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Statute Law Revision Bill 2002

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I N F O R M A T I O N A N D R E S E A R C H S E R V I C E S

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No. 150 2001-02

Statute Law Revision Bill 2002

Rosemary Bell
Law and Bills Digest Group
29 May 2002

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Statute Law Revision Bill 2002

Date Introduced: 16 May 2002

House: House of Representatives

Portfolio: Attorney-General

Commencement: Each item in Schedule 1 commences at the time specified in column 2. Each item in Schedule 2 commences when the amending Act commenced. There are various commencement dates because the commencement of each item is tied to the commencement of the provision that created the error. All other amendments commence on Royal Assent.

Purpose

To correct technical errors such as misspellings, punctuation errors, numbering errors and incorrect cross-references that have occurred in Acts as a result of drafting and clerical mistakes.

Background

Statute Law Revision Bills

A statute law revision bill was first introduced in the Commonwealth Parliament by the Fraser Government in 1981. The then Attorney-General, Senator the Hon Peter Durack, explained in his second reading speech that:

The Government has decided to introduce Statute Law Revision Bills into the Parliament on a regular basis, at least once in each year and, if required, once in each sitting. This will enable the prompt correction of mistakes and errors and removal from the statute book of expired laws. In the absence of the regular passage of Bills of this kind, the correction of an error in an Act can only be achieved by having a special Bill passed for that purpose or waiting until the Act needs to be amended for some other more important purpose.¹

The then Opposition supported the introduction of the Statute Law Revision Bill process. In the second reading debate the then Shadow Attorney-General, Senator the Hon Gareth Evans said:

Warning:

This Digest was prepared for debate. It reflects the legislation as introduced and does not canvass subsequent amendments.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

The Statute Law Revision Bill is a fascinating Bill, for the contents of which the Government is to be much congratulated. ... The first innovation is the very existence of the Bill as a vehicle – a compendious vehicle – for tidying up oversights, errors and oddities that creep into even the best laid drafting plans and also to accommodate minor changes that become necessary because of changing circumstances. The Opposition notes that it is the Government's intention to introduce housekeeping Bills of this kind at least once each year, and perhaps every sitting. I, for one, certainly applaud that as a rational legislative measure aiding in the avoidance of the unnecessary cluttering of the parliamentary process with what are on any view small issues most of the time.²

Since 1981 there have been a number of Statute Law Revision Bills, the most recent being in 1999.³

Outline

The Bill has two Schedules. Schedule 1 amends errors in 20 Principal Acts, whereas Schedule 2 amends misdescriptions in 23 amending Acts. The commencement date of each item is tied to the commencement of the provision that created the error. The effect of this process is that the error is taken to have been corrected immediately after it was made. According to the *Explanatory Memorandum*, none of the amendments proposed by either Schedule will alter the content of the law.⁴

Main Provisions

Due to the nature of the amendments proposed by this Bill, the Bills Digest does not provide an item by item analysis. However, Members, Senators and Parliamentary staff who wish to have an analysis of specific provisions should contact the Law and Bills Digest Group on (02) 6277 2526.

Endnotes

- 1 Sen the Hon Peter Durack, 'Second Reading Speech', Statute Law Revision Bill, House of Representatives, *Debates*, 27 May 1981, p. 2166.
- 2 Sen the Hon Gareth Evans, *op.cit.*, 28 May 1981, p. 2308.
- 3 Statute Stocktake Bill 1999.
- 4 *Explanatory Memorandum*, Statute Law Revision Bill 2002, p. 3 (paragraphs 8 and 15).

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