



Minister for Local Government; Heritage; Citizenship and Multicultural Interests

Our Ref: 38-03762

Mr Paul Grant
Clerk Assistant (Committees)
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Dear Mr Grant

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION: REPORT 37 – CITY OF JOONDALUP - GOVERNMENT RESPONSE

Thank you for your letter dated 26 November 2009 regarding *Report No. 37: Unauthorised Disclosure of Confidential Committee Correspondence by the City of Joondalup* and the Committee's request for a Government response to its recommendation.

I note the Committee's concerns about what it describes as the unauthorised disclosure of confidential committee correspondence by the City of Joondalup. The correspondence in question related to the City's proposed Cats Local Law which is the subject of Report No. 34. I note that all the subject correspondence is attached to that report and available on the Parliamentary website.

It is considered that the Committee's application of Parliamentary Privilege in this case may be somewhat inflexible, particularly in light of the following local government obligations:

- The necessity for local governments to provide the opportunity to its elected members and community to properly consider the implications of Committee comments on the operation of proposed local laws;
- The statutory requirement for local governments to consult with their communities which may be affected by proposed local laws; and
- The requirement for a Council meeting to be conducted as an open and accountable forum. This is particularly the case with contentious social issues such as the regulation of cats.

Given the above, the Committee may wish to consider reviewing its practice in this area with the aim of achieving a beneficial outcome for both the Committee and local governments. For example, if there are particular matters which the Committee considers should be dealt with in a non-public manner, then these could be indicated clearly in the correspondence and a local government could make appropriate arrangements.

The Committee's recommendation that the report be circulated to all local governments, together with a copy of this letter is supported.

The City of Joondalup has previously written to the Department of Local Government about this general issue and has requested that some guidance be provided to local government in their dealings with the Committee. The Department proposes developing appropriate guidelines in conjunction with the Committee through the Local Laws Working Group. It is recommended that this matter be placed on the agenda of the Group's next meeting.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Castrilli', written in a cursive style.

**Hon G M (John) Castrilli MLA
MINISTER FOR LOCAL GOVERNMENT; HERITAGE;
CITIZENSHIP AND MULTICULTURAL INTERESTS**

- 4 JAN 2010