



THIRTY-EIGHTH PARLIAMENT

REPORT 37

**JOINT STANDING COMMITTEE ON DELEGATED
LEGISLATION**

**UNAUTHORISED DISCLOSURE OF CONFIDENTIAL
COMMITTEE CORRESPONDENCE BY THE CITY
OF JOONDALUP**

Presented by Mr Joe Francis MLA (Chairman)

and

Hon Robin Chapple MLC (Deputy Chairman)

November 2009

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Date first appointed:

28 June 2001

Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing orders:

3. Joint Standing Committee on Delegated Legislation

- 3.1 A *Joint Standing Committee on Delegated Legislation* is established.
- 3.2 The Committee consists of 8 Members, 4 of whom are appointed from each House. The Chairman must be a Member of the Committee who supports the Government.
- 3.3 A quorum is 4 Members of whom at least one is a Member of the Council and one a Member of the Assembly.
- 3.4 A report of the Committee is to be presented to each House by a Member of each House appointed for the purpose by the Committee.
- 3.5 Upon its publication, whether under section 41(1)(a) of the *Interpretation Act 1984* or another written law, an instrument stands referred to the Committee for consideration.
- 3.6 In its consideration of an instrument, the Committee is to inquire whether the instrument -
 - (a) is authorized or contemplated by the empowering enactment;
 - (b) has an adverse effect on existing rights, interests, or legitimate expectations beyond giving effect to a purpose authorized or contemplated by the empowering enactment;
 - (c) ousts or modifies the rules of fairness;
 - (d) deprives a person aggrieved by a decision of the ability to obtain review of the merits of that decision or seek judicial review;
 - (e) imposes terms and conditions regulating any review that would be likely to cause the review to be illusory or impracticable; or
 - (f) contains provisions that, for any reason, would be more appropriately contained in an Act.
- 3.7 In this clause -
 - “**adverse effect**” includes abrogation, deprivation, extinguishment, diminution, and a compulsory acquisition, transfer, or assignment;
 - “**instrument**” means -
 - (a) subsidiary legislation in the form in which, and with the content it has, when it is published;
 - (b) an instrument, not being subsidiary legislation, that is made subject to disallowance by either House under a written law;
 - “**subsidiary legislation**” has the meaning given to it by section 5 of the *Interpretation Act 1984*.

Members as at the time of this inquiry:

Mr Joe Francis MLA (Chairman)
Hon Robin Chapple MLC (Deputy Chairman)
Hon Alyssa Hayden MLC
Ms Janine Freeman MLA

Hon Jim Chown MLC
Mr Paul Miles MLA
Hon Jock Ferguson MLC
Mr Andrew Waddell MLA

Staff as at the time of this inquiry:

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Government Response

This Report is subject to Standing Order 337:

After tabling, the Clerk shall send a copy of a report recommending action by, or seeking a response from, the Government to the responsible Minister. The Leader of the Government or the Minister (if a Member of the Council) shall report the Government's response within 4 months.

The four-month period commences on the date of tabling.

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REPORT OF THE JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

IN RELATION TO THE

UNAUTHORISED DISCLOSURE OF CONFIDENTIAL COMMITTEE CORRESPONDENCE BY THE CITY OF JOONDALUP

1 BACKGROUND

- 1.1 The *City of Joondalup Cats Local Law 2008 (Local Law)* was gazetted on 2 April 2009.
- 1.2 The Joint Standing Committee on Delegated Legislation (**Committee**) first scrutinised the Local Law on 18 May 2009. The Committee sought further information from the City of Joondalup (**City**) and resolved to move a notice of motion of disallowance of the Local Law for the purposes of preserving its position while giving the Local Law further consideration.
- 1.3 A series of correspondence ensued and the Committee sought a series of undertakings from the City. Each letter sent from the Committee to the City expressly stated that the contents of the letter was not to be disclosed without the authorisation of the Committee. The City did not provide the required undertakings in relation to the Local Law and the Committee, by way of report to the Legislative Council, recommended that the *Local Law* be disallowed¹. The Local Law was subsequently disallowed on 15 September 2009.
- 1.4 On the 14 August 2009 the *West Australian* newspaper, on page 3, published an article titled 'New cat laws to force desexing, microchips,' attached at **Appendix 1**. The article made reference to contents of correspondence sent from the Committee to the City.
- 1.5 Following publication of the newspaper article the Committee became aware that an agenda for a public briefing session to be provided by the City on 11 August 2009 was published on the City's website. The agenda referred in detail to the contents of correspondence sent from the Committee to the City and is attached at **Appendix 2**.
- 1.6 On the 18 August 2009 the Committee wrote to the City of Joondalup expressing its displeasure at both publications and noting that a matter of this nature could be referred to the Legislative Council Procedure and Privileges Committee. The Committee's letter is attached at **Appendix 3**.

