

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Eightieth Report — “Shire of Kellerberrin: Cemeteries Local Law 2014; Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2014; Local Government (Council Meetings) Local Law 2014 and Fencing Local Law 2014” — Tabling

MR P. ABETZ (Southern River) [10.04 am]: I present for tabling the eightieth report of the Joint Standing Committee on Delegated Legislation titled “Shire of Kellerberrin: Cemeteries Local Law 2014; Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2014; Local Government (Council Meetings) Local Law 2014 and Fencing Local Law 2014”.

[See paper 2682.]

Mr P. ABETZ: The Joint Standing Committee on Delegated Legislation is of the view that the Shire of Kellerberrin did not follow the correct procedure when it made four local laws. In making a local law, a local government must follow a procedure set out in section 3.12 of the Local Government Act 1995 in the sequence described there. This includes a requirement, under section 3.12(3)(b), to provide the Minister for Local Government with a copy of the proposed local law and statewide notice of the local law as soon as statewide public notice of the proposed local law is given.

The four local laws are invalid because the shire did not provide the minister with copies of the four proposed local laws and their statewide public notices. Further, the shire did not complete section 3.12(6) of the Local Government Act 1995, which concerns communicating users of the local laws important details of when they become operational, their purpose and significantly in terms of public access, inspection details. The four local laws offend the committee’s term of reference 10.6(a) in that they are not within power of the empowering enactment.

I commend the report to the house.