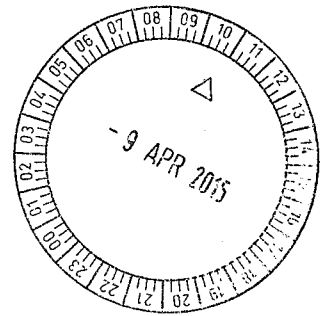


The Law Society
OF WESTERN AUSTRALIA
The voice of the legal profession in Western Australia



8 April 2015

Mr David Driscoll
Parliamentary Officer (Committees)
Standing Committee on Legislation
Legislative Council
Parliament House
PERTH WA 6000

Facsimile: 9222 7805

Dear Mr Driscoll

INQUIRY INTO A DEMISE OF THE CROWN STATUTE

The Law Society of Western Australia (**Society**) supports a general demise of the Crown statute such as that recommended by the October 1994 report of the Western Australian Law Reform Commission (**Commission**) "Project No 75: United Kingdom Statutes in Force in Western Australia".

It is noted that the preferred approach adopted by the Commission was that:

- Those United Kingdom statutes which remain relevant in Western Australia should be re-enacted as part of our law by the Parliament of Western Australia.
- With respect to incorporation into existing Western Australian legislation the re-enactments should be incorporated into existing Acts wherever that is possible.
- The statute should contain a general savings clause:
 - (i) along the lines of section 37(1)(a) of the *Interpretation Act 1984* to ensure that the repeal does not revive the common law ie. the repeal does not, unless the contrary intention appears, revive anything not in force or existing at the time at which the repeal takes effect; and
 - (ii) in line with the New South Wales savings clause which provides that the repeal of a United Kingdom statute "does not affect any rules of law or equity not enacted by the repealed enactment."

The Society would support the Legislative Council Standing Committee on Legislation including in a schedule to its report a draft bill for this purpose.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Keogh'.

Matthew Keogh
President

Level 4, 160 St Georges Terrace Perth WA 6000, DX 173 Perth

Telephone: (08) 9324 8600 Facsimile: (08) 9324 8699

Email: info@lawsocietywa.asn.au Website: www.lawsocietywa.asn.au

Please address all correspondence to The Law Society of Western Australia PO Box Z5345, St Georges Terrace Perth WA 6831