¹ Western Australia, Legislative Council, Joint Standing Committee on Delegated Legislation, Report 34, *City of Joondalup Cats Local Law 2008*, September 2009.

- 1.7 The City's response to the Committee's letter is attached at **Appendix 4**.
- 1.8 The Committee resolved to table an information report on this matter to ensure local governments were aware of their obligations in relation to confidential correspondence.

2 PARLIAMENTARY PRIVILEGE

- 2.1 The privileges, immunities and powers of each House of the Western Australian Parliament are derived from the *Parliamentary Privileges Act 1891*, which was enacted in reliance on s 36 of the *Constitution Act 1889*.
- 2.2 The two main aspects of parliamentary privilege are freedom of speech and exclusive cognisance.
- 2.3 Freedom of speech permits Members of Parliament and other participants in the parliamentary process to enjoy, in certain situations, a special absolute immunity from interference or other action by the executive and the courts. This immunity is derived from Article 9 of the *Bill of Rights 1689* (UK), which states:

*That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament.*²

- 2.4 The concept of exclusive cognisance was explained in the 1999 report of the United Kingdom Parliament Joint Committee on Parliamentary Privilege as follows:

*The other main component of parliamentary privilege is still called by the antiquated name of 'exclusive cognisance' (or 'exclusive jurisdiction'). Parliament must have sole control over all aspects of its own affairs: to determine for itself what the procedures shall be, whether there has been a breach of its procedures and what then should happen. This privilege is also of fundamental importance.*³

- 2.5 Parliamentary Privilege extends to parliamentary committees. The Committee, in exercising control over the conduct of its affairs, has made a decision to keep its investigations and correspondence with local governments confidential generally until it reports to the Legislative Council. To that end the Committee's correspondence contains express advice to this effect to recipients as set out below:

² Article 9 of the *Bill of Rights 1689* (UK) is made law in Western Australia by operation of the *Parliamentary Privileges Act 1891* *Halden v Marks*, (1995) 17 WAR 447 at p461.

³ United Kingdom, Joint Committee on Parliamentary Privilege, Report 1, *Parliamentary Privilege*, 30 March 1999, Chapter 1, paras 13-14.

Note that this document (including any attachments) is privileged. You should only use, disclose or copy the material if you are authorised by the Committee to do so. Please contact Committee staff if you have any queries.

- 2.6 The Committee is aware that local governments may wish to seek advice on the contents of its correspondence. In recognition of the need to sometimes seek external advice the following paragraph is regularly included in correspondence to local governments:

Notwithstanding the privileged status of this letter, the Committee has no objection to the City discussing its contents with the Department of Local Government and Regional Development, WALGA, and/or its legal advisers.

- 2.7 The Committee's correspondence to the City prior to 14 August 2009 contained both of the paragraphs set out in paragraphs 2.5 and 2.6 above.⁴
- 2.8 The Committee did not authorise the City to disclose the contents of its correspondence to the media or to the general public.
- 2.9 The unauthorised disclosure of confidential committee correspondence is an interference with the conduct of the Committee's proceedings and impacts on the privileges of the Parliament.

3 LEGISLATIVE COUNCIL PROCEDURE AND PRIVILEGES COMMITTEE

- 3.1 Interfering with the conduct of the Committee's proceedings could result in that interference being referred to the Legislative Council Procedure and Privileges Committee for investigation and possible penalty as contempt of Parliament.

4 CONCLUSION

- 4.1 The Committee wishes to ensure that in circumstances where it requires correspondence to be treated confidentially, local governments recognise the context and gravity of the requirement and act accordingly. To that end the Committee makes the following recommendation.

Recommendation 1: The Committee recommends that the Minister for Local Government circulates this report regarding unauthorised disclosure of confidential Committee correspondence to all local governments.

⁴ Letters from Committee to Mr Troy Pickard dated 10 August, 16 July and 26 May.



Mr Joe Francis MLA
Chairman

26 November 2009

APPENDIX 1

WEST AUSTRALIAN NEWSPAPER, 14 AUGUST 2009, PAGE 3

APPENDIX 1

WEST AUSTRALIAN NEWSPAPER, 14 AUGUST 2009, PAGE 3



In caring hands: RSPCA worker Kerry Wood with dumped kittens taken to its Malaga headquarters and facing euthanasia.

