Statute Law Revision Bill (No.2) 2010

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Statute Law Revision Bill (No.2) 2010

Date introduced: 24 November 2010
House: House of Representatives
Portfolio: Attorney-General
Commencement: Commencements dates are mentioned below.


Purpose

The Statute Law Revision Bill (No.2) 2010 (the Bill) will correct minor and technical errors in Acts, such as grammatical errors and errors in numbering, modernise the language of a number of Acts, and repeal obsolete Acts. Schedules 5-8 of the Bill will amend a number of Acts to ensure that Commonwealth ministers and departments are referred to consistently.¹

The Bill: amends 36 Acts to correct technical and other errors and modernise language; repeals eight redundant Acts; amends 76 Acts to provide that Commonwealth ministers are mentioned by reference to the administration of identified legislation; amends 53 Acts to provide that specific departments are mentioned by reference to the minister administering legislation; and amends 103 Acts to update administrative references.

Background

Statute Law Revision 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. These omnibus Bills are never used or meant to be used to make substantive change to the law, and this is emphasised in both the Attorney-General’s speech and the Explanatory Memorandum.²

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Financial implications

According to the Explanatory Memorandum, there are no financial implications.

Key provisions

Due to the nature of this Bill it is not necessary to give a detailed analysis of the provisions.

Schedule 1 makes minor amendments to principal Acts to correct grammatical and cross-reference errors. It also repeals some redundant definitions and amends typographical mistakes. Schedule 1 commences on Royal Assent. The Explanatory Memorandum explains that the operation of the ‘slip rule’ allows the text of the law to be taken as correct as at the date of enactment, despite the error.³

Schedule 2 makes similar amendments to amendment Acts, and items 3, 4, 5, 7, 8 and 10 commence on Royal Assent. The other items commencement dates are tied to the provision they amend. This is explained in the Explanatory Memorandum in the following terms:

The items in Schedule 2 to the Bill relate to misdescribed or redundant amendments, or errors, contained in amending Acts. The commencement of items dealing with misdescribed amendments, or amendments where the location of the amendment is unclear, is tied to the time specified in the amending Act for the commencement of the amendments.⁴

Schedule 3 repeals obsolete Acts and commences on Royal Assent.

Schedule 4 makes amendments to the Marriage Act 1961 to harmonise the spelling of certain words such as ‘organisation’ and ‘authorised’ so they are spelt with an ‘s’ rather than a ‘z’. There is no mention in either the minister’s speech or the Explanatory Memorandum as to why only the Marriage Act has been singled out for this ‘current’ drafting style exercise, as there are literally hundreds of references to the word ‘authorized’ (for example) in the current consolidated Acts of the Commonwealth.

Schedules 5-8 seek to ensure that when changes are made to the Administrative Arrangements Order (AAO), there is a simpler process in place to reflect the new references to ministers or departments. When new AAOs are made it is not uncommon for the name of a minister, or a department, to change or for legislation to be transferred to another minister or department. When this happens under sections 19B and 19BA the Governor-General makes orders which are published in the Gazette which in effect substitute the particular minister or department to the correct minister or department. The Attorney-General in his second reading speech states the amendments will greatly reduce the need for such orders:

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³ Ibid., paragraph 14, p. 2.
⁴ Ibid., paragraph 17, p. 2.

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The amendments insert more generic references to Ministers and Departments in Commonwealth Acts. For example, instead of referring to the “Minister for Finance and Deregulation”, after these amendments have been passed they will refer to the “Minister for Finance”. This will be defined as “the Minister administering the Financial Management and Accountability Act 1997”. The particular Minister with that responsibility may change over time. This will improve the clarity and useability of Commonwealth Acts.  

Commencement dates for these Schedules are outlined in the Explanatory Memorandum.  

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