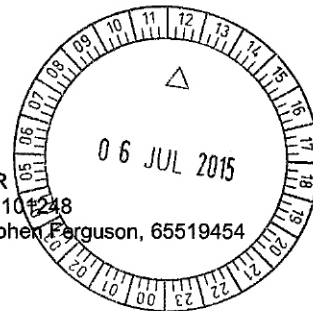




Your ref: PDR
Our ref: LLS101248
Enquiries: Stephen Ferguson, 65519454



Samantha Parsons
Committee Clerk
Standing Committee on Uniform Legislation and Statutes Review
By email: unileg@parliament.wa.gov.au

Dear Ms Parsons

TRANSCRIPT OF EVIDENCE: DAP REGULATIONS HEARING 19 JUNE 2015

I refer to the abovementioned matter and my previous letter dated 2 July 2015 concerning the public hearing held on Friday, 19 June 2015. That previous correspondence was in relation to the hearing involving Ms Gail McGowan. I now provide this further response in relation to the hearing involving Mr Eric Lumsden.

Corrected Transcript

I have no corrections to the transcript.

Corrected and Additional Information

Corrected and additional information includes the following:

1. On page 6 I say, *'but there is a third party appeal through SAT'*. The sentence should include a "not" after "is". As set out in the Department's written submission to the Committee, it is relatively well known that there are no third party appeal rights to SAT in Western Australia. The context of the answer in any event is about costs orders imposed by SAT in rare circumstances.
2. On page 2 the Hon. Mark Lewis makes the observation:

This is a very important point that I had not really considered; that local governments are but an instrument of state government through the Local Government Act. They are not a third tier government in their own right other than what powers they have been given through the Local Government Act or a range of administration acts or planning. That is the disconnect that most councillors do not understand, in your view?

The Committee may be assisted in recalling, as a matter of factual record, that there have been three attempts to give local government constitutional recognition within Australia's federal framework – in 1977, 1988 and 2013. However, the People of Australia, both directly at a referendum or through its

representatives in Parliament, have not designated to give local governments this increased constitutional status. In the absence of a change in Australia's federal framework, the Honourable Member's observations seem correct.

If there are any further matters the Committee requires assistance with please do not hesitate to contact me.

Yours sincerely



Stephen Ferguson
Senior Solicitor

3 July 2015