

TOWN OF BASSENDEAN REPEAL LOCAL LAW 2010 — DISALLOWANCE

Motion

Pursuant to standing order 66(3), the following motion by Hon Sally Talbot was moved pro forma on 24 May —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the Town of Bassendean Repeal Local Law 2010 published in the *Government Gazette* on 20 January 2012 and tabled in the Legislative Council on 6 March 2012 under the Local Government Act 1995, be and is hereby disallowed.

HON SALLY TALBOT (South West) [3.48 pm]: I will deal with this order of the day on the Town of Bassendean Repeal Local Law 2010, but I foreshadow that the remarks I am going to make relate also to order of the day 3, Town of Bassendean Dust and Sand Local Law 2011 — Disallowance. I will make the remarks just once if that is acceptable.

Members who were paying attention to the proceedings in the house during formal business will note that I tabled another four reports by the Joint Standing Committee on Delegated Legislation, three of which involved the sixth, seventh and eighth time that the committee has disallowed simply on the basis that section 3.12 of the Local Government Act has not been followed. I have made some lengthy statements on behalf of the committee about this issue on previous occasions. I do not need to make them again. I am not going to make them every time we come into the house with a disallowance motion based on this. I think we all agree that we would very much like to take the Minister for Local Government up on his offer to fix it. When the minister does that, by far the majority of these regulations will be approved. Understand that in the majority of these cases, the committee is not objecting to the local law; it is simply that the officer who has taken responsibility for working out the process has the order wrong. It is something that the committee has agonised over. It appears to be petty and trivial when it just involves a reversal of two steps of a process, or when there is only one or two days involved in the mistiming. Nevertheless, the committee is of the view that, whether it is a small error, a medium-sized error or a large error, the act must be complied with. We are going to take the hard line—every time the sequence is not followed, we will come back to the house and recommend that the house disallows. That is the case with order of the day 2.

HON ROBYN MCSWEENEY (South West — Minister for Child Protection) [3.50 pm]: We have indeed been here before. The government recognises the importance of ensuring that local laws are validly made under the Local Government Act 1995. The Joint Standing Committee on Delegated Legislation concluded that the local laws were invalid due to the Town of Bassendean not correctly following the law-making processes set out in the act. We agree with the committee's conclusion and support the committee's recommendation to disallow those local laws.

Once again, the Minister for Local Government has said that he will give consideration to a review of section 3.12 of the Local Government Act 1995 with the potential for further amendment to make the law-making process less prescriptive.

Question put and passed.