

SHIRE OF NORTHAM CEMETERIES AMENDMENT LOCAL LAW 2017 — DISALLOWANCE

Motion

Pursuant to standing order 67(3), the following motion by Hon Martin Pritchard was moved pro forma on 17 May —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the Shire of Northam Cemeteries Amendment Local Law 2017 published in the *Government Gazette* on 12 December 2017 and tabled in the Legislative Council on 13 March 2018 under the Cemeteries Act 1986 and the Local Government Act 1995, be and is hereby disallowed.

HON ROBIN CHAPPLE (Mining and Pastoral) [5.54 pm]: This is a fairly standard pro forma disallowance. The essence of it is that the Joint Standing Committee on Delegated Legislation concluded that the Shire of Northam did not comply substantially with section 3.12 of the Local Government Act when it made the Shire of Northam Cemeteries Amendment Local Law 2017. Section 3.12 prescribes the mandatory procedure for making local laws. After the adoption of a local law, the shire amended the substantive clause of that local law. The shire then completed the final steps of the local law-making process—that is, gazettal and notification—with that different version of the local law. That is, the shire published in the *Government Gazette* and notified the Minister for Local Government and the people in its district of a local law that was different from the adopted local law. I move that the disallowance stand.

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.56 pm]: When local governments make local laws, they are required to follow the process set out in the Local Government Act. As part of that process, the content of the local law must be approved by the local government’s council. I note from the comments of the Deputy Chair of the Joint Standing Committee on Delegated Legislation that the committee has concluded that the shire published a local law in the *Government Gazette* that did not reflect what the council had approved. As a result, the law is potentially invalid. It is in the interests of good government to ensure that potentially invalid local laws do not remain in force. I thank the committee for its vigilance. The government supports the committee’s recommendation and the motion to disallow the Shire of Northam Cemeteries Amendment Local Law 2017.

HON DONNA FARAGHER (East Metropolitan) [5.57 pm]: In light of the report of the Joint Standing Committee on Delegated Legislation on the Shire of Northam Cemeteries Amendment Local Law 2017, and the comments made by Hon Robin Chapple and the Leader of the House, I indicate that the opposition supports the disallowance.

Question put and passed.