

INTERPRETATION AND REPRINTS AMENDMENT BILL 2008 (WA)

EXPLANATORY MEMORANDUM

Overview of Bill

The Interpretation and Reprints Amendment Bill 2008 (WA) (the Bill) amends the *Interpretation Act 1984* (WA) and the *Reprints Act 1984* (WA).

The *Interpretation Act 1984* (WA) consolidates the law regarding the construction, application, interpretation, and operation of written law in Western Australia.

The Bill amends the *Interpretation Act 1984* (WA) by correcting a definition, inserting two (2) new interpretation provisions and correcting a typographical error.

The *Reprints Act 1984* (WA) provides for the reprinting of Acts of the WA Parliament, and subsidiary legislation, and to provide for the incorporation of a limited range of formal amendments set out in section 7 of the Act in reprints of such legislation.

The Bill amends the *Reprints Act 1984* (WA) to allow an authorised officer in the WA Parliamentary Counsel's Office to insert an abbreviation of a unit of measurement, to insert "and" or "or" at the end of paragraphs in legislation and to remove a definite or indefinite article ("a" and "the") at the beginning of a defined term in legislation.

CLAUSE NOTES

Part 1 – Preliminary matters

Clause 1 – Short title

Clause 1 provides that the title of the proposed Act is the *Interpretation and Reprints Amendment Act 2008* (WA).

Clause 2 – Commencement

Clause 2 provides that sections 1 and 2 (this Part of the proposed Act) will come into operation on the day that the Act receives Assent. The balance of the Act (sections 3 to 9, inclusive) will commence on the following day.

Part 2 – Amendments to *Interpretation Act 1984* (WA)

Clause 3 – Act amended

Clause 3 provides that Part 2 of the proposed Act amends the *Interpretation Act 1984* (WA).

Clause 4 – Section 5 amended

Clause 4 provides for two amendments to section 5 of the *Interpretation Act 1984* (WA). Subclause (1) deletes the definition of “*Gazette* or *Government Gazette*”. Subclause (2) proposes to insert new definitions of “*Gazette* or *Government Gazette*” and “*local government district*”. The new definition of “*Gazette* or *Government Gazette*” uses the same words as used previously. However, in two places where words were in italics the italicisation has been removed and some capital letters changed to lower case. The new definition of “*local government district*” refers to proposed new section 13CA of the *Interpretation Act 1984* (WA).

Clause 5 – Local government districts, references to

Clause 5 inserts a new proposed section 13CA after the existing section 13B. The new section provides that a reference in an Act to a local government district is a reference to the local government district that has that name under the *Local Government Act 1995* (WA).

Clause 6 – Section 15A inserted

Clause 6 inserts a new proposed section 15A after the existing section 15. The new section makes it clear that a reference in a written law to a paragraph includes a reference to the conjunction after it connecting it to another paragraph. Without this proposed section if a paragraph is deleted from a written law there is no power (other than Parliament enacting new legislation) to delete the conjunction (“and” or “or”) that follows to join the paragraph to the following paragraph.

Clause 7 – Section 52(4) amended

Clause 7 deletes the word “notification” where it is used in section 52(4) and inserts the word “nomination” in its place.

Part 3 – Amendments to *Reprints Act 1984* (WA)

Clause 8 – Act amended

Clause 8 provides that Part 3 of the proposed Act amends the *Reprints Act 1984* (WA).

Clause 9 – Section 7 amended

Section 7 of the *Reprints Act 1984* (WA) sets out the formal amendments that can be made when authorising a reprint of an Act of the WA Parliament.

Section 5 of the Act provides that the only persons able to make such amendments are officers in the WA Parliamentary Counsel's Office authorised to make such changes by the WA Attorney General.

Subclause (1) inserts, after the existing section 7(3)(c), a new section 7(3)(ca) that allows an authorised officer to substitute an abbreviation of a unit of measurement of distance, weight or the like in place of the words that would otherwise be used.

Subclause (2) inserts four new subsections after section 7(4). The first two new subsections allow an authorised officer to insert the relevant conjunction (“and” or “or”) at the end of paragraphs in a section of an Act as required. Proposed subsection (4C) provides that if two paragraphs are separated by text other than in the nature of a paragraph then there can be regarded as not being in the same series of paragraphs even if the numbering or lettering is sequential. Proposed subsection (4D) clarifies that a reference in subsection (4A), (4B) to (4C) includes a subparagraph, item, subitem and so on.

Subclause (3) amends section 7(5)(c) by deleting the existing full stop at the end of the paragraph (c) and by inserting both a semicolon and a new section 7(5)(d). The proposed new section 7(5)(d) allows an authorised officer to remove a definite or indefinite article (“the” or “a”) at the beginning of a defined term either by deleting the article or by changing its appearance so it is not in bold or italics.