



## Statute Law Revision Bill 2009

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## Statute Law Revision Bill 2009

**Date introduced:** 28 October 2009

**House:** House of Representatives

**Portfolio:** Attorney-General

**Commencement:** Sections 1 to 3 commence on Royal Assent. The remaining amending provisions commence on varying dates from day of Royal Assent to 30 September 2008. The commencement of some are also dependant upon the commencement of items in other Acts. Many of the dates are retrospective.

**Links:** The [relevant links](#) to the Bill, Explanatory Memorandum and second reading speech can be accessed via BillsNet, which is at <http://www.aph.gov.au/bills/>. When Bills have been passed they can be found at ComLaw, which is at <http://www.comlaw.gov.au/>.

## Purpose

The Statute Law Revision Bill 2009 (the Bill) proposes to amend in Schedule 1 errors in 33 principal Acts, in Schedule 2 corrects errors in 22 amending Acts where errors have occurred, in Schedule 3 repeal 5 obsolete Acts, in Schedule 4 correct inconsistencies and in Schedule 5 to standardise the terms ‘website’ and ‘Internet’.

## Background

A Statute Law Revision Bill is a mechanism whereby the Statute book is maintained. Any outstanding errors are corrected and obsolete material is removed from the Statute book. The Fraser Government introduced the Statute Law Revision Bill in its current form.<sup>1</sup> As the Attorney-General states:

This house-keeping work is itself an important contribution to the legislative landscape and the broader justice system. Statute Law Revision Bills improve the quality and accuracy of Commonwealth legislation, and enhance the effectiveness and accessibility of the law for the Australian public. This continual process of statutory review complements the Government’s commitment to enhancing the operation and accessibility of the federal justice system for all Australians.<sup>2</sup>

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1. R McClelland, ‘Second reading speech: Statute Law Revision Bill 2009’, House of Representatives, *Debates*, 28 October 2009, p. 11171.
  2. *ibid*, p. 2.

**Warning:**

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Such Bills are ‘traditionally non-controversial and receive the support of the Parliament as they are regarded as an essential tool in the process of keeping orderly, accurate and up to date Commonwealth Statute books.’<sup>3</sup> This Bill corrects a number of technical errors that have occurred as a result of drafting and clerical mistakes, removes obsolete Acts and makes a number of amendments to principal Acts and amending Acts to ensure consistency in terms used and makes a number of amendments to remove gender-specific language. The Explanatory Memorandum states that there are no substantive changes to the law and further comments:

The corrections and repeals are desirable in order to improve the quality of the text of Commonwealth legislation and, in particular, to facilitate the publication of consolidated versions of Acts by the Attorney-General’s Department and by private publishers of legislation.<sup>4</sup>

### Committee consideration

The Senate Select Committee on the Scrutiny of Bills commented on the retrospective application in Clause 2 of the commencement provisions of the Bill. The report comments:

Clause 2 of the bill contains the table of commencement information and many items listed in the commencement table provide for retrospective commencement. The explanatory memorandum provides a thorough explanation as to why retrospectivity is considered appropriate: the relevant items relate to misdescribed or redundant amendments or errors contained in amending Acts; and the commencement of those items is tied to the time specified in the amending Act for the commencement of the misdescribed or redundant amendment. The Committee accepts the retrospective application of provisions in such circumstances.<sup>5</sup>

### Financial implications

The Explanatory Memorandum states that the Bill has no financial impact.<sup>6</sup>

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3. Diane Spooner, *Statute Law Revision Bill 2008*, Bills digest, no. 94, 2007-08, Parliamentary Library, Canberra, 2008, p.2, viewed 25 November 2009, <http://www.aph.gov.au/library/pubs/bd/2007-08/08bd094.pdf>
  4. Explanatory Memorandum, Statute Law Revision Bill 2009, p. 1.
  5. Senate Standing Committee for the Scrutiny of Bills, Alert Digest 14/09, 18 November 2009, p.21, viewed 24 November 2009, <http://www.aph.gov.au/Senate/committee/scrutiny/alerts/2009/d14.pdf>
  6. Explanatory Memorandum, op. cit., p. 1.

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## Main provisions

### Schedule 1—Amendment of principal Acts

#### Correction of errors and removal of gender-specific language

**Items 1 to 52** correct errors contained in principal Acts. **Items 53 to 252** remove gender-specific language from the *Tradesmen's Rights Regulation Act 1946* and replace it with gender-neutral language.

### Schedule 2—Amendment of amending Acts

**Items 1 to 31** correct misdescribed or redundant amendments in amending Acts as well as other errors.

### Schedule 3—Repeal of obsolete Acts

**Items 1 to 5** propose to repeal obsolete or spent legislation. Five Acts are repealed by this Bill and consequential amendments are made to references in other Acts which refer to the repealed legislation.

### Schedule 4—Amendment of references to 'ballot-paper' and 'ballot-papers'

**Part 1 items 1 to 5** substitute 'Ballot-papers' for 'Ballot paper' in the *Commonwealth Electoral Act 1918*. **Items 6 to 88** substitute 'ballot-paper' for 'ballot paper'. **Items 89 to 175** substitute 'ballot-papers' for 'ballot papers'.

### Schedule 5—Amendments relating to use of the term 'internet'

**Part 1 items 1 to 136** amend 39 principal Acts to standardise the use of the term 'website'. **Part 2 item 137** amends 52 principal Acts to substitute references from 'Internet' to 'internet'. **Part 3 item 138** lists particular provisions of Acts listed in Part 2 that are not subject to Part 2 of Schedule 5 (that is changing the reference to 'internet').

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