

SHIRE OF TOODYAY HEALTH 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 Toodyay Health Local Law 2017 published in the *Government Gazette* on 22 December 2017 and tabled in the Legislative Council on 13 March 2018 under the Local Government Act 1995, be and is hereby disallowed.

The DEPUTY PRESIDENT: For members' information, the thirteenth report of the Joint Standing Committee on Delegated Legislation refers to this matter.

Amendment to Motion

HON ROBIN CHAPPLE (Mining and Pastoral) [5.59 pm] — without notice: I move —

To insert after “Delegated Legislation,” —

part 4 division 2 and schedule 13 items 12 to 18 of

By way of explanation, the effect of the proposed amendment is to convert what is currently a motion to disallow the whole local law to a motion that seeks to disallow only the specified parts in the local law. If amended, the motion will read as follows —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, part 4 division 2 and schedule 13 items 12 to 18 of the Shire of Toodyay Health Local Law 2017 published in the *Government Gazette* on 22 December 2017 and tabled in the Legislative Council on 13 March 2018 under the Local Government Act 1995, be and is hereby disallowed.

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [6.00 pm]: When local governments make waste local laws, they are required to follow the process set out in the Waste Avoidance and Resource Recovery Act 1997. As part of this process, the Shire of Toodyay was required to obtain the approval of the Department of Water and Environmental Regulation. The committee has concluded that the shire did not obtain this approval and as a result part of the local law is potentially invalid. It is in the interest of good government to ensure that potentially invalid local laws do not remain enforced. I note that the committee has recommended that only certain parts of the local laws should be disallowed. The government agrees with this approach and supports the committee's recommendations.

HON DONNA FARAGHER (East Metropolitan) [6.01 pm]: Again, regarding the Shire of Toodyay Health Local Law 2017, the opposition notes the recommendation by the Joint Standing Committee on Delegated Legislation as well as the comments made by Hon Robin Chapple and the Leader of the House. For those reasons we also support the disallowance.

Amendment put and passed.

Question (motion, as amended) put and passed.