Picture: Sharon Smith

New cat laws to force desexing, microchips

BEATRICE THOMAS

WA's 184,000 cat owners will have to sterilise and microchip their pets by the time they are six months old under laws expected to be drafted by year's end.

Jandakot MLA Joe Francis, who is working on the Bill for the Government, said yesterday he hoped the move would ensure that in 10 years, every cat in WA would be on a national database and the epidemic of thousands of unwanted, healthy kittens being euthanased each year would end.

Mr Francis said he would report to Premier Colin Barnett on his consultations with vets and animal welfare groups.

"I hope it will be a fairly sim-

ple, short Bill that will basically address the issue of mandatory desexing of all kittens by a certain age and the compulsory microchipping of all cats by a certain age," he said.

Mr Francis said the most effective and safest age limit in both cases would be six months.

Animal welfare groups, which have long campaigned for tougher rules on cat ownership, welcomed the moves.

Mr Francis said his research showed 14,000 healthy cats were put down in WA last year.

No official data exists on WA cat ownership but national estimates show 23 per cent of households have a cat, making the figure about 184,000 WA homes.

The Local Government Act allows WA's 139 local councils to introduce cat control regulations, but Mr Francis said only 13 had done so.

RSPCA national president Lynne Bradshaw said State cat laws were long overdue but she also wanted a "dusk to dawn" curfew for all cats.

"We're keen for this to be taken up as quickly as possible," she said. "That leaves fewer cats to be bred and fewer cats to be euthanased for no good reason."

A parliamentary committee headed by Mr Francis has asked Joondalup City Council to scrap several key elements of its proposed local cat laws, including compulsory sterilisation.

Mr Francis said Joondalup council was not legally empowered to enforce the laws it had proposed.

"It's one of the reasons why we need a Statewide Act," he said.

Cat Haven operations manager Roz Robinson said until the State laws were drafted, the committee should back Joondalup.

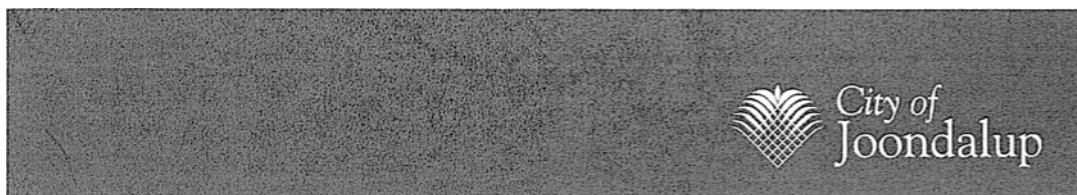
She said compulsory sterilisation was essential. At peak breeding season over summer, the haven had to euthanase up to 100 kittens a day.

Joondalup mayor Troy Pickard said while the city was comfortable with most of the Government committee's suggestions, it would strive to convince MPs to allow the local laws.

APPENDIX 2
CITY OF JOONDALUP - AGENDA - BRIEFING SESSION

APPENDIX 2

CITY OF JOONDALUP - AGENDA - BRIEFING SESSION



Agenda **Briefing Session**

A BRIEFING SESSION WILL BE HELD IN **CONFERENCE ROOM 1**
JOONDALUP CIVIC CENTRE
BOAS AVENUE, JOONDALUP

ON **TUESDAY 11 AUGUST 2009**

COMMENCING AT **6.30 pm**

PUBLIC QUESTION TIME Members of the public are requested to lodge questions in writing by close of business on **Monday, 10 August 2009.**

Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Briefing Session.

QUESTIONS TO council.questions@joondalup.wa.gov.au
PO Box 21 Joondalup WA 6919

GARRY HUNT
Chief Executive Officer
7 August 2009

www.joondalup.wa.gov.au

**ITEM 7 RESPONSE TO JOINT STANDING COMMITTEE ON
DELEGATED LEGISLATION - CATS LOCAL LAW
2008**

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr. Jamie Parry
Governance and Strategy

FILE NUMBER: 29182

ATTACHMENTS: Nil.

PURPOSE/EXECUTIVE SUMMARY

To present Council with feedback from the Joint Standing Committee on Delegated Legislation ("The Committee") regarding the City's *Cats Local Law 2008*.

