

LOCAL GOVERNMENT UNDERTAKINGS 41ST PARLIAMENT

Under its Terms of Reference, the Joint Standing Committee on Delegated Legislation scrutinises local laws made by local governments. As part of that process the Committee may seek an undertaking to amend a local law. The following written undertakings were provided to the Committee in the 41st Parliament.

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Instrument Title	Undertaking Given to Committee	Date Given	Date Amendment Gazetted/Satisfied
<u>Shire of Boddington Cats Local Law 2020</u>	<p>The Council for the Shire of Boddington undertook as follows:</p> <ol style="list-style-type: none"> 1. When the local law is next reviewed, correct the typographical error in clause 2.1(2). 2. Ensure all consequential amendments arising from the undertaking will be made 3. Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. <p>Committee reference: 4108:15</p>	17/06/2021	
<u>City of Bunbury Public Places and Local Government Property Local Law 2020</u>	<p>The Council of the City of Bunbury undertook as follows:</p> <p>Within six months:</p> <ol style="list-style-type: none"> 1. amend the definitions entertainment licence, market licence, public place and trading licence and amend clause 2.1(1)(c) 2. ensure all consequential amendments arising from the undertaking are made 3. Until the Local law is amended in accordance with the undertaking: the City will not enforce the Local Law in a manner contrary to the undertaking 	30/06/2021	

	<p>4. Where the Local Law is made publicly available, whether in hard copy or electronic form (including on the City's website), ensure that it is accompanied by a copy of these undertakings.</p> <p>Committee reference: 4101:03</p>		
<p><u>City of Greater Geraldton Public Places and Local Government Property Local Law 2020</u></p>	<p>The Council of the City of Greater Geraldton undertook as follows:</p> <p>Within six months:</p> <ol style="list-style-type: none"> 1. delete Clause 5.5 2. correct the reference errors in clause 7.1 3. make all necessary consequential amendments 4. until the Local law is amended in accordance with the above undertaking, the City will not enforce the Local Law in a manner contrary to the undertaking 5. where the Local Law is made publicly available, whether in hard copy or electronic form (including on the City's website), ensure that it is accompanied by a copy of these undertakings. <p>Committee reference: 4106:01</p>	27/07/2021	
<p><u>Shire of Coolgardie Waste Local Law 2020</u></p>	<p>The Council of the Shire of Coolgardie undertook as follows:</p> <p>Within six months:</p> <ol style="list-style-type: none"> 1. delete clause 2.7(c) 2. delete item 14 of Schedule 2 3. correct the clause references in Schedule 2 4. That clause 2.7(c) will not be enforced contrary to undertaking 1. 5. All consequential amendments arising from the undertakings will be made. 	28/07/2021	

	<p>6. Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.</p> <p>Committee reference: 4106:02</p>		
<p><u>City of Belmont Consolidated Local Law 2020</u></p>	<p>The Council of the City of Belmont undertook as follows:</p> <p>Within six months:</p> <ol style="list-style-type: none"> 1. delete clause 1.7 2. insert the words 'by resolution' after 'may' in the first line of clause 11.8 3. correct the typographical errors in clauses 12.1(2) and 12.7(b) 4. That clauses 1.7 and 11.8 will not be used contrary to undertakings 1 and 2 5. All consequential amendments arising from the undertaking will be made 6. Where the Local Law is made publicly available by the City, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. 7. Provide information on: <ol style="list-style-type: none"> (a) access to standards (b) why the local law does not make any reference to election signs the incorporation of the fees schedule in the local law (c) why the procedure set out in clause 13.4 departs from the equivalent clause in the WALGA template. <p>Committee reference: 4106:06</p>	25/06/2021	
<p><u>City of Bayswater Waste Local Law 2020</u></p>	<p>The Council of the City of Bayswater undertook as follows:</p> <p>Within ten months:</p>	01/07/2021	

