

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Fifty-eighth Report — “City of Vincent Dogs Amendment Local Law No. 2 2012” — Tabling

HON SALLY TALBOT (South West) [10.03 am]: I am directed to present the fifty-eighth report of the Joint Standing Committee on Delegated Legislation in relation to the City of Vincent Dogs Amendment Local Law No. 2 2012.

[See paper 5216.]

Hon SALLY TALBOT: The Joint Standing Committee on Delegated Legislation recommends that the house disallow this amendment local law because the City of Vincent did not follow the mandatory sequential procedure to make a local law prescribed in the Local Government Act 1995. The committee has found itself in the position yet again—this is the tenth time—of having to recommend the disallowance of a local law based on the non-compliance with steps outlined in section 3.12 of the Local Government Act 1995. In this case, statewide public notice of the proposed local law was published on 6 July 2012, with the minister sent a copy of the proposed instrument on 2 July 2012. The wording of section 3.12(1) is clear: if a local government does not complete the procedure in the correct order, its local law will not be validly made.

In report 51 on the Town of Bassendean Repeal Local Law 2010 and Town of Bassendean Dust and Sand Local Law 2011, the committee recommended that the Minister for Local Government review the requirements of section 3.12 with a view to permitting an element of flexibility or discretion in the application of its requirements. Since then, the Minister for Local Government has advised that he agrees with the committee’s position that local laws should be disallowed where local governments have failed to comply with the local law making process. The minister said he will review section 3.12 of the act “in the future and the possibility of further amendment will be considered.” Until that statutory review takes place, the committee is of the view that it has no choice but to continue to recommend disallowance of local laws that have not strictly followed the steps in section 3.12. I commend the report to the house.

The PRESIDENT: Order, members! Since we started, there have been some constant conversations. The beginning of the day’s activities is very important, and we have had examples here about iron ore and dogs that could change the history of the state. It is important that members pay attention to what is happening in the house at this time of the day.