

**JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION**

*Fifty-third Report — “Mindarie Regional Council Standing Orders Amendment Local Law 2012” — Tabling*

**HON SALLY TALBOT (South West)** [10.10 am]: I am directed to present the fifty-third report of the Joint Standing Committee on Delegated Legislation in relation to the Mindarie Regional Council Standing Orders Amendment Local Law 2012.

[See paper 4921.]

**Hon SALLY TALBOT:** The Joint Standing Committee on Delegated Legislation recommends that the house disallow this amendment local law because the regional council did not follow the mandatory sequential procedure to make a local law prescribed in the Local Government Act 1995. Members who are paying attention to the proceedings will notice a certain theme developing.

The committee has found itself in the position again—this is the sixth time—of having to recommend the disallowance of a local law based on noncompliance with the steps outlined in section 3.12 of the Local Government Act. In this case, the regional council confirmed a one-month delay in giving a copy of the proposed local law to the minister, which the committee has not taken issue with, but never gave the minister a copy of the statewide public notice of the local law. The wording of section 3.12(1) is clear: if the procedure is not completed in the correct order, then the local law will not be validly made.

In the fifty-first report concerning the Town of Bassendean Repeal Local Law 2010 and Town of Bassendean Dust and Sand Local Law 2011, which is coming on for debate today, the committee recommended that the Minister for Local Government review the requirements of section 3.12 with a view to permitting an element of flexibility or discretion in the application of its requirements. Since then, the Minister for Local Government has advised that he agrees with the committee’s position that local laws should be disallowed when local governments have failed to comply with the local law-making process. The minister said he will review section 3.12 of the act “in the future, and the possibility of further amendment will be considered.” Until that statutory review takes place, the committee is of the view that it has no choice but to continue to recommend disallowance of local laws that have not strictly followed the steps in section 3.12.

I commend this report to the house.

*Fifty-fourth Report — “City of Bayswater Standing Orders Local Law 2012” — Tabling*

**HON SALLY TALBOT (South West)** [10.12 am]: I am directed to present the fifty-fourth report of the Joint Standing Committee on Delegated Legislation in relation to the City of Bayswater Standing Orders Local Law 2012.

[See paper 4922.]

**Hon SALLY TALBOT:** The Joint Standing Committee on Delegated Legislation recommends that the house disallow this local law because the City of Bayswater did not follow the mandatory sequential procedure to make a local law prescribed in the Local Government Act 1995.

The committee has found itself in the position yet again—this is the seventh time—of having to recommend the disallowance of a local law based on noncompliance with the steps outlined in section 3.12 of the Local Government Act 1995. In this case, statewide public notice of the proposed local law was published on 29 January 2012 with the Minister for Local Government given a copy of the proposed instrument on 21 January 2012. The wording of section 3.12(1) is clear: if the procedure is not completed in the correct order, then the local law will not be validly made.

In the fifty-first report concerning the Town of Bassendean Repeal Local Law 2010 and Town of Bassendean Dust and Sand Local Law 2011, the committee recommended that the Minister for Local Government review the requirements of section 3.12 with a view to permitting an element of flexibility or discretion in the application of its requirements. Since then, the Minister for Local Government has advised that he agrees with the committee’s position that local laws should be disallowed when local governments have failed to comply with the local law-making process. The minister said he will review section 3.12 of the Act “in the future and the possibility of further amendment will be considered”. Until that statutory review takes place, the committee is of the view that it has no choice but to continue to recommend disallowance of a local law that has not strictly followed the steps in section 3.12.

I commend the report to the house.

*Fifty-fifth Report — “City of Perth Standing Orders Amendment Local Law 2012” — Tabling*

**HON SALLY TALBOT (South West)** [10.14 am]: I am directed to present the fifty-fifth report of the Joint Standing Committee on Delegated Legislation in relation to the City of Perth Standing Orders Amendment Local Law 2012.

[See paper 4923.]

**Hon SALLY TALBOT:** The Joint Standing Committee on Delegated Legislation recommends that the house disallow this amendment local law because the City of Perth did not follow the mandatory sequential procedure to make a local law prescribed in the Local Government Act 1995.

The committee has found itself in the position yet again—this is the eighth time—of having to recommend the disallowance of a local law based on noncompliance with the steps outlined in section 3.12 of the Local Government Act. In this case, the city sent a copy of the statewide public notice of the proposed local law and a copy of the proposed local law itself to the Minister for Local Government before giving statewide public notice. The act requires that the city should have proceeded in the reverse manner; that is, statewide public notice should have been given first, pursuant to section 3.12(3)(a), and then the minister given a copy of the statewide public notice and the proposed local law, pursuant to section 3.12(3)(b). The wording of section 3.12(1) is clear: if the procedure is not completed in the correct order, then the local law will not be validly made.

The Minister for Local Government has advised that he agrees with the committee's position that local laws should be disallowed when local governments have failed to comply with the local law-making process. The minister said he will review section 3.12 of the Act "in the future and the possibility of further amendment will be considered." Until that statutory review takes place, the committee is of the view that it has no choice but to continue to recommend disallowance of a local law that has not strictly followed the steps in section 3.12.

I commend this report to the house.

*Fifty-sixth Report — "The Ability to Conduct Electronic Meetings  
and the Trial of iPads by Committee Members"—Tabling*

**HON SALLY TALBOT (South West)** [10.16 am]: I am directed to present the fifty-sixth report of the Joint Standing Committee on Delegated Legislation in relation to the ability to conduct electronic meetings and the trial of iPads by committee members.

[See paper 4924.]

**Hon SALLY TALBOT:** The Joint Standing Committee on Delegated Legislation recommends that the government provide tablet devices to members of Parliament so that they may conduct electronic meetings. Back in 2010 the committee first took the initiative to improve the Legislative Council's Docs Online facility, realising very early that an upgrade to the system was needed. By April 2011, the committee—I might add that this was the only committee doing so—participated in a trial of iPad devices as part of the general parliamentary iPad trial.

The committee's early experiences with downloading committee documents such as draft reports, agendas, minutes and memos from the Docs Online site onto iPads were not positive. However, we persisted and eventually six of the eight members regularly used their iPads to download this material. Members found that the iPads comfortable to use, lightweight and had excellent battery life. The screen was of adequate size for reading documents. The 3G data was accessible in many remote areas and saved Legislative Council office staff the problem of having to track down members in remote locations to deliver documents pertinent to forthcoming meetings. Some members commented on the lack of access to data when travelling overseas, although workarounds were generally developed using wi-fi in hotels.

There were significant cost savings. In 2011, the committee met a total of 21 times, representing a potential cost saving of up to \$7 224 of taxpayers' money.

Overall, the committee found that iPads are a useful tool in enabling members to manage the large number of documents required to be accessed in the course of their work. The iPad provides greater flexibility than a laptop and is an invaluable communication tool, ideal for the day-to-day business of a parliamentarian.

I commend this report to the house.