	<ol style="list-style-type: none"> 1. delete clause 2.7(c) 2. delete item 14 of Schedule 2 3. correct the typographical error in Schedule 2, item 30 4. ensure all consequential amendments arising from the undertaking will be made. 5. Until the Local Law is amended in accordance with the undertaking, only enforce one of clauses 2.7(c) and 3.1(a) against any owner or occupier in breach, not both. 6. Where the Local Law is made publicly available by the City, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. <p>Committee reference: 4106:14</p>		
<u>City of Cockburn Parking and Parking Facilities Amendment No. 1 Local Law 2021</u>	<p>The Council of the City of Cockburn undertook as follows:</p> <p>Within six months:</p> <ol style="list-style-type: none"> 1. amend the Local Law re-insert the words 'by resolution' after 'may' in clause 8 2. Not regulate the matters governed by clause 8 contrary to undertaking 1 (only by resolution of the Council) 3. Where the Local Law is made publicly available by the City, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. <p>Committee reference: 4107:16</p>	13/07/2021	
<u>Town of Cottesloe Local Government (Meetings Procedure) Local Law 2021</u>	<p>The Council of the Town of Cottesloe undertook as follows:</p> <p>Within six months:</p>	30/06/2021	

	<ol style="list-style-type: none"> 1. correct the typographical and formatting errors in clauses 5.3(12); 7.5; 8.2(1)(a); 10.1(2); 16.2 and 19.2 2. delete clause 7.5 3. That clause 7.5 will not be enforced in a manner contrary to undertaking 1 4. Ensure all consequential amendments arising from undertaking 1 will be made. 5. Where the local law is made publicly available by the Town, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. <p>Committee reference: 4108:14</p>		
<p><u>City of Rockingham Fencing Local Law 2020</u></p>	<p>The Council of the City of Rockingham undertook as follows:</p> <p>Within six months:</p> <ol style="list-style-type: none"> 1. Correct the typographical and other errors in clauses 1.6; 2.6(3)(1) and 6.1 2. Delete either clause 2.7(c) or clause 4.1(1)(b) 3. Ensure the title of the local law reflects the year in which it is made 4. Provide clarification about the reference to 'sufficient fence' in clause 4.1(1)(b) 5. Provide information on how the Australian Standards can be accessed by residents free of charge 6. Until the local law is amended, the City will not enforce the local law contrary to undertakings 1, 2 and 3 7. Ensure all consequential amendments arising from the undertaking will be made 8. Where the local law is made publicly available by the City, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. 	<p>30/07/2021</p>	

	Committee reference: 4109:07		
<u>City of Canning Dog Local Law 2021</u>	<p>The Council of the City of Canning undertook as follows:</p> <p>Within six months:</p> <ol style="list-style-type: none"> 1. Delete 2.1(2)(e) 2. Correct the typographical errors in clauses 1.5 and 3.10(4) 3. The City will not enforce the local law contrary to undertakings 1 and 2 4. Ensure all consequential amendments arising from the undertaking will be made 5. Where the local law is made publicly available by the City, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. <p>Committee reference: 4109:08</p>	21/07/2021	
<u>Town of Victoria Park Fencing Local Law 2021</u>	<p>The Council of the Town of Victoria Park undertook as follows:</p> <ol style="list-style-type: none"> 1. When the local law is next reviewed and amended, correct the typographical errors in Schedules 1 and 2 2. Provide the Committee with information on how the standards referred to above can be accessed by residents without charge. 3. Where the local law is made publicly available by the Town, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. <p>Committee reference: 4109:14</p>	23/07/2021	

<p><u>Shire of Gingin Control of Vehicles (Off-road Areas) Local Law 2020</u></p>	<p>The Council of the Shire of Gingin undertook as follows:</p> <ol style="list-style-type: none"> 1. When the local law is next reviewed and amended, correct the typographical error in clause 3.7 and ensure the title of the local law reflects the year it is made 2. Ensure any consequential amendments arising from the undertaking will be made 3. Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking 4. Provide copies of the letters sent to the Minister for Local Government enclosing the proposed and adopted local law. <p>Committee reference: 4109:15</p>	<p>21/07/2021</p>	
<p><u>Shire of Broomehill-Tambellup Cemeteries Local Law 2020</u></p>	<p>The Council of the Shire of Broomehill-Tambellup undertook as follows:</p> <p>Within nine months:</p> <ol style="list-style-type: none"> 1. Amend the local law to insert clause 8.8 2. The Shire will not enforce the local law contrary to undertaking 1 3. Ensure all consequential amendments arising from the undertaking will be made 4. Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking <p>Committee reference: 4108:03</p>	<p>23/07/2021</p>	
<p><u>Shire of Broomehill-Tambellup Activities in Thoroughfares and</u></p>	<p>The Council of the Shire of Broomehill-Tambellup undertook as follows:</p>	<p>23/07/2021</p>	

