



# THE UNIVERSITY OF WESTERN AUSTRALIA



**WINTHROP PROFESSOR PETER HANDFORD**  
Faculty of Law

M253  
The University of Western Australia  
35 Stirling Highway  
CRAWLEY WA 6009

Phone +61 8 6488 2958  
Fax +61 8 6488 1045  
Email [peter.handford@uwa.edu.au](mailto:peter.handford@uwa.edu.au)  
<http://www.law.uwa.edu.au>

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14 March 2015

Mr David Driscoll  
Parliamentary Officer (Committees)  
Standing Committee on Legislation  
Legislative Council  
Parliament House  
PERTH WA 6000

Dear Mr Driscoll

## **Inquiry into a Demise of the Crown Statute**

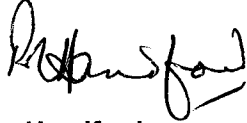
I was the Director of Research of the Law Reform Commission of Australia, and also a Member of the Commission, when it submitted its report on *United Kingdom Statutes in Force in Western Australia* (Project No 75) in 1994. In this report we recommended that Western Australia should give consideration to enacting a general Demise of the Crown Act on lines similar to that recommended by the Law Reform Committee of South Australia (see page 92 of our report).

This report was of course submitted over twenty years ago, and it is impossible to recall in any detail the reasoning that led us to make this recommendation. I only did a small amount of the research on this project; the officer mainly responsible, who afterwards became a parliamentary counsel, has now retired. Our research materials, like those on all other pre-1998 Law Reform Commission projects, were archived in 1998 when there was a fundamental change in the Commission's method of operation, and are presumably still in a box stored somewhere in Welshpool. However, in our work on UK Statutes we adopted the general principle of relying on quality work done by other law reform bodies dealing with similar references, and the work of the Law Reform Committee of South Australia was extremely thorough: see Appendix II of the WALRC Report, especially at para 9.

I note from the Hansard extract appended to your letter that the Attorney General said that the Commission appeared not to have considered certain imperial legislation passed from time to time, including the Demise of the Crown Act 1901. The Commission did not examine any post-1829

imperial legislation because its terms of reference were limited to reviewing the Imperial Acts in force at Western Australia at the time of its founding. The terms of reference are quoted in para 1.1 of the report.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter Handford', written in a cursive style.

**Dr Peter Handford**