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Tabled 23 August 2016

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SUBJECT: *Standing Committee on Uniform Legislation  
and Statute Review - Inquiry into the  
Statute Book (Report No. 99)*.....

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OF THE

LEGISLATIVE COUNCIL



## ATTORNEY GENERAL; MINISTER FOR COMMERCE

Our Ref: 44-23148

Hon Kate Doust MLC  
Chair  
Standing Committee on Uniform Legislation and Statutes Review  
GPO Box A11  
PERTH WA 6837

Dear Ms Doust

*Kate*

### STANDING COMMITTEE ON UNIFORM LEGISLATION AND STATUTES REVIEW REPORT NO. 99 - *INQUIRY INTO THE STATUTE BOOK* - GOVERNMENT RESPONSE

I refer to your report 99 - *Inquiry into the Statute Book* and respond to recommendation 1 on behalf of the Government. Recommendation 2 does not require a response.

#### *Current system for repeal of obsolete legislation*

The current system for the repeal of obsolete legislation is as follows:

- Identification of potentially obsolete legislation is managed by each government agency in respect of legislation that falls under its portfolio. The Department of Finance coordinates the potential repeal of obsolete legislation identified under the Committee's Interim Report 79 as well as any repeal and reform opportunities identified to form part of the Government's red-tape reduction strategy.
- Where the bill is one to which Premier's Circular 2010/01 applies, it will be given the title of Statutes (Repeals) Bill [or Statutes (Repeals and Minor Amendments) Bill if it also contains minor amendments] in order to signify that it is an omnibus bill that must be referred to the Committee.
- This will be the case whether the bill has been produced with the specific intention of falling under Premier's Circular 2010/01 or as part of the Repeal Week initiative under Premier's Circular 2015/07.
- Where a red-tape reduction bill is developed under Premier's Circular 2015/07 which does not comply with Premier's Circular 2010/01 then it would not be transmitted to the Committee but would follow the normal Parliamentary course as for any other bill.

*Government response*

Recommendation 1 requires a Government response. It is divided into 2 parts:

A Government gives greater priority to identifying and repealing obsolete legislation

The Government will consider mechanisms that aim to ensure that at least one repeal and minor amendment bill is introduced and passed each calendar year.

The Government is satisfied that the identification of potentially obsolete legislation should continue to be managed by each government agency in respect of legislation that falls under its portfolio. The Department of Finance, with support from the Department of the Attorney General, will continue to coordinate the potential repeal of obsolete legislation identified under the Committee's Interim Report 79 and through the Plan to Reinvigorate Regulatory Reform.

B Government considers more robust systems to repeal obsolete legislation.

The Government notes the alternative repeal systems identified by the Committee such as the use of sunset clauses, policy targets for the reduction of regulation and the so-called 'one on, two off' policy for agencies. The Government is of the view that the system and policy currently in place in Western Australia is suitable, acknowledging the necessity for improvements in the speed of passage of Bills that repeal obsolete legislation.

I thank you for your Report.

Yours sincerely



Hon. Michael Mischin MLC  
**ATTORNEY GENERAL; MINISTER FOR COMMERCE**

22 AUG 2016