

## JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Your Ref: LEG0026  
Our Ref: 38113/14 & A398146

Mr Trevor Vaughan  
Mayor  
Town of Victoria Park  
Locked Bag 437  
Victoria Park WA 6979

26 June 2013

By email to: [ALantzke@vicpark.wa.gov.au](mailto:ALantzke@vicpark.wa.gov.au)

Dear Mayor Vaughan

### ***Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013***

Thank you for your letter dated 21 June 2013 regarding the above named Amendment Local Law which the Joint Standing Committee on Delegated Legislation considered its meeting today.

The Committee has accepted your undertaking to insert a definition of “*builder*” in the Amendment Local Law. However, discussions and email correspondence between Committee staff and the Contact Person, Mr Allan Lantzke now reveal that the Amendment Local Law may have been invalidly made.

It was noted in the *Statutory Procedures Checklist* that the Town failed to follow the mandatory, sequential process for making the Amendment Local Law as prescribed in section 3.12(3a) of the *Local Government Act 1995 (Act)*. Section 3.12 (3a) states:

#### ***3.12. Procedure for making local laws***

*(1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*

...

*(3) The local government is to —*

*(a) give Statewide public notice stating that —*

*(i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*

*(ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*

*(iii) submissions about the proposed local law may be made to the local government before a day to be specified in the*

*notice, being a day that is not less than 6 weeks after the notice is given; and*

*(b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister ....; and*

*(c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

*(3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*

...

Section 1.7 of the Act defines 'local public notice' in the following way:

*(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —*

*(a) published in a newspaper circulating generally throughout the district; and*

*(b) exhibited to the public on a notice board at the local government's offices; and*

*(c) exhibited to the public on a notice board at every local government library in the district.*

*(2) Unless expressly stated otherwise it is sufficient if the notice is —*

*(a) published under subsection (1)(a) on at least one occasion; and*

*(b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —*

*(i) the time prescribed for the purposes of this paragraph; or*

*(ii) if no time is prescribed, 7 days.*

As section 3.15 of the Act points out, this rigor in making a local law is to ensure the inhabitants of the district are informed of the purpose and effect of all of its local laws.

Although the error with section 3.12(3a) was noted in the *Statutory Procedures Checklist*, the checklist is an administrative document. The Committee's practice is to request written confirmation from the Council that a breach of section 3.12(3a) within the local law making process, has occurred.

I note that the next ordinary Council meeting is 2 July 2013. The Committee therefore requests that this matter be brought to the attention of the Council at that time and written confirmation provided by Friday, 5 July 2013.

If you have any questions, please contact Alex Hickman, Advisory Officer (Legal), on 9420 7633 or via email at [delleg@parliament.wa.gov.au](mailto:delleg@parliament.wa.gov.au).

Yours sincerely

**Mr Peter Abetz MLA**  
Chairman