

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Sixty-second Report — City of Nedlands Parking and Parking Facilities Local Law 2012 — Tabling

HON SALLY TALBOT (South West) [10.05 am]: I am directed to present the sixty-second report of the Joint Standing Committee on Delegated Legislation in relation to the City of Nedlands parking and parking facilities local law 2012.

[See paper 5435.]

Hon SALLY TALBOT: The Joint Standing Committee on Delegated Legislation recommends that the house disallow this local law because the City of Nedlands did not follow the correct procedure when it made the local law. The committee has yet again found itself in the position—this is the eleventh time—of having to recommend the disallowance of a local law based on non-compliance with procedural requirements prescribed in the Local Government Act 1995; in this case, in sections 3.12(4) and 3.13 of the act. In making a local law, a local government is to follow the procedure set out in section 3.12, which includes the local government engaging in community consultation by inviting submissions in relation to the proposed local law. Section 3.12(4) provides that a local government, after considering any submissions received, may make a local law that is not significantly different from the proposed local law advertised, and section 3.13 provides that if a local government decides to make a local law that is significantly different from the proposed local law, the local government is to recommence the law-making procedure in the act.

This local law is invalid because the City of Nedlands made a law that is significantly different from the proposed local law advertised and did not recommence the law-making procedure. The local law is significantly different because it includes a new clause 5.14(4), which provides that the owner or occupier of premises adjacent to a verge shall not charge a fee to authorise a person to stop on a verge. The local law also provides that an offence against clause 5.14(4) is punishable by an infringement notice modified penalty of \$500. These new provisions were not subject to community consultation. The local law is invalid and offends the committee's terms of reference in that it is not authorised by the empowering enactment. I commend the report to the house.