

Statute Law Revision Bill 2011

SECOND READING SPEECH

Minister for Justice, Honourable Mathew Batsiua
14 April 2011

Mr Speaker,

It gives me great pleasure to introduce to this House today the *Statute Law Revision Bill 2011*.

The Statute Law Revision Bill 2011 is a Bill to make dozens of corrections to existing laws. It is being introduced as part of the Legal Information Access Project (LIAP), which will result in an online legal database containing the laws of Nauru.

In the course of preparing all of the laws in Nauru in electronic and consolidated form for inclusion in the database, the LIAP project team has identified a large number of minor corrections and amendments that would improve the quality of Nauru's statute book.

This sort of legislative housekeeping or tidying up is something that is done on a regular basis in most jurisdictions, but in Nauru we have not had an equivalent law since the *Ordinances Revision Ordinance of 1967*. This Bill is therefore long overdue. Some would even say it is exciting.

The Explanatory Memorandum that accompanies the Bill explains the rationale for the amendments and repeals in detail, so I will confine myself here to providing a brief outline of the kinds of changes to the statute book that the Bill proposes to make.

The Bill is divided into three Parts. Part 1 deals with miscellaneous matters. Part 2 deals with validations, such as deeming Acts to have commenced. Part 3 deals with amendments and repeals. Amendments to Acts are set out in Schedule 1, each Act amended having its own Part in the Schedule. Schedule 2 contains Ordinances being repealed, and Schedule 3 contains Acts being repealed by this Bill.

Some of the proposed amendments (contained in Schedule 1) relate to correcting erroneous subsection or paragraph numbering, correcting spelling, punctuation and other typographical errors, and updating cross-references to other Acts.

In a number of instances, Acts provide for commencement on notification in the Gazette, but the commencement date appears never to have been notified, so this Bill provides for such Acts to be deemed to have commenced on a certain date (usually the date of certification). Other amendments propose to 're-make' a provision, by repealing and replacing it, usually in cases where a provision is unclear and would benefit from being broken down into paragraphs, or removing numerous errors.

The Bill also proposes to make a number of changes to the short titles of Acts. At present, there is a great deal of inconsistency in the statute book in terms of the citation of laws. Many Acts that have been amended have been given double-year citations, while others have not. This can be the source of some confusion as it may give people the false impression that a law that does not have a double-year citation has never been amended, and also that a law with a double year citation was most recently amended in the second of the two years cited in the citation (which is not always the case).

This Bill proposes to introduce **consistent single-year citations for all Acts**, and to change the short title of all Ordinances to Acts. It also proposes to amend the name of certain Acts so that the short title is clearer, for example, changing *Police Offences Act* to *Summary Offences Act* (because the Act is about summary offences, not about offences by police officers), and changing *Extradition of Fugitive Offenders Act* to *Extradition Act* (because when you have a law about extradition, it is superfluous to specify that it is fugitive offenders who may be extradited).

Finally, the Bill proposes to repeal a large number of laws that are spent or otherwise redundant, including some adopted laws. The Explanatory Memorandum explains the rationale behind each of the proposed repeals.

It is important to note that when consolidated versions of all the laws of Nauru are published electronically in the new online database, the legislative history of every law will be set out in the notes section at the back of each law, so it will be clear to a person reading a consolidated law how the law has been amended over time. The new single year citation will automatically tell a person when the principal law was first made or passed. The database will also include historical legislation, such as superseded versions of laws that have been subsequently amended, and laws that have been repealed.

The Office of Parliamentary Counsel has foreshadowed that there may be a need for a second *Statute Law Revision Bill* before the end of this year, as there are certain Acts not included in this Bill that require more extensive correction and which could not be included in this Bill due to time constraints.

While this Bill is very technical and detailed, and not exactly an enthralling Bill to read, it is a significant Bill because it will do so much to remove redundant laws from the statute book, correct errors that make some provisions ineffective, and modernise the law by removing references to the former Administration. It is important that this law comes into effect before the launch of the new legislation database, so that we do not have to publish on the database laws that are riddled with errors, and laws that are no longer applied or enforced.

Mr Speaker, I commend this (exciting) Bill to the House.

Thank-you.