, like schedule 24. You have mentioned the reasons why you have not undertaken that exercise in this bill, but at some stage in the future, how does one go about changing the “Twenty-fourth schedule” to “Schedule 24”? Can it be done automatically through the Reprints Act, or is it something that is going to require some piece of legislation to change that?

Miss Armstrong: If it was decided that we were in fact going to change all those references to numerals, my understanding is that you could not do it through the Reprints Act as it currently is, no.
Hon SALLY TALBOT: I just detect that you are hedging your answer slightly. Is it possible for you to clarify that for us to be absolutely certain, or have I misunderstood you; are you absolutely certain?

The CHAIRMAN: It may be the way I framed the question. Is that what is causing you trouble?

Hon SALLY TALBOT: It might be; that is what I am trying to tease out.

Miss Armstrong: My understanding is that we would not be able to make those sorts of changes using the Reprints Act as it is at the moment. It is always possible to amend the Reprints Act. But as is the case at the moment, if a decision were made for some reason that it was necessary to change all the schedules so that they did use numerals, it would be a one-off exercise which would require legislative action of some sort, be it to change each individual reference or to change the Reprints Act.

Hon SALLY TALBOT: You could do it in an omnibus bill, thought?

Miss Armstrong: Yes, I would think so.

The CHAIRMAN: Would there not be an underlying unity of that one that would make it inappropriate to be an omnibus bill because you are changing —

Miss Armstrong: It could be included in an omnibus bill, along with any number of other miscellaneous amendments. Given the number of amendments that would need to be made and the number of acts affected, it is likely it would be more appropriate to do it in a separate bill of the sort that we have got now.

Hon ALISON XAMON: Through the Chair, I am satisfied with the response that having a Standardisation of Formatting Bill in the way that we would understand it—that is, the way you have explained it as, perhaps, a pro forma of how we would want our bills to be presented—may not be desirable because, effectively, it would lock us into a format that we may not want to do and it may be more difficult to revisit that in the future. I am personally satisfied that this is attempting to deal with the right here, right now in terms of an accepted formatting and that that leaves us open to be able to see what technologies bring. I am reluctant to try to predict what the future might hold in terms of technologies and how our acts are going to need to be formatted to reflect that in the future. I suppose that the use of this at least sets a standard, even if not prescribed within law, an understanding, of how we expect our bills to be drafted in future and also amended so that there is some sort of consistency. I am personally quite satisfied with that as your response.

The CHAIRMAN: Thank you very much for that.

Miss Armstrong: My pleasure.

Hon HELEN MORTON: Except perhaps to say what an amazing amount of work over a number of years.

The CHAIRMAN: I am surprised you are still sane!

Miss Armstrong: I must say I am a little surprised. I am still awake! It is not the most stimulating work.

The CHAIRMAN: I hope that they give you something short and interesting to do next time! Thank you very much for your assistance today. It may be necessary to call you back on some matter at a future sitting. We will need to discuss that. Also, as Hon Helen Morton has mentioned, well done on the amount of attention that you have paid to it and your diligence to it. By many standards, I suppose, one might think of it as a relatively inconsequential piece of legislation that does not actually do anything substantial in terms of the laws of the state, but it is one of those that require an enormous amount of attention to detail and perseverance by its very nature, because you are dealing with so many statutes and potential consequences of making an error. Thank you. I terminate the hearing. You are excused.
Hearing concluded at 11.22 am
APPENDIX 3
THE COMMITTEE’S RECOMMENDED AMENDMENTS IN SUPPLEMENTARY NOTICE PAPER FORMAT
APPENDIX 3
THE COMMITTEE’S RECOMMENDED AMENDMENTS IN
SUPPLEMENTARY NOTICE PAPER FORMAT

Standardisation of Formatting Bill 2009 — Draft amendments

Legislative Council

Standardisation of Formatting Bill 2009
(No. 666–1)

When in Committee on the Standardisation of Formatting Bill 2009:

Clause 59

Parliamentary Secretary representing the Attorney General — To move:

Page 204 line 10 to page 206 line 5 — To delete the lines.

Long title

Parliamentary Secretary representing the Attorney General — To move:

Page 1 line 6 — To delete “laws,” and insert:

laws and to make other minor amendments for that purpose.

To: Clerk of the Legislative Council

I wish to move the above amendments to this Bill. Please include them on the Legislative Council’s notice paper. Parliamentary Counsel’s Office will provide a Microsoft Word version when requested to do so.

Parliamentary Secretary to the Attorney General
**Parliamentary Counsel’s Office**  
[Government of Western Australia]

**Provided in Confidence**

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<td>Counsel:</td>
<td>Nicky Armstrong</td>
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**INSTRUCTING DETAILS**

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