The Committee has recommended that the City provide a written undertaking to make several major and minor amendments to its *Cats Local Law 2008* in order to avoid possible disallowance of the law by the Legislative Council. The City was given the opportunity to provide a preliminary response to the Committee's recommendations and obtain a resolution of Council, confirming its position at its next meeting.

As requested, the City provided a preliminary response to the Committee on 4 August 2009, in which it opposed the recommendations for major amendments to the law and maintained its support for the minor amendments (as previously stated to the Committee in May 2009).

The City based its preliminary response on Council's most current resolution, that being:

"[Council] ADOPTS the City of Joondalup Cats Local Law 2008 in the manner prescribed in Attachment 1 to Report CJ004-02/09"

As outlined above, the most recent position of Council was resolved in February 2009 when it chose to adopt the *Cats Local Law 2008* without amendment. The City maintained this position in its preliminary response to the Committee, however, it did agree to minor amendments that did not impact on the law's proposed intent or anticipated implementation process.

This report seeks to inform Council of the nature of the Committee's recommendations, to present options for its consideration in adopting a formal position on the matter and to obtain a resolution that will be provided to the Committee as soon as possible.

BACKGROUND

At its meeting of 17 February 2009, Council resolved to adopt the City's *Cats Local Law 2008*. The law's commencement date was set as the 1 October 2009 to allow time for the Committee to consider the law prior to its implementation. This was decided on the basis that operationalising the law would incur significant costs and should be delayed for the Committee to confirm its position, given that the law would be setting a State precedent and require significant debate.

The City has so far developed a plan for the law's implementation, but has suspended many of the tasks in anticipation of a decision by the Committee.

DETAILS

The Committee has recommended that the following amendments be made to the City's *Cats Local Law 2008* in order to avoid a recommendation to the Legislative Council to disallow the law:

1. The provision requiring the compulsory sterilisation of cats be deleted based on:
 - It being more appropriate that the provision be contained within an Act rather than subsidiary legislation (e.g. compulsory sterilisation of certain breeds of dogs is contained within the *Dog Act 1979*).
 - The Committee disagreeing with the City's justification for introducing the provision as a mechanism for managing local government land under the *Local Government Act 1995*.
 - No other local governments within the State currently require the compulsory sterilisation of cats.
2. The local law is amended to allow for a cat owner to apply to have their details omitted from the register for their own protection or that of their family
3. The local law is amended to require that registration tags only be worn if a cat is not microchipped or wearing a collar containing identification details based on:
 - The requirement to wear a registration tag removing the cat owner's option to use a microchip as a means of identification, which creates an inconsistency within the local law.
4. All designated prohibited cat areas are to be listed in full within Schedule 2 of the local law and references to Schedule 5 of the *District Planning Scheme No.2* and Pinnaroo Valley Memorial Park must be deleted based on:
 - The impacts that future amendments to Schedule 5 of the DPS No.2 will have on the local law given that it is listed by reference.
 - Pinnaroo Valley Memorial Park is not owned or managed by the City of Joondalup.
5. The offence for a cat on private premises where a complaint has been made is to be deleted and replaced with a new offence which: defines nuisance behaviour, requires that a complaint regarding nuisance be in writing, requires that an authorised officer determine that nuisance behaviour has occurred, requires that the trapping and identification of the cat on the complainant's premises be set out in the local law and that a process for serving a written notice on an owner also be outlined in the local law; based on:
 - Nuisance behaviour not currently being defined, therefore an offence has been created based on the transitory behaviour of cats which is considered too broad.
 - No requirement for the complaint to be in writing.
 - No requirement for notifying the owner that an offence has occurred.

6. The local law is amended to include a collar and microchip as a means of identifying an impounded cat.
7. The local law is amended to include a period of 7 days within which a cat must be reclaimed.
8. Minor drafting errors relating to out-of-date references.

The Committee stated that a written response to their comments was required by 5pm, Tuesday 4 August 2009 and that at the soonest possible opportunity, a Council resolution must be obtained in relation to the undertakings requested.

Given the limited time available, the City drafted a response on the basis of Council's previous decision, namely to adopt the *Cats Local Law 2008*, and provided it to the Committee within the stated deadline. It was noted in the City's response that a resolution of Council would be obtained at its August meeting to formally determine the City's position.

