

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Fifty-ninth Report — “City of Subiaco Meeting Procedures Local Law 2012” — Tabling

HON SALLY TALBOT (South West) [10.19 am]: I am directed to present the fifty-ninth report of the Joint Standing Committee on Delegated Legislation in relation to the City of Subiaco Meeting Procedures Local Law 2012.

[See paper 5337.]

Hon SALLY TALBOT: I am pleased to say that although this is the tenth report of this type that I have been directed by the committee to present, it contains some significant new information, so I hope honourable members will pay close attention. The Joint Standing Committee on Delegated Legislation recommends that the house disallow this local law because the City of Subiaco did not follow the correct procedure when it made the local law. The committee has found itself in the position yet again—this is the tenth time—of having to recommend the disallowance of a local law based on the noncompliance with section 3.12 of the Local Government Act 1995. In this case the city omitted to forward the Minister for Local Government a copy of the statewide public notice of the proposed local law. Members may recall that the committee recommended in earlier reports that the act be amended to provide for flexibility in section 3.12.

Hon John Castrilli, the Minister for Local Government, responded that the committee’s recommendation will be taken into consideration when amendments to the act are progressed in 2013. The minister also advised that the statutory procedures checklist has been amended to remove any ambiguity in how the law-making process should be completed, and a departmental circular has been issued to all local governments emphasising that compliance with section 3.12 is a statutory requirement. When the Department of Local Government identifies a compliance issue, the department will advise the local government to restart the law-making process.

The Joint Standing Committee on Delegated Legislation anticipates that these procedural changes will result in significantly fewer invalid local laws being referred. However, until section 3.12 is amended, the committee has no choice but to continue to recommend disallowance of a local law that does not follow section 3.12. The onus of responsibility for understanding and following the correct procedure set out in section 3.12 lies with local governments. The committee remains of the view that section 3.12 should be amended as recommended in its forty-eighth and fifty-first reports. I commend the report to the house.