<p><u>Public Places and Trading Local Law 2020</u></p>	<p>Within nine months:</p> <ol style="list-style-type: none"> 1. Delete clause 2.4 and replace it with the equivalent clause in the WALGA template to ensure permits are required for temporary crossings 2. Correct the typographical errors in clauses 2.8(2)(c); 6.7(2)(c) and 6.11(1), as required 3. The City will not enforce the Local Law contrary to undertaking 1 4. Ensure all consequential amendments arising from the undertaking will be made 5. Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. 6. Provide clarification of the purpose of clause 5.16(b)(i). <p>Committee reference 4108:01</p>		
<p><u>Shire of Broomehill-Tambellup Health Local Law 2020</u></p>	<p>The Council of the Shire of Broomehill-Tambellup undertook as follows:</p> <p>Within nine months:</p> <ol style="list-style-type: none"> 1. Correct the typographical errors in clauses 5.2.4(6); 5.6.2; 6.1.4; 8.1.5(b); 8.1.6 and 8.1.7 2. Insert an Objections and Appeals clause 3. The Shire will not enforce the local law contrary to undertakings 1 and 2 4. Ensure all consequential amendments arising from the undertaking will be made 5. Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. 	<p>23/07/2021</p>	

	<p>6. Provide the Committee with information on how the standards referred to above can be accessed by residents without charge.</p> <p>7. Clarify the reason for the open-ended discretion in clause 8.1.7(1).</p> <p>Committee reference 4108:07</p>		
<p><u>Shire of Broomehill-Tambellup Local Government (Council Meetings) Local Law 2020</u></p>	<p>The Council of the Shire of Broomehill-Tambellup undertook as follows:</p> <p>When the Local Law is next reviewed:</p> <ol style="list-style-type: none"> 1. Correct the typographical errors in clauses 1.3; 2.1(3); 5.1(4) and 6.12. 2. Ensure all consequential amendments arising from the undertaking will be made. 3. Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. <p>Committee reference 4108:08</p>	23/07/2021	
<p><u>Shire of Broomehill-Tambellup Waste Local Law 2020</u></p>	<p>The Council of the Shire of Broomehill-Tambellup undertook as follows:</p> <p>Within nine months:</p> <ol style="list-style-type: none"> 1. Delete clause 2.7(c) 2. Correct the typographical error in the short title of the Local Law 3. Until the Local Law is amended, the Shire will not enforce the Local Law contrary to undertaking 1 4. Ensure all consequential amendments arising from the undertaking will be made. 5. Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. 	23/07/2021	

	Committee reference 4108:12		
<u>City of Bayswater Activities in Thoroughfares and Public Places and Trading Local Law 2020</u>	<p>The Council of the City of Bayswater undertook as follows:</p> <ol style="list-style-type: none"> 1. Correct the typographical errors in clauses 7.4(2); 9.7(3) and 9.7(6) 2. Ensure all consequential amendments arising from the undertaking will be made 3. Where the local law is made publicly available by the City, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. <p>Committee reference: 4110:06</p>	01/07/2021	
<u>Shire of Peppermint Grove Dog Local Law 2021</u>	<p>The Council of the Shire of Peppermint Grove undertook as follows:</p> <p>When the local law is next reviewed or amended:</p> <ol style="list-style-type: none"> 1. Delete the defined term 'assistance animal'. 2. Ensure all consequential amendments arising from the undertaking will be made. 3. Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. <p>Committee reference: 4110:17</p>	02/07/2021	
<u>Shire of Peppermint Grove Local Government Property Local Law 2021</u>	<p>The Council of the Shire of Peppermint Grove undertook as follows:</p> <p>When the local law is next reviewed or amended:</p> <ol style="list-style-type: none"> 1. Replace the word 'smoking' with 'smoke' in clause 2.7(1)(a). 	02/07/2021	

