



**Minister for Local Government; Heritage;
Citizenship and Multicultural Interests**

Our Ref: 38-13263



Mr Grant Hitchcock
Advisory Officer (Procedure)
Legislative Council of Western Australia
Parliament House
PERTH WA 6000

Dear Mr Hitchcock

**51st REPORT OF THE JOINT STANDING COMMITTEE ON DELEGATED
LEGISLATION – RESPONSE TO THE LEGISLATIVE COUNCIL**

I acknowledge receipt of your email on 16 August 2012 providing me with a copy of the 51st report of the Joint Standing Committee on Delegated Legislation regarding the *Town of Bassendean Repeal Local Law 2010 and Town of Bassendean Dust and Sand Local Law 2011*.

I wish to advise that I will be supporting the Committee's recommendations to disallow the above local laws.

The Committee's report also recommended that the *Local Government Act 1995* be amended in order to provide flexibility in section 3.12 in circumstances where there is no adverse impact on the integrity of a local law.

I wish to advise that the Committee's recommendation will be taken into consideration when amendments to the Act are progressed in 2013.

In response to the Committee's concerns, an updated statutory compliance checklist has been prepared for local governments regarding the local law-making process. The checklist has been amended to remove any ambiguity as to how the process should be completed.

A circular has also been issued to all local governments emphasising that compliance with section 3.12 is a statutory requirement, not a mere administrative process.

The Department of Local Government has also made procedural changes regarding this issue. When a compliance issue is identified regarding a proposed local law, the relevant local government will be advised to restart the law-making process from the beginning.

These changes will ensure that local governments comply with the law-making process and that potentially invalid local laws are not gazetted. In the meantime, I will continue to monitor this ongoing issue.

Yours sincerely

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

G M (John) Castrilli MLA

**MINISTER FOR LOCAL GOVERNMENT; HERITAGE;
CITIZENSHIP AND MULTICULTURAL INTERESTS**

10 SEP 2012