Issues and options considered:

There are essentially four options for Council to consider:

Option 1: *Agree to the Committee's recommendations and provide a written undertaking, stating the City's intention to recommence the process for making a local law based on the Committee's advice*

Major Effects:

- There will no longer be a requirement for the compulsory sterilisation of cats; which was identified in the consultation process as being the most supported aspect of the law.
- Registration tags will not have to be worn if cats are microchipped/wearing a collar containing identification details; increasing the difficulty for Officers to determine if a cat is registered, as all cats not wearing a registration tag will need to be trapped and identified.
- "Nuisance cat behaviour" will have to be defined and offences on private premises will have to relate to this definition; increasing the difficulty in enforcing the law as the evidence required to prove that a nuisance has occurred is very onerous.
- The City's current commencement date of 1 October 2009 will be significantly pushed back; disappointing the residents who have prepared for the law's introduction by this date.

Option 2: *Oppose the Committee's major recommendations and provide justification in the City's response as to why the provisions should be retained*

Major Effects:

- The City's current commencement date of 1 October may be significantly pushed back; disappointing the residents who have prepared for the law's introduction by this date.
- The Committee may recommend that the law be disallowed and the Legislative Council may agree; resulting in the City having no Cats Local Law.
- The Committee may recommend that the law be disallowed and the Legislative Council may disagree with the Committee; consequently allowing the City to retain its Cats Local

Law, including the provisions relating to compulsory sterilisation, compulsory registration tags and cat control on private premises.

Option 3: *Suggest a “compromise position” to the Committee which allows for the Committee’s recommendations to be modified by the City to avoid disallowance*

Major Effects:

- The City’s current commencement date of 1 October will be significantly pushed back; disappointing the residents who have prepared for the law’s introduction by this date.
- It is unknown what form the local law will take until the ‘compromise position’ is reached.

Option 4: *Request that the Committee progresses its current recommendation to the Legislative Council to disallow the City’s local law*

Major Effects:

- The Legislative Council will be likely to disallow the local law given that the City is not attempting to oppose disallowance; this is likely to disappoint the residents who have prepared for the law’s introduction.

Legislation

Local Government Act 1995

Proposed Cats Local Law 2008

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: 1.3 – To lead and manage the City effectively

Risk Management considerations:

All of the options posed to Council contain an element of risk that the law may be disallowed. It is also likely that regardless of the option pursued, the law’s introduction will be delayed past its proposed commencement date of 1 October 2009. The implications of this may be somewhat offset by a communication strategy to inform residents as to the likely delay of the law’s introduction or possible disallowance.

Financial/Budget Implications:

Should the outcome be that the Legislative Council disallows the City’s *Cats Local Law 2008*, a considerable amount of administrative time would have been expended on pursuing this matter, as well as the costs involved in undertaking the process for making a local law under section 3.12 of the *Local Government Act 1995*. (This includes the requirements for undertaking community consultation, advertising notices and gazettal).

Regional Significance:

Not applicable.

Sustainability Implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

It should be noted that although the City has provided the Committee with a preliminary response opposing the recommendations for major amendments to the law, the Committee will only base its decision upon a formal Council resolution. Council therefore has the capacity to alter the position provided to the Committee on 4 August 2009 should it chose to do so through a simple majority decision.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1. **ENDORSES** option 2, namely, that the City opposes the Joint Standing Committee on Delegated Legislation's recommendations for major amendments to the City's Cats Local Law 2008, including:
 - The deletion of clause 7: the requirement for the compulsory sterilisation of cats;
 - Amending clause 18 to require that registration tags only be worn if a cat is not microchipped or wearing a collar containing identification details;
 - Deleting clause 21(1)(b): the offence for a cat on private premises where a complaint has been made, and replacing it with a clause which defines nuisance cat behaviour, requires that a complaint regarding nuisance be in writing, requires that an authorised officer determine that nuisance behaviour has occurred, requires that the trapping and identification of the cat on the complainant's premises be set out in the local law and that a process for serving a written notice on an owner also be outlined in the local law;
2. **AGREES** to support the Joint Standing Committee on Delegated Legislation's recommendations for minor amendments to the City's Cats Local Law 2008, including:
 - Clause 9 is amended to include provision for a cat owner to apply to have their details omitted from the register for their own protection or that of their family;
 - Clause 1 in Schedule 2 is amended to delete the words 'Any area listed under Schedule 5 of the District Planning Scheme No.2' and list the designated prohibited cat areas within the local law and remove Pinnaroo Valley Memorial Park from the list of prohibited cat areas;