	<ol style="list-style-type: none"> 2. Ensure all consequential amendments arising from the undertaking will be made. 3. Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. <p>Committee reference: 4110:19</p>		
<u>Shire of Peppermint Grove Waste Local Law 2021</u>	<p>The Council of the Shire of Peppermint Grove undertook as follows:</p> <ol style="list-style-type: none"> 1. Delete clause 2.7(c) from the local law. 2. Ensure all consequential amendments arising from the undertaking will be made. 3. Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. <p>Committee reference: 4110:22</p>	02/07/2021	
<u>Shire of Peppermint Grove Parking and Parking Facilities Local Law 2021</u>	<p>The Council of the Shire of Peppermint Grove undertook as follows:</p> <ol style="list-style-type: none"> 1. When the local law is next reviewed or amended remove the word 'if' from clause 7.2(d). 2. Ensure all consequential amendments arising from the undertaking will be made. 3. Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. 	17/08/2021	

	Committee reference: 4110:20		
<u>Mindarie Regional Council Meeting Procedures Local Law 2020</u>	<p>Mindarie Regional Council undertook as follows:</p> <p>When the Local Law is next reviewed:</p> <ol style="list-style-type: none"> 1. Correct the typographical errors in clause 5.2(1), item 5; clause 5.2(4); clause 5.2(7); clause 6.7(11) and 7.16(1)(b) 2. Include a definition of 'substantive motion' in the Local Law 3. Ensure all consequential amendments arising from the undertaking will be made. 4. Mindarie Regional Council will not enforce the Local Law contrary to undertakings 1 to 3 5. Where the Local Law is made publicly available, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. <p>Committee reference: 4107:12</p>	16/08/2021	
<u>Shire of Broome Waste Local Law 2021</u>	<p>The Council of the Shire of Broome undertook as follows:</p> <p>Within six months:</p> <ol style="list-style-type: none"> 1. Delete clause 2.7(c) and Schedule 2, item 14 2. Correct the typographical error in the description in item 37 in Schedule 2 so that it reads 'Removing or interfering with any fauna without approval in a waste facility' 	26/08/2021	

	<ol style="list-style-type: none"> 3. Not enforce the Local Law contrary to undertaking 1 4. Ensure all consequential amendments arising from the undertaking will be made. 5. Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. <p>Committee reference: 4109:13</p>		
<p><u>Shire of Peppermint Grove Fencing Local Law 2021</u></p>	<p>The Council of the Shire of Peppermint Grove undertook as follows:</p> <ol style="list-style-type: none"> 1. Delete the defined term 'Building Surveyor'. 2. Amend clause 2.1(6) to clarify that approval of a dividing fence is considered 'by the local government'. 3. Amend the reference to 'Building Code of Australia' in clause 2.1(6) to 'Building Code'. 4. Amend the reference to 'Australian Standards' in clause 2.1(6) to refer to the title of the specific standard that is intended to apply. 5. Replace the reference to the 'Chief Executive Officer' in clause 2.2(1) to 'CEO'. 6. Amend clause 2.2(1)(c) and (d) to ensure they are grammatically correct when read from the end of subsection (1). 7. When the local law is next reviewed or amended, consider re-drafting clause 2.2(3) to improve readability. 8. Replace the term 'Council' in clauses 2.2(4) and 2.7 with 'local government'. 	<p>02/07/2021</p>	

	<ol style="list-style-type: none"> 9. Replace the term 'Notice' in clause 2.7 with 'notice of breach'. 10. When the local law is next reviewed or amended, consider re-drafting clause 2.8(1) and (2) to use consistent terminology. 11. When the local law is next reviewed or amended, consider removing the words 'moderate to high exposure' from clause 2.9. 12. Ensure all consequential amendments arising from the undertaking will be made. 13. Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. <p>Committee reference: 4110:18</p>		
<p><u>Shire of Peppermint Grove Activities in Thoroughfares and Public Places and Trading Local Law 2021</u></p>	<p>The Council of the Shire of Peppermint Grove undertook as follows:</p> <ol style="list-style-type: none"> 1. When the local law is next reviewed and amended, amend clause 5.1(d) to refer to 'goods or services' instead of 'good of services'. 2. When the local law is next reviewed and amended, amend clause 5.1 to include a new subclause (e). 3. Ensure all consequential amendments arising from the undertaking will be made. 4. Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. <p>Committee reference: 4110:15</p>	<p>17/08/2021</p>	
	<p>The Council of the Town of Port Hedland undertook as follows:</p>	<p>27/08/2021</p>	

