REPORT

OF THE

LAWS REVISION COMMISSION.

Presented to the Legislative Council by His Excellency's Command.

PERTH:
BY AUTHORITY: RICHARD PETHER, GOVERNMENT PRINTER.

1882.
REPORT OF THE LAWS REVISION COMMISSION.

WESTERN AUSTRALIA.

Str.,

Supreme Court Offices, Perth, 22nd July, 1882.

On the 14th day of December, 1881, Your Excellency was pleased to cause a Commission to issue with a view to the preparation of a new edition of the Proclamations, Regulations, and Ordinances of this Colony; and, subject to certain directions, as appears by the Commission, it was further required that the edition should be published by the Government Printer; and the Members of the Commission were authorised to arrange for the publishing of the same, by instalments or otherwise.

It was agreed unanimously by the Commission that the form of the Queensland Statutes should be adopted, and to this proposal Your Excellency may remember that you expressed a consent.

The plan of the work having been thus settled, it was decided that the Attorney General and Mr. Leake, Q.C., should form a sub-committee for the purpose of revising the Statutes; and, with a view to divide the labor of the Commission, it was also agreed that a further sub-committee should be formed to test the changes and alterations which would be required. This duty was undertaken by the Crown Solicitor and Mr. James.

The task of revision having been accomplished and duly brought up by report, the questions raised were subsequently examined and decided at several meetings of the whole Commission, at which I was present.

In order to contribute towards the completeness of the work, as well as to follow the Queensland form, I prepared an Historical Table of Legislation, which has been approved of by the Commission.

I am glad to inform Your Excellency that this edition, which will extend at least to some 1,500 pages of type, has been completed; and my thanks are due to the Attorney General and Mr. Leake for the diligence with which their part of the work has been performed. The questions raised by Mr. Stone and Mr. James afforded proof of the care which they had bestowed in the examination of the work submitted to them, and their observations proved a test of the completeness of the whole work.

With respect to the printing,—an application was made to the Government Printer for an estimate which would afford information as to the cost and time required to print such a large work in this Colony, and, in order to obtain further information, I have to refer Your Excellency to the several telegrams which have passed between this Colony and Victoria. As a result, the following resolution is submitted for Your Excellency's consideration:

"The work of the revision of the Statutes being now complete, the Committee have taken into their consideration the several tenders that have been furnished to them by His Excellency for the printing and binding of the new edition of the Laws—and, in view of the fact that a due supply of copies of the local Laws is a matter of extreme urgency, the Commission beg to suggest, for His Excellency's consideration, that a certain tender be accepted for £965, on the express understanding that the work be completed within a period of four months."

This resolution was proposed by Mr. Stone and seconded by Mr. James, and I fully concur in its terms.

It only remains for me to add that, so far, the labors of the Commission have been brought to a successful termination, subject, however, to a return as to Proclamations and Disallowances of Acts by the Imperial Government, and which I have duly applied for.

I have, &c.,

HENRY T. WRENFORDSLEY,

His Excellency Sir William C. F. Robinson, K.C.M.G.

Chief Justice.
To His Honor Henry Thomas Wrenfordsley, Esquire, Chief Justice of Western Australia, and the Members of the Commission for the Revision and Re-editing of the Local Statute Law of the Colony.

The Report of the Honorable Alexander Campbell Onslow, Attorney General, and George Walpole Leake, Esquire, Q.C., as a Sub-committee of such Commission.

With a view to facilitate the operation of the Special Commission for Revising and Re-editing the Statute Law of the Colony, we have carefully gone through the Statute Book.

It would be beyond our powers to have done more than we have, that is, to present in form of a Digest the several enactments as they now exist. To consolidate these enactments, as the several Public House Acts were consolidated by the 44 V. No. 9, is a matter of Legislation, to which our present operations are merely (though necessarily) ancillary. We therefore present to you, distributed under their proper headings, the General Law, as set forth in our Acts and Ordinances: and one example will suffice:—

"The Municipal Institutions Act, 1876," the 40 V. 13, the principal enactment on the subject of Local Government in towns, is, with its subsequent modifying Acts 42 V. 16, 44 V. 11, and 45 V. 12, the last of a series of Legislative enactments commencing with the 4tth and 5tth V. 18; all of which up to the Act of 1876 have been repealed. We therefore, as estates and interests have been created under these repealed Acts, have shown them, as the history of the course of that particular branch, and we suggest that the headings only of these repealed Acts be printed. Where the Acts (for instance that of 1876) have been subsequently modified, we show the modifications (including repeal of sections); and thus, under one head, the whole course of Legislation can be followed on that particular subject.

