

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Twenty-eighth Report — “Local Laws Regulating Signs and Advertising Devices” — Tabling
Twenty-ninth Report — “City of Armadale Signs Amendment Local Law 2008” — Tabling

MR J.M. FRANCIS (Jandakot) [10.04 am]: I present for tabling the twenty-eighth report of the Joint Standing Committee on Delegated Legislation, entitled “Local Laws Regulating Signs and Advertising Devices”, and the twenty-ninth report of the Joint Standing Committee on Delegated Legislation, entitled “City of Armadale Signs Amendment Local Law 2008”.

[See papers 780 and 781.]

Mr J.M. FRANCIS: As members will have observed, these reports are related. The twenty-ninth report flowed from the inquiry that led to the twenty-eighth report. Members will be aware that the Joint Standing Committee on Delegated Legislation has a standing referral to scrutinise subsidiary legislation, including local laws. The twenty-eighth report details the committee’s consideration commencing in 2007 of two local laws regulating signs and advertising devices for the Town of Victoria Park and the City of Armadale. The question for the committee was the extent to which local governments were authorised to make signs local laws, having regard to the local planning scheme provisions of the Planning and Development Act 2005. The legislation and legal issues are set out in parts 5, 6 and 7 of the report. Members need only glance at these sections to realise that the legislative context for this inquiry was complex. It will please my colleagues opposite to note that there were no references in these reports to mobile trading signs.

Members will note in part 8 at pages 26 and 27, and part 10 at pages 29 and 30, that the committee concluded that local governments’ powers to make local laws regulating signs and advertising devices are limited and that many of the provisions of the local laws relating to signs may not be authorised. In particular, the committee concluded at paragraph 8.2 that local laws cannot be made for the purpose of enforcing signage provisions in local planning schemes. At paragraph 10.9 the committee concluded that local laws cannot impose a complete ban on signs advertising home businesses. The committee has made a number of recommendations in part 12 at pages 31 and 32, which it considers will clarify some of the ambiguities it encountered in its inquiry.

The twenty-ninth report deals with the City of Armadale’s failure to amend its local law to address the committee’s conclusions reached in respect of the city’s signs local laws. Members will be aware of the committee’s practice of requiring undertakings to amend an instrument, rather than proceeding with a motion for disallowance of that instrument. In this case, the city was not prepared to provide the committee with an undertaking. The committee’s recommendation to disallow an instrument will, in accordance with its usual procedure, be debated in the other house.

As I mentioned earlier, the committee’s inquiries have been ongoing since 2007. I express my appreciation for the work performed by the committee during the thirty-seventh Parliament. In particular, I thank Mr Paul Andrews, the former member for Southern River; Hon Vince Catania, now the member for North West; Mr Murray Cowper, the member for Murray-Wellington; Mr Tony McRae, the former member for Riverton; Mr Christian Porter, the member for Bateman; Mr Tony Simpson, the member for Darling Range; and Hon Ken Travers. I also give my sincerest thanks and gratitude to the committee staff for their assistance and hard work in preparing these reports.