

**JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION**

*Fifty-seventh Report — “Shire of Broomehill–Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2012” — Tabling*

**HON SALLY TALBOT (South West)** [10.10 am]: I am directed by committee members to present the fifty-seventh report of the Joint Standing Committee on Delegated Legislation in relation to the Shire of Broomehill–Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2012.

[See paper 5150.]

**Hon SALLY TALBOT:** The Joint Standing Committee on Delegated Legislation recommends that the house disallow this local law because the Shire of Broomehill–Tambellup did not follow the mandatory sequential procedure to make a local law prescribed in the Local Government Act 1995. The committee has again found itself in the position—this is the ninth 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 2 May 2012, and the minister was sent a copy of the proposed instrument on 26 April, which was received by the Department of Local Government on 30 April. The wording of section 3.12(1) is clear: if councils do not complete the procedure in the correct order, their local law will not be validly made.

In its fifty-first report concerning the Town of Bassendean Repeal Local Law 2010 and the 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 would 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.