- Clause 25 is amended to include a collar and microchip as a means of identifying an impounded cat;
 - Clause 27 is amended to include a period of 7 days within which a cat must be reclaimed;
 - Clause 33(3) be amended to read, '(3) Any person who commits an offence under this local law, for which a penalty is not otherwise specified, shall be liable, upon conviction, to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued;
 - References to the "Court of Petty Sessions" be removed and replaced with the words "Magistrates Court of Western Australia" and that references to forms 3, 5 and 6 be made in accordance with the City's proposals in its letter dated 28 May 2009;
3. REQUESTS that the CEO writes to the Joint Standing Committee on Delegated Legislation, confirming Council's position and provides a written undertaking not to implement the clauses listed in resolution 2 in a manner that is inconsistent with the Committee's recommendations and to commit to amending the clauses as soon as possible;
 4. REQUESTS that efforts to implement the law be postponed until a final outcome from the Joint Standing Committee on Delegated Legislation or the Legislative Council is determined.

APPENDIX 3
COMMITTEE'S LETTER DATED 18 AUGUST 2009

APPENDIX 3

COMMITTEE'S LETTER DATED 18 AUGUST 2009



LEGISLATIVE COUNCIL COMMITTEE OFFICE

Mr Troy Pickard
Mayor
City of Joondalup
PO Box 21
Joondalup WA 6919

18 August 2009

Dear Mr Pickard

Unauthorised Disclosure of Committee Communications

I refer to the attached newspaper article from the *West Australian* newspaper dated 14 August 2009 titled "new cat laws to force desexing, microchips", and to the attached agenda for a public briefing session of the City of Joondalup on 11 August 2009.

The Committee notes that both the newspaper article and the agenda refer to the contents of correspondence sent from the Committee to the City of Joondalup.

All correspondence sent from the Committee to the City of Joondalup contained the following standard privilege warning:

Note that this document (including any attachments) is privileged. You should only use, disclose or copy the material if you are authorised by the Committee to do so. Please contact Committee staff if you have any queries.

The Committee also advised the City in its correspondence that:

Notwithstanding the privileged status of this letter, the Committee has no objection to the Shire discussing its contents with the Department of Local Government and Regional Development, WALGA, and/or its legal advisers.

The Committee notes that it has not authorised any wider publication of its correspondence to the City, nor the contents of that correspondence.


The material contained in the newspaper article and the agenda for the briefing session suggest that there has been an unauthorised disclosure of the Committee's correspondence. Such an unauthorised disclosure is a breach of privilege. It is open to the Committee to regard this breach as an interference

with the Committee's work and to refer the matter to the Legislative Council Procedure and Privileges Committee for investigation and possible penalty as a contempt of the Parliament.

In this instance the Committee has resolved not to report the breach of privilege to the Procedure and Privileges Committee. The Committee, however, wishes to express its great displeasure at the unauthorised disclosure of its correspondence to the City and to request that the City ensure that steps are taken so that no unauthorised disclosures occur in the future.

An information report about this matter will be tabled in the Parliament for the guidance of all local governments in relation to the handling of the Committee's confidential correspondence.

Yours sincerely



Mr Joe Francis MLA
Chairman

Att: 2



Hon Robin Chapple MLC
Deputy Chairman

APPENDIX 4

CITY OF JOONDALUP LETTER DATED 25 AUGUST 2009

APPENDIX 4

CITY OF JOONDALUP LETTER DATED 25 AUGUST 2009

Office of the Mayor



focussing on the future

Date: 25 August 2009
Enquiries:

Your Ref:
Our Ref: 29182
INW09/484076
30511

|||||
Hon J Francis MLA
Chairman
Delegated Legislation Committee
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Dear Mr Francis

UNAUTHORISED DISCLOSURE OF COMMITTEE COMMUNICATIONS

I refer to your letter of 18 August, concerning the unauthorised disclosure of Committee communications sent to the City in relation to the City's Cats Local Law 2008.

Firstly, may I apologise for any breach of privilege that has occurred. I can assure you this was an unwitting error and occurred as a consequence of the City endeavouring to deal with the timely provision of the information required by the Committee, within the constraints of the Local Government Act.

Both the Council and Officers of the City are now better informed of the restrictions when dealing with matters that are before the Joint Standing Committee.

The issues that have arisen from this situation are now the subject of details analysis, and the CEO will pursue with the Department of Local Government, the problems associated with the provisions of the Local Government Act and the requirements of parliamentary Committees.

Notwithstanding, may I assure you there was no intention to cause umbrage to the Committee, and upon receipt of advice of the breach, documentation was immediately withdrawn from the City's website and from general circulation.

The matter was then dealt with under confidential session at the Council meeting.

Yours sincerely

Troy Pickard
Mayor

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