<p><u>Town of Port Hedland Waste Local Law 2020</u></p>	<p>Within six months:</p> <ol style="list-style-type: none"> 1. Delete clause 2.6(c). 2. That clause 2.6(c) will not be enforced contrary to undertaking 1. 3. All consequential amendments arising from the undertaking will be made. 4. Where the Local Law is made publicly available by the Town, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. <p>Committee reference: 4106:05</p>		
<p><u>Shire of Carnamah Parking Local Law</u></p>	<p>The Council of the Shire of Carnamah undertook as follows:</p> <p>Within six months:</p> <ol style="list-style-type: none"> 1. Insert the words 'by resolution' after 'may' in clause 2.1(2). 2. Correct the typographical error in Item 80 of Schedule 1. 3. Make all necessary consequential amendments. 4. Until the Local law is amended in accordance with the above undertaking, the Shire will not enforce the Local Law in a manner contrary to the undertaking. 5. Where the Local Law is made publicly available, whether in hard copy or electronic form (including on the Shire's website), ensure that it is accompanied by a copy of these undertakings. 	<p>19/08/2021</p>	

	Committee reference: 4113:07		
<u>Shire of Gingin Meeting Procedures Amendment Local Law 2021</u>	<p>The Council of the Shire of Gingin undertook as follows:</p> <p>Within six months:</p> <ol style="list-style-type: none"> 1. Clause 5.9 will be removed from the local law. 2. Any consequential amendments arising from the undertaking will be made. 3. Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. <p>Committee reference: 4109:16</p>	20/08/2021	
<u>Shire of Gnowangerup Standing Orders Local Law 2021</u>	<p>The Council of the Shire of Gnowangerup undertook as follows:</p> <p>When the local law is next reviewed,</p> <ol style="list-style-type: none"> 1. Correct the typographical errors in clauses 1.5(1) and 15.9. 2. Ensure all consequential amendments arising from the undertaking will be made. 3. Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. <p>Committee reference: 4108:16</p>	01/09/2021	
<u>Shire of Dardanup Bush Fire Brigades Local Law 2021</u>	The Council of the Shire of Dardanup undertook as follows:	30/08/2021	

	<p>Within the next six months:</p> <ol style="list-style-type: none"> 1. Correct the typographical and formatting errors in clauses 1.5, 4.5 and 8.1(2). 2. Ensure all consequential amendments arising from the undertaking will be made. 3. Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking. <p>Committee reference: 4111:13</p>		
<p><u>Mindarie Regional Council Waste Facility Site Amendment Local Law 2020</u></p>	<ol style="list-style-type: none"> i. Mindarie Regional Council, within six months, undertakes to remove clauses 27 and 27A of the <i>Mindarie Regional Council Waste Facility Site Local Law 2013</i> (as amended) and either item 18 or item 20 in Schedule 1 to the <i>Mindarie Regional Council Waste Facility Site Local Law 2013</i> (as amended) or combine them into the same item; ii. Mindarie Regional Council undertakes not to enforce the <i>Mindarie Regional Council Waste Facility Site Local Law 2013</i> (as amended) contrary to undertaking i; iii. Mindarie Regional Council undertakes to ensure that all consequential amendments arising from undertaking i will be made; and iv. Mindarie Regional Council undertakes that, where the <i>Mindarie Regional Council Waste Facility Site Local Law 2013</i> (as amended) is made publicly available, whether in hard copy or electronic form, it will ensure that it is accompanied by a copy of the undertakings. <p>Committee reference: 4107:13</p>	<p>16/09/2021</p>	

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