

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Eighty-seventh Report — “Observations Arising from the Committee Review of the City of Joondalup Local Government and Public Property Amendment Local Law 2015.” — Tabling

MR P. ABETZ (Southern River) [9.52 am]: I present the eighty-seventh report of the Joint Standing Committee on Delegated Legislation entitled “Observations Arising from the Committee Review of the City of Joondalup Local Government and Public Property Amendment Local Law 2015”.

[See paper 4501.]

Mr P. ABETZ: The report that I have just tabled advises the house of the views of the committee following its consideration of the City of Joondalup Local Government and Public Property Amendment Local Law 2015. It advises the house of the committee’s perceived limitations in scrutinising such laws under its terms of reference, and makes one recommendation.

The instrument in question made one simple amendment to the City of Joondalup Local Government and Public Property Local Law 2014, extending its powers to make determinations on permissible or prohibited activities on local government property. The committee found the amending law to be within power and unobjectionable in and of itself. However, instead of using this new power to deal with charity collection bins that had been a cause of nuisance to the community, the council banned the placing or maintenance of all charity collection bins from local government property. These collection bins had been a useful asset to a number of charities operating in the area. In fact, there had been some 76 charity collection bins on local government property and the council’s own report indicated that only a handful were a cause of problems. The council decided by using this process of making a determination not to allow them on any council property. That effectively prevented the charities from being able to appeal the decision and seek a review.

What this case reveals is that, whilst the committee has a duty to ensure that any sub-delegation contained within delegated legislation is lawful, reasonable and appropriate, it has no authority over the actual exercise of that sub-delegated power into the future as that is not the committee’s role. The committee therefore recommends that the Minister for Local Government looks into administrative or legal means to ensure that local governments making determinations that may impact on the existing rights of groups or individuals act reasonably in all circumstances and ensure that a means exists outside of judicial review whereby such decisions may be challenged.

I commend this report to the house.

Eighty-eighth Report — “Review of the Government Response to Report 84—Access to Australian Standards Adopted in Delegated Legislation” — Tabling

MR P. ABETZ (Southern River) [9.56 am]: I table the eighty-eighth report of the Joint Standing Committee on Delegated Legislation entitled “Review of the Government Response to Report 84—Access to Australian Standards Adopted in Delegated Legislation”.

[See paper 4502.]

Mr P. ABETZ: The report that I have just tabled advises the house that the government tabled its response to the committee’s report “Access to Australian Standards Adopted in Delegated Legislation” on 25 August 2016. The committee wishes to acknowledge that response, and recommends that the house gives consideration to the matters raised in that eighty-fourth committee report as well as to the responses by the government to the recommendations put forward in it.

I commend this report to the house.