Cross references are embodied: for instance, on the subject of Weights and Measures, Carts and Carriages, Dog Licenses, when referred to in these existing Acts; and where these references are to substantive, and separate enactments, such enactments are reserved for republication in their original or amended form.

The subject of "Administration of Justice," complex from the number of enactments, and cross references, will well further illustrate the mode in which we have dealt with the various subjects.

It will be for the general body of the Commissioners to adopt or vary what we now present to them; but we have, consistently with the terms of His Excellency's Commission, prepared the Acts as nearly as possible on the basis of the Queensland revised Laws. To have done more would involve the labor of years, and thus retard for an indefinite time the very desirable work of enabling the precise state of the enacted Law on a given subject being ascertained in a compendious manner.

ALEX. C. ONSLOW.
G. W. LEAKE.

TELEGRAMS.

The Assistant Colonial Secretary, Western Australia, to the Under Secretary, Melbourne.

5th May, 1882.

Please tell me whether printing can be done in Melbourne at about London rates. We are about to issue a reprint of our Statutes, and wish to know whether your publishing houses would be likely to undertake such a work at reasonable rates, if tenders were called for.

GEO. PHILLIPS,
Assistant Colonial Secretary.

The Under Secretary, Melbourne, to the Assistant Colonial Secretary, Western Australia.

May 6th, 1882.

The work could be executed here quite as well as in London, and several firms would tender for it. The cost, however, would be from a quarter to a third greater.

T. B. WILSON,
Under Secretary.
12 3 p.m.

The Assistant Colonial Secretary, Western Australia, to the Under Secretary, Melbourne.

29th June, 1882.

Will you kindly obtain from competent printers an estimate for new edition of our Statutes, namely, four hundred copies of about one hundred and eighty-eight sheets of eight pages per sheet, demy quarto, similar type and form to your consolidated edition, and bound in smooth calf in two volumes; also time required to complete the work.

GEO. PHILLIPS,
Assistant Colonial Secretary.

The Honorable Chief Secretary, Melbourne, to the Honorable Colonial Secretary, Western Australia.

3rd July, 1882.

Please say about what time you can allow for printing Statutes.

J. M. GRANT.
4 25 p.m.
The Honorable the Colonial Secretary, Western Australia, to the Honorable Chief Secretary, Melbourne.

4th July, 1882.

We are not bound to any particular time for printing Statutes, but wish work done as speedily as possible. We can do it here in about 16 months, and one object in inviting tenders in Melbourne is to shorten that time if practicable.

GIFFORD,
Colonial Secretary.

The Honorable Chief Secretary, Melbourne, to the Honorable Colonial Secretary, Western Australia.

July 7th, 1882.

Five tenders. First will do the work in four months for nine hundred sixty-five pounds. Second requires six months and nine hundred twenty-five pounds. Third nine months for nine hundred fifteen pounds. Letter will follow.

J. M. GRANT.
1·37 p.m.

Western Australia.

Sir,


I have to thank you for your letter of the 22nd instant, informing me that the Commission of which you were Chairman has completed the revision of the Statutes, and recommending, as time is of consequence, that the tender of a Melbourne firm to publish the revised edition within four months, for £965, be accepted.

I agree with your Commission as to the importance of having the work done as speedily as possible. Our own Printing Office would probably do the work quite as well as it could be done anywhere else, not even excepting London, but the Government Printer could not issue it in less than a year at the earliest, without throwing his other work into arrear; and therefore if the Legislative Council pass the vote which I am about to propose for the purposes of the new edition, I shall close with the Melbourne offer.

I take this opportunity of thanking Your Honor and your Colleagues for the highly important work which you have performed, and for the good services which you have rendered to the Colony in this matter.

I have, &c.,

His Honor The Chief Justice,

&c., &c., &c.

WILLIAM C. F. ROBINSON.

By Authority: RICHARD F. TH. ER, Government Printer, Perth.