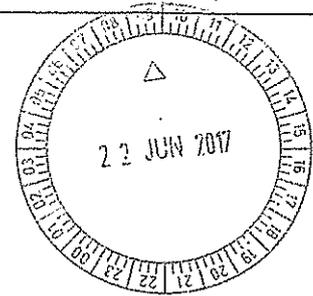




ATTORNEY GENERAL



Our Ref: 67-01391

The Hon Michael Mischin MLC
Chairman
Standing Committee on Uniform Legislation and Statutes Review
PARLIAMENT HOUSE PERTH 6000

Dear Chairman

STATUTES (MINOR AMENDMENTS) BILL 2017 (WA)

Thank you for your letter dated 9 June 2017 regarding the Statutes (Minor Amendments) Bill 2017 (WA) which the Legislative Council referred to the Standing Committee on Uniform Legislation and Statutes Review (the Committee).

As the Committee has noted, clause 2 of the Bill "provides that Part 1" of the Bill containing provisions relating to the short title and commencement "will come into operation on the date of Royal Assent". The Committee also notes "that Part 2" of the Bill, which deals with amendments to various pieces of legislation, is to "come into operation on a day or days fixed by proclamation".

Your letter suggests that "there does not appear to be a reason why [Part 2 of the Bill] cannot take effect from the date of assent". Respectfully, this is not the case. As the Committee will be aware, the Bill contains in clause 12 some amendments to *Sentencing Act 1995 (WA)* relating to provisions in Part 3 of that Act about post-sentencing supervision. As you will be aware, the former State Government, made the *Sentencing Legislation Amendment Act 2016 Commencement Proclamation 2017*, published in the *Government Gazette* on 12 February 2017 to bring into operation Part 3 of the *Sentencing Legislation Amendment Act 2016* on 1 July 2017. Therefore, at the time of drafting the Bill, there was a possibility that the Bill may have been enacted prior 1 July 2017. That is, if the Bill had received Royal Assent before that date, clause 12 would have come into operation before the 2016 amendments came into effect which clause 12 was to amend. Consequently, it was considered that the Bill's commencement provisions should enable a day on which, for example, clause 12 was to come into operation to be fixed by proclamation.

Given that the Bill will now not be enacted before 1 July 2017, I can inform the Committee that an amendment is being drafted to provide that the all of the Bill, including Part 2, will take effect on Royal Assent. This amendment will be moved during the Committee stage.

I trust that the above is of assistance in explaining this position to the Committee.

Yours sincerely

Hon John Quigley MLA
ATTORNEY GENERAL