

**CITY OF KALGOORLIE–BOULDER ACTIVITIES ON THOROUGHFARES AND TRADING IN
THOROUGHFARES AND PUBLIC PLACES AMENDMENT LOCAL LAW 2018 —
DISALLOWANCE
CITY OF KALGOORLIE–BOULDER LOCAL GOVERNMENT PROPERTY
AMENDMENT LOCAL LAW 2018 — DISALLOWANCE**

Cognate Debate

Leave granted for order of the day 1, City of Kalgoorlie–Boulder Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2018 — Disallowance, and order of the day 2, City of Kalgoorlie–Boulder Local Government Property Amendment Local Law 2018 — Disallowance, to be considered cognately.

Motion — Cognate Debate

Pursuant to standing order 67(3), the following motions by Hon Robin Chapple were moved pro forma on 23 August —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the City of Kalgoorlie–Boulder Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2018, published in the *Government Gazette* on 4 May 2018 and tabled in the Legislative Council on 8 May 2018 under the Local Government Act 1995, be and is hereby disallowed.

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the City of Kalgoorlie–Boulder Local Government Property Amendment Local Law 2018, published in the *Government Gazette* on 4 May 2018 and tabled in the Legislative Council on 8 May 2018 under the Local Government Act 1995, be and is hereby disallowed.

HON ROBIN CHAPPLE (Mining and Pastoral) [6.10 pm]: We tabled the fourteenth report of the Joint Standing Committee on Delegated Legislation into these two matters and, just to be brief, what occurred here, again, is something we had to do because those two instruments were invalidly made and had no legal effect. We go through this process of disallowing them to ensure that the public is aware. The committee found that the City of Kalgoorlie–Boulder did not either comply or substantially comply with the local lawmaking procedure under section 3.12 of the Local Government Act 1995 in making the amendment local laws. Also, various concerns regarding the content of local laws, should they have been valid, came to light. As such, we have brought the attention of Parliament and the city to those matters contained within the drafting, which may have been problematic for the committee. In essence, the committee has found that those two instruments were invalidly made and therefore have no legal effect. Therefore, we seek to disallow them.

HON SUE ELLERY (South Metropolitan — Leader of the House) [6.10 pm]: I will make my comments about both local laws. 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 local government must provide the minister with a copy of the proposed local law before it is made. The committee has concluded that the City of Kalgoorlie–Boulder published a local law in the *Government Gazette* without providing a copy of the proposed local law to the minister in both cases. As a result, the laws are potentially invalid. The government supports the committee’s recommendations on the motion to disallow both of the matters before us.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [6.11 pm]: I reinforce what has already been stated. The opposition will support the recommendations of the committee.

Questions put and passed.